

Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

December 8, 1999 (Replaces Letter dated December 1)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Vicente Castro, Assistant Director,
Technical Services
Department of Solid Waste Management
8675 N.W. 53rd Street, Suite 201
Miami, Florida 33166

Re: DEP File No. PSD-FL-006C and PA 77-08
Dade County Resource Recovery Facility (Units 1-4)
Permit Modifications, Fuel Use, NSPS Requirements

Dear Mr. Castro:

The Department has reviewed your application which we received on March 15, 1999 and subsequently submitted information requesting various revisions to the existing PSD Permit and Site Certification Conditions for the Dade County Resource Recovery facility. We are able to process some of the requested revisions as part of this action and those revisions are included below. Others will be addressed in the Title V permitting action or an after-the-fact PSD permit as discussed in the attached letter.

PERMIT REVISIONS ADDRESSED BY THIS ACTION

Permit PSD-FL-006A (permit revision PSD-FL-006B) is hereby modified as follows:

- The owner or operator is permitted to use natural gas as a supplemental fuel for the auxiliary burners.
- Monitoring of the mercury, sulfur dioxide and hydrogen chloride concentration upstream of the control devices is required only when compliance is demonstrated with the percent removal efficiency.
- The averaging time for monitoring the carbon feed rate using parametric data shall be an 8-hour block average.

You requested an extension of the expiration date of Permit PSD-FL-006A (permit revision PSD-FL-006B). The expiration date of this permit is automatically extended by Department rule. Pursuant to Rule 62-213.420 (1) (b) 2., F.A.C., Title V Sources are allowed to operate under any existing valid permits that were in effect at the time of submittal of the Title V application until the Title V permit becomes effective. At that time, the requirements of the Final Title V permit will become effective. The requirements and schedule for compliance with 40 CFR 60 Subpart Cb were included in the Draft Title V permit.

At this point, no further permit actions are necessary to make combustion modifications for the purposes of meeting the carbon monoxide and nitrogen oxides limits in the existing permit, including the requirements of 40 CFR 60 Subpart Cb. This existing permit already presumes that physical changes are necessary to achieve the limits. This could include the installation of SNCR. Prior to installation of an SNCR system to meet the 40 CFR 60 Subpart Cb requirements, the following information should be submitted to the Department under Professional Engineer seal:

- A site plan showing additional equipment (ammonia or urea tank).
- A description of the control equipment.
- A sketch or manufacturer's cut sheet showing the physical changes or additional piping and injectors at the furnace walls.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

A copy of this letter shall be filed with the referenced permit and shall become part of the permit.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above. Mediation is not available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

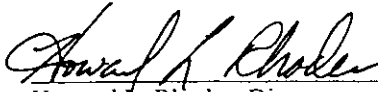
The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this order will not be effective until further order of the Department.

Any party to this permitting decision (order) has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.


Howard L. Rhodes, Director
Division of Air Resources
Management

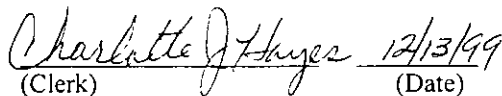
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this AMENDMENT was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 12/13/99 to the person(s) listed:

Vicente Castro, Miami-Dade SWM*
D. Anetha Lue, P.E., MIC
Gregg Worley, EPA
Isidore Goldman, SED
Buck Oven, PPSC
Patrick Wong, DERM

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.


(Clerk) (Date)

Z 031 391 901

US Postal Service

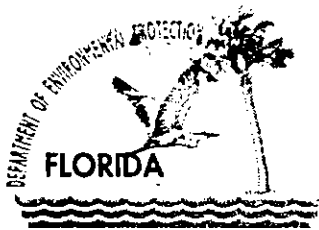
Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
<i>Vicente Castro</i>	
Street & Number	
<i>8675 NW 53 St. Ste 201</i>	
Post Office, State, & ZIP Code	
<i>Miami FL 33146</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	
<i>12/13/95</i> <i>PSD-FI-006</i> <i>PA77-08</i>	

PS Form 3800, April 1995



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

December 1, 1999

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Technical Services
Department of Solid Waste Management
8675 N.W. 53rd Street, Suite 201
Miami, Florida 33166

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Permit Modifications, Fuel Use, NSPS Requirements, After-the-Fact PSD Permit

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PERMIT REVISIONS ADDRESSED BY THIS ACTION

Permit PSD-FL-006A (permit revision PSD-FL-006B) is hereby modified as follows:

- The owner or operator is permitted to use natural gas as a supplemental fuel for the auxiliary burners.
- Monitoring of the mercury, sulfur dioxide and hydrogen chloride concentration upstream of the control devices is required only when compliance is demonstrated with the percent removal efficiency.
- The averaging time for monitoring the carbon feed rate using parametric data shall be an 8-hour block average.

