

Memorandum

Florida Department of Environmental Protection

To: Al Linero, P.E.
New Source Review Section

From: Joseph Kahn, P.E. *JK*
New Source Review Section

Date: November 22, 1999

Re: Miami-Dade RRF, PSD Applicability

Per your request, I have reviewed the records available for the Miami-Dade RRF to determine if the reconstruction of the boilers triggered PSD.

Miami-Dade County Department of Solid Waste Management owns the Miami-Dade County Resources Recovery Facility, and Montenay International Corp. operates the facility. The facility combusts refuse derived fuel in four combustor units. The facility has been operational since 1982, and received its original PSD permit authorizing construction in 1978 (PSD-FL-006). The facility is a major source of air pollution as defined by Department rules.

In 1986, the wet process garbage processing operation was shut down and the plant was converted to processing garbage and trash in a dry process. From 1987 to 1990 the boilers were upgraded through a capital improvement construction program. As part of this project, the owner and operator rebuilt the four combustion units and among other changes increased the physical size of the four combustion units, replaced boiler tubes and bull noses affected by corrosion from firing the wet-processed waste, and replaced the sides of the units. The internals of the boilers were changed from B&W components to Zurn components. These changes increased the combustion weight capacity from 19.55 TPH (39,100 lb/hr) to 27 TPH each, an increase of 38%. Although available records suggest that the permitted steam generating capacity was increased (perhaps from 175,000 to 180,000 pounds per hour) we do not have sufficient information to determine the actual extent of such an increase. It is obvious that there would have been an actual increase in steam generating capacity given the deteriorated condition of the units prior to reconstruction and modification. These physical changes extended the useful life of the facility, regained lost generating capacity, and increased the capacity of this plant. Miami-Dade County and Montenay performed these physical changes without obtaining New Source Review ("NSR") permits authorizing the construction and operation of physical modifications of its boiler units as required by Department rules and the Clean Air Act.

In January 1989 EPA sent Miami-Dade County a Section 114(a) request for information regarding construction activities at the Resources Recovery Facility, to which the county responded on March 9, 1989. As part of the response, the county characterized the physical changes to the boilers as maintenance, repair or replacement as defined under 40 CFR 60.14(e)(1). This rule provides for maintenance, repair or replacement activities to be exempted from the definition of modification provided that such activities are determined by the EPA Administrator to be routine. The county's implication is that the reconstruction of the boilers was routine, which it was not as further described below. Miami-Dade County's letter to EPA on June 8, 1989 describes a verbal understanding between the county and EPA that that PSD did not apply to the modifications, but there is no record in Department files that EPA ever responded in writing about this issue.

It seems clear that the physical changes did constitute a modification pursuant to Department rules, and it seems likely these changes would result in a significant increase in emissions using EPA's netting calculus. Department rules require that no construction or operation of a major modification of a major source occur unless authorized by an air construction permit. Florida has a fully delegated PSD program with respect to power plants subject to the Power Plant Siting Act. Florida implements this delegation

under 40 CFR 52.21, whose provisions are incorporated by reference into the Florida SIP pursuant to 40 CFR 52.530. For the modifications described above, neither the owner nor operator of the facility obtained a PSD permit, nonattainment NSR permit or a minor source permit. Nor was this project exempt from permitting.

None of the modifications fall within the "routine maintenance, repair and replacement" exemption found at 40 CFR 52.21(b)(2)(iii)(a) and Department Rule 62-210.200(183)(a)1.a., F.A.C. Each of these changes was an expensive capital expenditure performed infrequently at the plant that constituted the replacement and/or redesign of a boiler component with a long useful life. In each instance, the change was performed to increase capacity, regain lost capacity, and/or extend the life of the unit. In many instances, the original component was replaced with a component that was substantially redesigned in a manner that increased emissions. That the "routine maintenance, repair and replacement" exemption does not apply where construction activity is at issue was known to the utility industry since at least 1988 when EPA issued a widely publicized applicability determination regarding utility modifications at a Wisconsin Electric Power Co. ("WEPCO") facility. EPA's interpretation of this exemption was upheld by the court of appeals in 1990. *Wisconsin Electric Power Co. v. Reilly*, 893 F.2d 901 (7th Cir. 1990).

