

4APT-AM

APR 29 1985

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MAY 3 1985
BAQM

Honorable Lawton Chiles
United States Senate
Federal Building
Lakeland, Florida 33801

Dear Senator Chiles:

This is in response to your recent telephone inquiry regarding the resource recovery facility owned by the Dade County Department of Environmental Resources Management (DERM) and operated by Resource Recovery, Inc. (RRI). Please find enclosed a copy of a letter to Senator Hawkins dated January 14, 1985, regarding the same concerns about the same facility. The following is an up-to-date status of our action on the federal level.

It is our understanding that the Florida Department of Environmental Regulation (DER) has recently filed suit against the owner of the facility, that being Dade County DERM. In turn, Dade County has filed suit against its operator, RRI. Injunctions and/or temporary restraining orders have allowed this plant to continue operating at full capacity. Supposedly, the State and County suits have been combined as one case in front of a 5-member panel and a judge. We have not yet seen a copy of either suit and are not aware of the specific issues. Both suits were reportedly filed within the last 2-3 weeks.

In our January 14, 1985, letter to Senator Hawkins, we referenced EPA's Prevention of Significant Deterioration of Air Quality (PSD) requirements and Florida DER's Power Plant Siting and Certification process. EPA's PSD permit is not as restrictive as we would like. To that extent, we are trying to amend and tighten several of the permit conditions. However, there are no clear federal provisions to "go back" and revise a permit after it has been issued unless there is a violation of the ambient standards or a violation of the Florida State Implementation Plan (SIP) or without getting the owner's (Dade County DERM) consent.

EdSuec - This is not correct, is it?

Regarding Florida DER's Power Plant Siting and Certification Process (and permit), Region IV's Office of Regional Counsel has determined that this administrative process is not part of the federally enforceable Florida SIP. While PSD rules are silent on operating permits, it is clear that a

state Construction Permit is required to have been issued which is federally enforceable. However, as stated above, the administrative process implemented by the Florida DEIR has not been made part of the Florida SIP which is required in order for it to be federally enforceable.

Region IV's Waste Management Division was notified of potential violations as a result of my staff's air overview inspection conducted on November 9, 1984. It was determined that even though RRI is receiving potentially hazardous waste, the waste is coming from small quantity generators which are currently exempted from regulation. As a result, the facility is not considered a hazardous waste storage facility. However, due to the current proposal of regulations dealing with small quantity generators, this interpretation is subject to change.

Let me assure you that we are working to resolve the administrative deficiencies in the Florida Power Plant Siting and Certification Act and our PSD permit. We will provide your office with a follow-up letter summarizing any resulting enforcement action that EPA has taken.

If I can provide any additional assistance in the future, please call on me.

Sincerely yours,


Jack E. Ravan
Regional Administrator

Enclosure

cc: Mr. Steve Smallwood P.E., Chief
Bureau of Air Quality Management
Florida Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32301

Mr. Roy Duke, District Manager
Southeast Florida District
3301 Gun Club Road
West Palm Beach, Florida 33402

Mr. Anthony S. Clemente, P.E., Director
Dade County DEEM
909 SE First Avenue
Miami, Florida 33131



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET
ATLANTA, GEORGIA 30365

REF: 4APT-AM

JAN 14 1985

Honorable Paula Hawkins
United States Senate
51 S.W. 1st Avenue, Suite 817
Miami, Florida 33130

Dear Senator Hawkins:

This letter is in response to your request of November 13, 1984, regarding the concerns of one of your constituents, Mr. William E. Olliges, a member/resident of the Costa del Sol Homeowners Association of Miami, Florida. Mr. Olliges' letter concerned the smoke and odor allegedly produced by the resource recovery facility operated by a Parsons and Whitimore subsidiary, Resource Recovery, Inc. The facility operator, Resource Recovery, Inc., is a contractor/agent for Miami-Dade County Department of Environmental Resources Management (DERM).

This facility is subject to federal rules and requirements for Prevention of Significant Deterioration (PSD) of Air Quality. As such, this source has been issued a PSD permit which specifies construction and emission limit requirements. In addition, this facility is subject to Florida's Power Plant Siting and Certification process. Initial emission tests conducted in 1982-1983 indicated compliance with the applicable emission limits.

On November 9, 1984, EPA conducted a joint EPA/Florida Department of Environmental Regulation (DER) and Dade County DERM unannounced overview inspection of the facility. A preliminary file review prior to the inspection indicated numerous complaints for odor and smoke from the operation and a pending lawsuit by the local homeowners association. Deficiencies in regard to the power plant certification requirements and possible air pollution and hazardous waste problems were identified.

As a result of the November 9 inspection, the Region IV Air Management Branch requested a legal determination from the Office of Regional Counsel regarding several requirements contained within the Florida Power Plant Certification permit that have not been met by the operator. This legal determination involves the monitoring and possible control of the alleged particulate (smoke) emissions.

In regard to the potential hazardous waste storage observed (drums and tanks), the appropriate staff in EPA's Waste Management Division has been notified. As was pointed out by plant management, their operation is neither prepared nor approved to receive or process any hazardous waste materials. Also, Resource Recovery, Inc. is concerned about the problem from an employee's health and operational safety aspect. It was reported that the Miami-Dade County Commission is preparing to remove the remaining 300-500 drums and tanks.

Best Available Copy

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Pending an opinion from the Office of Regional Counsel, the Air Management Branch will proceed in an expeditious nature to resolve any deficiencies or violations of the PSD or Florida Power Plant Certification permit in coordination with the Florida DER. We will also continue to coordinate our enforcement efforts with the Waste Management Division. In addition, we will provide your Miami office with a follow-up letter summarizing any resulting enforcement action that EPA has taken by that time.

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Sincerely yours,

/s/ John A. Miller
Deputy Regional Administrator

Charles R. Jeter
Regional Administrator

cc: Mr. Roy Duke, District Manager
Southeast Florida District
3301 Gun Club Road
Post Office Box 3855
West Palm Beach, Florida 33402

Mr. Marshal Mott-Smith
Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
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Tallahassee, Florida 33402

4AFT-AM

APR 29 1985

Honorable Claude Pepper
House of Representatives
Washington, D. C. 20515

Dear Mr. Pepper:

This letter is in response to your recent telephone communications with Winston A. Smith, Director, Air, Pesticides, and Toxics Management Division, regarding the compliance status of the resource recovery facility owned by the Dade County Department of Environmental Resources Management (DERM) and operated by Resource Recovery, Inc. (RRI). Please find enclosed a copy of a letter to Senator Hawkins dated January 14, 1985, regarding the same concerns about the same facility. The following is an up-to-date status of our action on the federal level.

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