ITEMS NOT ADDRESSED BY THIS ACTION

You requested an extension of the expiration date of Permit PSD-FL-006A (permit revision PSD-FL-006B). The expiration date of this permit is automatically extended by Department rule. Pursuant to Rule 62-213.420 (1) (b) 2., F.A.C., Title V Sources are allowed to operate under any existing valid permits that were in effect at the time of submittal of the Title V application until the Title V permit becomes effective. At that time, the requirements of the Final Title V permit will become effective. The requirements and schedule for compliance with 40 CFR 60 Subpart Cb were included in the Draft Title V permit.

The Department believes that this facility must submit an application for an after-the-fact PSD permit for past modifications to the boilers. The recently-distributed Draft Title V permit includes a compliance requirement concerning the modification of the boilers that provides for submittal of an application for an after-the-fact PSD permit application. This matter will be specifically addressed separately from this permit modification.

The Department recognizes that the facility must comply with the emission limits of 40 CFR 60 Subpart Cb in accordance with Florida's schedule for existing municipal waste combustion facilities. However, to avoid confusion between this permitting action and the future after-the-fact PSD permitting action, the emissions limits in the existing PSD-FL-006A permit (issued in 1994) will not be revised in this action.

A revised fuel slate was included in the Draft Title V permit. Any requests for changes to the fuel slate can be handled as part of the after-the-fact permit PSD permitting action. A condition adopting steam flow as the indicator of unit load (in lieu of waste tonnage) consistent with Subpart Cb can also be addressed as part of the after-the-fact PSD permit action.

At this point, no further permit actions are necessary to make combustion modifications for the purposes of meeting the carbon monoxide and nitrogen oxides limits in the existing permit, including the requirements of 40 CFR 60 Subpart Cb. This existing permit already presumes that physical changes are necessary to achieve the limits. This would include the installation of SNCR. Prior to installation of an SNCR system to meet the 40 CFR 60 Subpart Cb requirements, the following information should be submitted to the Department under Professional Engineer seal:

- A site plan showing additional equipment (ammonia or urea tank).
- A description of the control equipment.
- A sketch or manufacturer's cut sheet showing the physical changes or additional piping and injectors at the furnace walls.

Notwithstanding the above, please note that SNCR could be required as BACT as part of the after-the-fact PSD permitting action described above. In this case, the after-the-fact PSD permit will specify that SNCR is required for the purpose of complying with BACT. Therefore the on-going project to reduce NO_x emissions by combustion controls should not defeat the purpose of SNCR.

A copy of this letter shall be filed with the referenced permit and shall become part of the permit.

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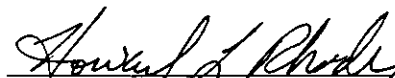
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Executed in Tallahassee, Florida.



Howard L. Rhodes, Director
Division of Air Resources
Management


CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this AMENDMENT was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 11-30-99 to the person(s) listed:

Vicente Castro, Miami-Dade SWM*
D. Anetha Lue, P.E., MIC
Gregg Worley, EPA
Isidore Goldman, SED
Buck Oven, PPSC
Patrick Wong, DERM

Clerk Stamp

FILED AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.


(Clerk)

11-30-99
(Date)

Z 031 392 028

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to		Vicente Castro
Street & Number		Dept. of Solid Waste
Post Office, State, & ZIP Code		Miami FL
Postage	\$	
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, & Addressee's Address		
TOTAL Postage & Fees	\$	
Postmark or Date		11-30-99
		PSO-FI-206C PA 77-28

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Vicente Castro
Dept. of Solid Waste Mgmt
8675 NW 53rd St. - Suite 201
Miami, FL 33146

4a. Article Number

Z 031 392 028

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery

12/2/99

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X [Signature]

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Memorandum

Florida Department of Environmental Protection

TO: Howard Rhodes

THRU: ~~Clair Fancy~~
for gms

FROM: A.A. Linero *aa Linero* 11/30

DATE: November 30, 1999

SUBJECT: Dade County (Montenay) Resource Recovery Facility
Permit Modification PSD-FL-006C

BAR
RECEIVED

NOV 30 1999

BUREAU OF AIR REGULATION

Attached is a modification of the PSD Permit for the Dade County Resource Recovery Facility. The changes actually made by this modification are small, do not increase emissions, and do not require a public notice in our opinion.

In reviewing the requests from Montenay and Dade, we noticed that references to the four boilers are to a "Zurn" design rather than the original Babcock & Wilcox boilers. The boilers were very significantly modified between 1987 and 1990. This was about the time the Department started to require dry scrubbers and baghouses on these kinds of facilities.

So far, Dade County and Montenay have not been able to show that EPA or the Department exempted the project from PSD. The Title V Section included a requirement in the Draft Title V Permit to obtain an after-the-fact PSD permit. Also, the District has initiated discussions with Dade and Montenay about this matter.

We can still act on parts of the present permit modification application. We had to mention the possible after-the-fact PSD permit so that they do not initiate projects that may not be consistent with a modern BACT determination. Right now, they are the only ones trying to achieve the Cb limits without SNCR. It is possible that a BACT would specifically require SNCR.

I recommend your approval of the attached Modification.

AAL/al

Attachment