None of these modifications fall within the "increase in hours of operation or in the production rate" exemption found at 40 CFR 52.21(b)(2)(iii)(f), or Florida Rule 62-210.200(183)(a)2., F.A.C. This exemption is limited to stand-alone increases in operating hours or production rates, not where such increases follow or are otherwise linked to construction activity. That the hours of operation/rates of production exemption does not apply where construction activity is at issue was known to the utility industry since at least 1988 when EPA issued a widely publicized applicability determination regarding utility modifications at a Wisconsin Electric Power Co. ("WEPCO") facility. EPA's interpretation of this exemption was upheld twice by the court of appeals, in 1989 and in 1990. *Puerto Rican Cement Co. v. EPA*, 889 F.2d 292 (1st Cir. 1989); *Wisconsin Electric Power Co. v. Reilly*, 893 F.2d 901 (7th Cir. 1990).

It seems clear that the reconstruction of the boilers constituted a modification. The reconstruction was a physical change that would have resulted in increases in emissions exceeding the PSD significance criteria. EPA's current actions against coal-fired boilers for failure to obtain PSD permits for less extensive changes demonstrate that the physical changes at Dade RRF required a PSD permit. Particularly in light of EPA's current nationwide emphasis on detecting and remedying failures of owners and operators to obtain PSD permits, the Department should require an after-the-fact PSD permit for the reconstruction of the boilers at the Miami-Dade Resources Recovery Facility.



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NOV 15 1999

November 8, 1999

BUREAU OF AIR REGULATION

Mr. Tom Tittle
Air Compliance/Enforcement Supervisor
Florida Department of Environmental Protection
Southeast District Office
P.O. Box 15425
West Palm Beach, Florida 33416

Re: Dade County Resource Recovery Facility

Dear Mr. Tittle:

Miami-Dade County Department of Solid Waste Management has received your letter dated October 29, 1999, regarding the compliance test report for the Dade County Resources Recovery Facility. The letter states that FDEP will not accept the test results due to the presence of cyclonic flow, and it also states that construction under the permit – PA 77-08 – has been completed and that the units have started-up. We wish to respond to FDEP on these issues.

Completion of Construction

We wish to clarify that modification of the facility to meet all of Subpart Cb standards is not yet complete, thus, the facility has not yet "started-up" under the new permit. While most of the significant changes needed to meet the new standards have been completed – e.g. the precipitators have been replaced with the baghouses and scrubbers, and carbon injection has been installed - additional changes will be necessary to meet carbon monoxide and nitrogen oxide limits in the permit. Representatives from our office, and from the facility operator (Montenay Power Corp.), met with FDEP officials in Tallahassee in December 1998, to discuss this issue and to clarify the compliance schedule that applies to the construction effort. The FDEP officials stated that the facility must complete construction and meet all emission standards by the deadlines in the State Implementation Plan for 40 CFR 60 Subpart Cb – i.e. by November 13, 2000. These conclusions are documented in a letter to FDEP dated August 31, 1998, (Attachment 1) and in FDEP's response dated March 22, 1999 and March 23, 1999 (Attachments 3 & 4). The correspondence also documents that an additional request was made for review of the part of the construction activities that would be completed during 1999 – i.e. emissions testing would be performed for those pollutants that were controlled by the baghouse-scrubber and carbon injection systems - in order to have early feedback on any potential issues far in advance of the November 2000 deadline. The FDEP Tallahassee officials agreed to this additional review step, and hence a partial compliance test was performed and submitted to FDEP Southeast for review.

Therefore, please note that the test report does not contain emission test results for CO and NOx, since construction changes for those parameters have not yet been made.

In order to authorize the additional construction that was needed for NOx and CO control, the State further instructed that a request be made to modify and extend the construction permit. This request was submitted on March 10, 1999 as an application to modify the construction permit (Attachment 2).

FDEP Tallahassee has available the final draft of the permit modification which allows the additional retrofit activities and extends the construction permit expiration date to November 13, 2000. The final changes will be completed prior to that deadline and testing for the remaining parameters (carbon monoxide and nitrogen oxides) will be done within 180 days of completion of construction.

Copies of the attached correspondence pertaining to this issue were sent to the FDEP Southeast District and DERM; however, your office might not have received copies for review.

Test Result Acceptance

With respect to the testing that was done by South Florida Environmental for metals, particulate matter, organics and acid gasses, we request additional consideration of the data by FDEP on the basis that the cyclonic flow conditions are not severe. That is, the test did not deviate significantly from the 20 degree requirement, and based on the fact the measured emissions were far below permit limits, the slight deviation should not introduce errors that would indicate emissions above permitted emission levels. This conclusion is based in part on evaluations of the cyclonic flow data by experienced stack testing consultants, and on the significant margin between the measured emissions and the permit limits.

FDEP should be assured that the low level of emissions measured during the test were expected from the new air pollution control devices since Dade County went to considerable effort and expense to obtain manufacturer's guarantees for the equipment performance that were well within the permit limits. Thus, the equipment is guaranteed to continue to produce emission levels within the permit limits.

The review of the stack test results by one consultant (Walter Smith & Associates Inc.) is attached (Attachment 5). He calculated that the cyclonic flow conditions produced a simultaneous 20% high-bias, and a 20 % low-bias, on the test results. As such, an approximate net error factor of 0% would be introduced which means that no adjustments should be made to the emission data and the results would be similar to those in the absence of cyclonic flow. Therefore, because of the "net 0% effect " of the cyclonic flow conditions, and the significant margin between the emission rates and the permit limits, there is great confidence that permit limits were met and that the facility will continue to operate well within the prescribed emission levels.

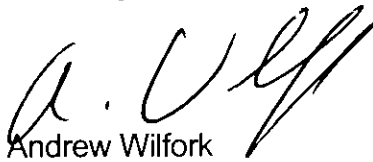
November 8, 1999

At present, a project has begun to correct/align the flow pattern to meet the Method 1 cyclonic flow criterion, however, a few months will be required to design and install equipment by which time the next compliance test would be due – June 2000. As such, FDEP is asked to consider acceptance of the test on the conditions that: 1) the cyclonic flow condition is corrected before the next annual test (June 2000), and 2) all isokinetic test methods identified in FDEP's letter are re-tested at that time.

Please note that the facility had annual test requirements for particulate matter, visible emissions, and mercury before the start of the construction project. FDEP's rejection would invalidate the 1999 annual stack test results for these parameters.

MPC discussed the cyclonic flow conditions briefly with FDEP staff on-site during the testing, however, given that this issue is vitally important to the construction project, MPC and the County would like to meet with you to review our conclusions and this request. My staff will contact your office to arrange a convenient meeting date and time.

Sincerely,



Andrew Wilfork
Director

Attachments

1. DSWM letter to FDEP, August 31, 1998
2. DSWM letter to FDEP, Extension Request, March 10, 1999
3. FDEP letter to DSWM, March 22, 1999
4. FDEP letter to DSWM, March 23, 1999
5. W. Smith Review of Test Results , November 1999

cc: A. Linero –FDEP Tallahassee
T. Heron – FDEP Tallahassee
E. Anderson – DERM
T. Hillard – FDEP SED
F. Screve – MPC
A. Lue – MIC



August 31, 1998

Mr. Hamilton Oven
Office of Siting Coordinator
Florida Department of Environmental Protection
2699 Blair Stone Road
Tallahassee, FL 32399-2400

Mr. Clair Fancy
Department of Air Resources Management
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Re: Dade County Resource Recovery Facility
PA 77-08 & PSD-FL-006A

Dear Messrs. Oven & Fancy:

As permittee for the Miami Dade County Resource Recovery Facility the Department of Solid Waste Management (DSWM) is in the process of establishing a start-up schedule for the facility retrofit project, and is seeking FDEP's assistance in this matter. You may recall that Permits PA77-08 and PSD-FL-006A were issued to allow the upgrade of the air pollution control systems for the combustion units using baghouses, scrubbers and carbon injection, and to allow the installation of continuous emission monitors. It is anticipated that these upgrades will be completed by June 1999, and that the units will, at that time, meet the emission standards of the permit for which controls were installed - i.e. particulate matter, sulfur oxides, hydrogen chloride, metals and organics. When the retrofit project was permitted, the plan was to proceed with these changes in advance of the MACT requirements and to follow with any remaining changes needed to meet the final standard by the MACT deadline. Thus, in keeping with this approach we are proposing that initial performance and demonstration testing of the units be conducted after all of the initially planned changes are made.



Messrs. Oven & Fancy
August 31, 1998
Page 2


After those upgrades are completed in June 1999, we plan to use the data from the continuous emissions monitoring system (CEMS) to finalize the control system design for CO and NO_x, and to complete the procurement and installation of any necessary additional controls. These additional activities, including performance and demonstration testing for all emissions and operational parameters, and for the CEMS, will be completed by December 19, 2000, which is consistent with the facility's Compliance Plan for MACT (40 CFR 60 Subpart Cb) which was accepted by FDEP.

If FDEP finds this proposal acceptable, it first will be necessary to extend the expiration date of the Prevention of Significant Deterioration (PSD) permit from June 30, 1999, to December 20, 2000. Please advise us how to proceed with such a request for extension. Additionally should more controls be necessary, a revision to the permit will also be needed to reflect any control equipment changes. In scheduling these activities, it would be prudent to consider and include the permit amendments which will be needed to make the existing Conditions of Certification (COC) and PSD permits consistent with MACT. Our objective in making these changes will be to, as far as is possible, minimize the number of revisions that need to be made, thus FDEP's guidance and active input will be needed.

Given that there are a few inter-related activities associated with the start-up schedule, as discussed above, it may be helpful to meet in order to ensure that we fully understand FDEP's time requirements related to these activities. Therefore, if possible, we DSWM and our operator - Montenay Power Corp. - would like to meet with you, and other appropriate FDEP staff, this month to review this proposal. We will contact you to determine your availability.

Thank you for your prompt attention to this matter,

Sincerely,



Vicente Castro
Assistant Director
Technical Services

cc: J. Ruiz - DSWM
J. Lurix - FDEP Palm Beach
L. Casey - DSWM
L. Moreno - DSWM
F. Screve - MPC
B. Gilbert - MPC
E. Johnson - BMI
A. Lue - MIC

44120
II 106

March 10, 1999

Mr. Al Linero
Department of Air Resources Management
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Mr. Hamilton Oven
Office of Siting Coordinator
Florida Department of Environmental Protection
2699 Blair Stone Road
Tallahassee, FL 32399-2400

Re: Dade County Resources Recovery Facility
40 CFR Subpart Cb modifications
PA 77-08, PSD-FL 006A & Title V Application

Dear Messers Linero & Oven

Dade County Department of Solid Waste Management (DSWM) herein submits a request to modify the Conditions of Certification (COC) and the Prevention of Significant Deterioration (PSD) permits which authorize the construction of the Dade County Resources Recovery Facility. The permits (PA77-08 and PSD-FL-006A) were revised in 1994 for the purpose of incorporating the Maximum Available Control Technology (MACT) standards of the Clean Air Act Amendments and for the purpose of allowing additional units to be constructed. At the time of that revision, the MACT standards were proposed as Subpart Ca, however, that proposal has since been withdrawn and re-promulgated as Subpart Cb. This application seeks to adopt the changes made to the earlier MACT standards (Subpart Ca) as contained in the final rule (Subpart Cb).

The changes necessary to incorporate Subpart Cb are proposed in the attachment hereto. They include: changing the to emission test methods to be consistent with Subpart Cb; allowing the installation of combustion controls for achieving Subpart Cb nitrogen oxide and carbon monoxide limits should combustion controls be determined to be necessary; adopting steam flow as the indicator of unit load (in lieu of waste tonnage) consistent with Subpart Cb; and amending emission measurement units to be consistent with the standard.

In addition to the changes to adopt the final MACT standards, this application also seeks to make minor modifications to: allow the use of natural gas as supplemental fuel; allow the disposal of used oil from on-site sources in the combustion units; and amend the baghouse inlet temperature accuracy measurements to those achievable by standards thermocouples.

In order for these changes to be effective following issuance of the Title V operating permit, corresponding changes to the Title V application will also be made. These changes will be submitted to FDEP within the next few weeks via FDEP's ELSA format.

8675 Northwest 53 Street, Suite 201, Miami, Florida 33166 • 305-592-1776

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March 10, 1999

This submittal further requests an extension of the PSD permit expiration date to November 13, 2000, (as reflected in the attachment) in order to allow construction activities to continue until that date. November 13, 2000, is the completion-of-construction deadline in MACT implementation schedule which was approved by FDEP, and included in the SIP, for this facility. The change will allow the construction activities authorized by the PSD permit to continue if the Title V operating permit (which does not cover the construction period and which otherwise automatically replaces any expired permits) is issued prior to the November 13th date.

A check for payment of the \$10,000 fee for modifying the COC and PSD permits, and for extending the PSD permit expiration date, is enclosed.

Please contact me, at 305-594-1677, or Anetha Lue with the plant operator (Montenay Power Corp) at 305-854-2229, if there are any questions regarding this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vicente Castro', with a stylized flourish at the end.

Vicente Castro
Assistant Director, Technical Services

cc: W. Uchdorf – DSWM
R. Johns – DERM
P. Wong – DERM
J. Lurix – FDEP/WPB

PROPOSED CHANGES FOR PSD & COC PERMITS

- *DCRRF*

Notes :

- Permit numbers correspond to PSD Permit. Similar changes should be made to COC permit
- Inserted text is indicated by a single underline
- Deleted text is indicated by a strikeout
- Comments are shown in italics
- Normally underlined text, such as headings is indicated by a double underline..

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MIAMI-DADE COUNTY, FLORIDA
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COUNTY COMMISSIONERS DADE COUNTY BOARD OF COUNTY COMMISSIONERS

108-00016787

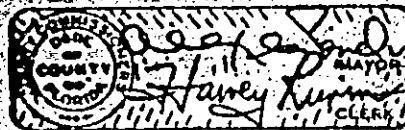
DATE	CHECK NUMBER
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DATE: 01/25/2018 TIME: 10:00 AM PAGE: 1 OF 1

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DOCUMENT NUMBER	DOC REF NUMBER
DESCRIPTION	
VXSW9901520 01	WR330784
POWER PLANT SITE CERTIFICATION RR	

AMOUNT
10,000.00

03/10/1999

10,000.00

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Mr. Vicente Castro Phone (305) 594-1677

SOLID WASTE MANAGEMENT

8675 NW 53RD ST STE 201

MIAMI State **FL** ZIP **33166**

Dept./Floor/Suite/Room

Your Internal Billing Reference Information
 (Optional) (First 24 characters will appear on invoice)

To (please print and press hard) (904) 488-0130
Mr. Al Linero, Air Res. Mgr. Phone (904) 922-6104

Fla Dept of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road

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Department of Environmental Protection

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Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

ATTACHMENT 3

2111
II 108

March 22, 1999

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-006 (B) and PA 77-08
Dade County Resource Recovery Facility (Units 1-4)
Revision of Testing Methods and Monitoring Requirements of PSD-FL-006(A)
Montenay International Corporation's letter dated December 15, 1998

Dear Mr. Castro:

The Department has reviewed Montenay's letter dated March 10 formally requesting an amendment to permit PSD-FL-006(A). The request is to revise the permitted test methods for hydrochloric acid (HCl), lead (Pb), mercury (Hg), hydrogen fluorides (HF), sulfuric acid mist (SAM), beryllium (Be), and arsenic (As) to the test methods required in the 40 CFR 60, Subpart Cb. In addition, Montenay requested that certified continuous emissions monitoring methods (CEMS) be used for determining emissions rates during performance and demonstration testing and during annual stack testing and that the baghouse inlet monitor accuracy temperature requirement be deleted.

The requests are acceptable except the deletion of the baghouse inlet monitor accuracy temperature requirement. All other requested changes related to compliance with the requirements of 40CFR60 Subpart Cb will be addressed pursuant to your separate request to revise the Conditions of Certification.

2. COMPLIANCE DETERMINATIONS

A. STACK TESTING

1) Test Methods

Compliance with emission limiting standards referenced in Specific Condition No. 1 shall be demonstrated using EPA Methods, as specified in 40 CFR Part 60 (Standards of Performance for New Stationary Sources), Appendix A, or 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants), Appendix B. No other test method shall be used unless approval from the Department has been received in writing. Any alternate sampling procedure shall be approved in accordance with Rule 62-297.620, F.A.C. A test protocol shall be submitted for approval to the Bureau of Air Regulation at least 90 days prior to testing.

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MAR 23 1999

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ASSISTANT DIRECTOR

<u>EPA Method</u>	<u>For Determination of:</u>
1	Sample and Velocity Traverses for Stationary Sources.
2	Stack Gas Velocity and Volumetric Flow Rate.
3 or 3A	Oxygen and Carbon Dioxide Concentrations in Emissions from Stationary Sources.
4	Moisture Content in Stack Gases.
5	PM Emissions from Stationary Sources.
201 or 201A	PM10 Emissions; however, if compliance with PM emission limitations are met, these tests are not required.
6C and 19*	Sulfur Dioxide Emissions from Stationary Sources.
7E and 19*	Nitrogen Oxide Emissions from Stationary Sources.
8	<u>Determination of Sulfuric Acid Mist Emissions from Stationary Sources.</u>
9	Visible Emission Determination of Opacity from Stationary Sources.
10*	Carbon Monoxide Emissions from Stationary Sources.
42-29	Inorganic Lead Emissions from Stationary Sources. Determination of Metals Emissions from Stationary Sources
13A/13B	Total Fluoride Emissions from Stationary Sources.
23	Polychlorinated Dibenzo Dioxins and Polychlorinated Dibenzofurans.
25 or <u>25A</u>	Total Gaseous Volatile Organic Compounds Concentration.
26 or <u>26A</u>	Hydrogen Chloride Emissions from Stationary Sources <u>or Determination of Hydrogen Halide and Halogen Emissions from Stationary Sources.</u>
40-CFR-266 <u>29</u> Appendix IX Section 3.1	Cadmium Emissions.
401A <u>29</u>	Gaseous Mercury Emissions from Sewage Sludge Incinerators. <u>Determination of Metals Emissions from Stationary Sources</u>
104 or <u>29</u>	Beryllium Emissions from Stationary Sources <u>or Determination of Metals Emissions from Stationary Sources</u>
108 or <u>29</u>	Gaseous Arsenic Emissions <u>or Determination of Metals Emissions from Stationary Sources</u>

* For relative Accuracy Test Audits (RATA) on 40CFR60, Appendix F, EPA Reference Method 19 (Section 4.3 and Section 5.4), Continuous Emissions Monitoring Systems (CEMS) may use Methods 6C, 7E, and 10.

EXPIRATION DATE

The expiration date of Permit PSD-FL-006A is extended to December 31, 1999.

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, as well as the Rules and statutes which entitle the petitioner to relief; and (f) A demand for relief.

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.

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

Sincerely,



Howard L. Rhodes, Director
Division of Air Resources
Management

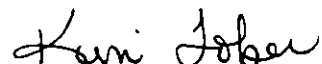
CERTIFICATE OF SERVICE

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 3-22-99 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)

3-22-99
(Date)



Jel Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

March 23, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

Re DEP File No. PSD-FL-006 (A) and PA 77-08
Dade County Resource Recovery Facility (Units 1-4)
Montenay's letter dated March 5, 1999

Dear Mr. Castro:

The Department has reviewed Montenay's letter dated March 5 requesting that we provide you with our understanding regarding the purpose of emissions tests planned for the summer of 1999 at the Dade County Resource Recovery Facility.

The first matter related to the methods for testing a number of pollutants. We sent a permit modification to you on March 22 approving practically all of the requested changes. These are directly related to the use of methods consistent with 40CFR60 Subpart Cb, Emissions Guidelines and Compliance Schedules for Municipal Waste Combustors.

Montenay requests that the Department confirm the "phased approach" towards compliance with the requirements of Subpart Cb. This is acceptable in principle. According to the State Schedule to implement Subpart Cb, the facility must comply by November 13, 2000. The tests to be conducted this summer will demonstrate compliance with Subpart Cb except for carbon monoxide (CO) and nitrogen oxides (NO_x).

Please note that the units are already subject to the requirements of Reasonable Available Control Technology (RACT) for sources in (previously) ozone non-attainment areas. KBM submitted an application for RACT-on-NO_x in March 1993. The requested value of 0.5 pounds per million Btu heat input was based on the performance capabilities of the unit before the on-going retrofit project. It was incorporated into the PSD permit and site certification modifications issued in 1994 for the on-going retrofit project. Therefore the NO_x stack test can be used to demonstrate compliance with the RACT requirement, which is less stringent than the Subpart Cb limit for NO_x.

Please note as well that Title V fees are generally paid on emissions with limits expressed in existing permits. According to our records, the County did not pay Title V fees for NO_x emissions last year. Please contact Scott Sheplak (850/921-9532) of the Title V Section to determine whether or not any fees are actually due this year (or from previous years).

Regarding the final matter in the requests, the Department accepts the proposed method to monitor gas usage. Should you have any questions in this matter, please free to call Ms. Teresa Heron at 850/921-9529.

Sincerely,

 3/23

A. A. Linero, P.E. Administrator
New Source Review Section

AAL:aal

Enclosure

cc: Dr. Anetha Lue, P.E, MIC
Scott Sheplak
Tom Tittle, DEP SED
Jim Pennington, DEP
Chuck Owen, PPSC

91063F1/2-11
03/24/93

2.3.2 FUTURE MAXIMUM NO_x EMISSIONS

Future maximum NO_x emissions for the existing units, both prior to and after retrofit, are based on the current operation of the DCRRF units. Stack test data have indicated that the current emissions average about 0.40 lb/MMBtu. A frequency distribution plot of the NO_x test data is presented in Figure 2-4. As indicated, the expected maximum NO_x emission rate is approximately 0.50 lb/MMBtu. Based on the test data, the proposed future limit for Units 1—4 is 0.50 lb/MMBtu, which reflects a level that can be met reasonably on a routine basis. Further justification for this proposed RACT limit is presented in Section 4.0. Resulting emissions are presented in Table 2-6.

6225 Splitrock Trail
Apex, NC 27502
FAX/Phone 919-772-7843
Walt@waltersmith.com
<http://www.waltersmith.com>

Walter Smith & Associates, Inc.

Thursday, November 04, 1999

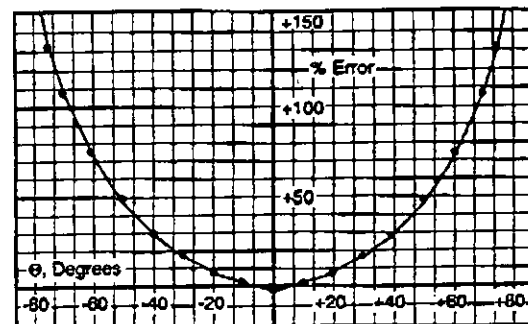
David Lukacie
MONTENAY POWER CORPORATION
6750 7th Avenue
MIAMI, FL 33178

Dear David:

Anetha Lue asked me to review the "Final Compliance Test Program Montenay Power Corporation Miami-Dade Resource Recovery Facility" by South Florida Environmental Services, August 29, 1999. She asked me to pay particular attention to the cyclonic flow problem. The following are the results of my review:

1. The average absolute cyclonic flow angle was reported to be approximately 28 degrees. This is above the acceptable limit of 20 degrees as required in Method 1.
2. The average cyclonic angle of 28 degrees will cause an average high velocity bias of about 18%. This value is estimated by the error of the Pitot tube in its relation to the axis of the stack. (See figure on misalignment taken from "Pitot Tube Errors Due to Misalignment and Non-Streamlined Flow" by D. James Grove and Walter S. Smith). However, another bias will exist resulting from the interference by the nozzle to the Pitot tube. At an angle of 28°, the nozzle will probably cause only an average of 5% positive bias on top of the 18% positive bias or a total velocity error of about 23% positive bias.
3. If the particle size is large over 20 microns, this high velocity bias will cause a maximum low particulate and/or semivolatile concentration bias of 22%.

**Velocity Errors From Case A
Flow Misalignment**



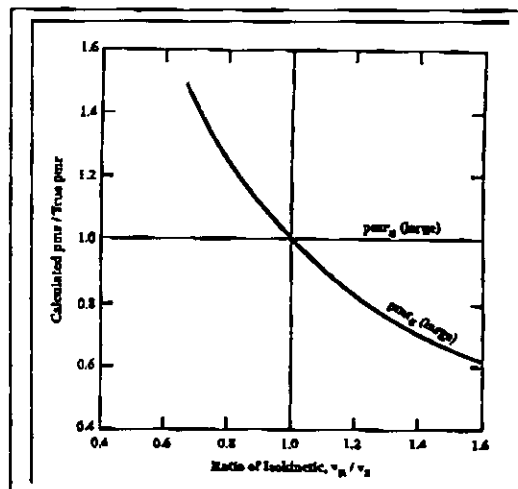
Stack Testing Expert
Testimony & Training

Montenay Power Corp.

Page 2 of 2

(See the second figure taken from "A Method of Interpreting Stack Sampling Data" by W. S. Smith, R.T. Shigehara, and W.F. Todd). However, if the particulate size is less than 1 micron, there will be no bias due to over isokinetic sampling.

4. Since the product of the concentration times the flowrate yields the mass emission rate (pounds per hour), the result may cancel out the error at best or give a bias up to about 23% positive bias.



This review does not reflect any other errors or deficiencies in the report.

Sincerely,

Walter S. Smith