



Jeb Bush  
Governor

# Department of Environmental Protection

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

David B. Struhs  
Secretary

Mr. Dwight Daughtrey, Owner  
Daughtrey Construction, Inc.  
6816 SW C.R. 769  
Arcadia, FL 34266

Dear Mr. Daughtrey:

Re: Reference Permit No.: 0270013-003-AO  
FDEP Project No.: 004

Regarding the attached Notice of Permit Amendment, be advised that this office intends to contact you and other affected permitted air curtain incinerator owners/operators within 30 days of the date shown on the attached Certificate of Service. The purpose of contacting you is to explain and answer any questions you may have with the solid waste requirements addressed in the permit amendment.

Additionally, be hereby notified, the Department considers as a reasonable time to comply with the solid waste requirements, 120 days after the date of this permit amendment.

If you have any questions regarding this matter, please call me at (813)744-6100 extension 116.

Sincerely,

Gerald J. Kissel, P.E.  
District Air Program Administrator



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Governor

# Department of Environmental Protection

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

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Secretary

## NOTICE OF PERMIT AMENDMENT

### CERTIFIED MAIL

Mr. Dwight Daughtrey, Owner  
Daughtrey Construction, Inc.  
6816 SW C.R. 769  
Arcadia, FL 34266

Dear Mr. Daughtrey:

Re: Reference Permit No.: 0270013-003-AO  
FDEP Project No.: 004

The Department initiates the following amendment, which is identical to amendments to all other air pollution permits for Air Curtain Incinerators issued by this office that would otherwise be required to obtain a separate Solid Waste permit to comply with the Department's Solid Waste regulations. Therefore, Specific Condition No. 27 is hereby added to permit 0270013-003-AO:

27. The permittee shall comply with the following:

#### **Wood Waste Management Requirements.**

1. The owner or operator of this yard trash facility is not required to obtain a separate Solid Waste Management Facility permit pursuant to Rule 62-701.320(14), F.A.C., during the time that this Air Curtain Incinerator permit is in effect. In the event that this Air Curtain Incinerator permit expires or is suspended, revoked or otherwise invalidated, the owner or operator shall obtain the appropriate permit pursuant to Chapter 62-701, F.A.C., for continued operation as a disposal facility or, if applicable, a Yard Trash Processing Facility registration pursuant to Rule 62-709.320, F.A.C., for the continued operation of the facility as a yard trash transfer station or yard trash recycling facility.

2. Solid waste storage requirements.

- (a) The facility shall have the operational features and equipment necessary to maintain a clean and orderly solid waste storage operation, including:
  1. An effective barrier to prevent unauthorized entry and dumping into the facility site;
  2. Dust control methods; and
  3. Fire protection and control provisions to deal with accidental burning of solid waste, including:
    - a. There shall be an all-weather access road, at least 20 feet wide, all around the perimeter of the site;
    - b. There shall be interior lanes at least 15 feet wide; and
    - c. No part of the solid waste storage area shall be more than 50 feet from access by motorized fire fighting equipment.
- (b) The facility shall be operated in a manner to control disease vectors, and to control objectionable odors in accordance with Rule 62-296.320(2), F.A.C.
- (c) Any wood waste received at the facility shall be incinerated or removed within 6 months, or within the period required to receive 3,000 tons or 12,000 cubic yards, which ever is greatest. However, logs with a diameter of 6 inches or greater may be stored for up to 12 months before they are removed, provided the logs are separated and stored apart from other materials on site
- (d) In order to verify that the storage limits in (c) above are not being exceeded, monthly records of incoming and outgoing material shall be kept on site or at another location approved by the Department for at least three years. The values may be in cubic yards or tonnage, but the same unit of measurement shall be used to record both incoming and outgoing material.
- (e) Any solid waste received at the facility, which is not authorized by this permit to be incinerated shall be containerized, with all putrescible material removed within 48 hours. Further, if any of the following materials are discovered, they shall be immediately containerized and removed from the facility: treated or untreated biomedical waste; hazardous waste; or any

materials containing a polychlorinated biphenyl (PCB) concentration of 50 parts per million or greater.

- (f) The Prohibitions of Rule 62-701.300, F.A.C., shall not be violated by the activities at this site:

[Rule 62-709.320, F.A.C.]

**Rule 62-701.300, F.A.C. - Prohibitions.**

- (1) General prohibition.
- (a) No person shall store, process, or dispose of solid waste except at a permitted solid waste management facility or a facility exempt from permitting under this chapter.
  - (b) No person shall store, process, or dispose of solid waste in a manner or location that causes air quality standards to be violated or water quality standards or criteria of receiving waters to be violated.
- (2) Siting. Unless authorized by a Department permit or site certification in effect on May 27, 2001, or unless specifically authorized by another Department rule or a Department permit or site certification based upon site-specific geological, design, or operational features, no solid waste shall be stored or disposed of by being placed:
- (a) In an area where geological formations or other subsurface features will not provide support for the solid waste;
  - (b) Within 500 feet of an existing or approved potable water well unless storage or disposal takes place at a facility for which a complete permit application was filed or which was originally permitted before the potable water well was in existence. This prohibition shall not apply to any renewal of an existing permit that does not involve lateral expansion, nor to any vertical expansion at a permitted facility;
  - (c) In a dewatered pit unless the pit is lined and permanent leachate containment and special design techniques are used to ensure the integrity of the liner;
  - (d) In an area subject to frequent and periodic flooding unless flood protection measures are in place;
  - (e) In any natural or artificial body of water including ground water;

- (f) Within 200 feet of any natural or artificial body of water unless storage or disposal takes place at a facility for which a complete permit application was filed or which was originally permitted before the water body was in existence. For purposes of this paragraph, a "body of water" includes wetlands within the jurisdiction of the Department, but does not include impoundments or conveyances which are part of an on-site, permitted stormwater management system, or bodies of water contained completely within the property boundaries of the disposal site which do not discharge from the site to surface waters. A person may store or dispose of solid waste within the 200 foot setback area upon demonstration to the Department that permanent leachate control methods will result in compliance with water quality standards and criteria. However, nothing contained herein shall prohibit the Department from imposing conditions necessary to assure that solid waste stored or disposed of within the 200 foot setback area will not cause pollution from the site in contravention of Department rules.
  - (g) On the right of way of any public highway, road, or alley; and
  - (h) Within 1000 feet of an existing or approved potable water well serving a community water supply as defined in Rule 62-550.200(12), F.A.C., unless storage or disposal takes place at a facility for which a complete permit application was filed or which was originally permitted before the water well was in existence. It is the intent of the Department that this provision shall be repealed on the effective date of any rule promulgated by the Department which regulates wellhead protection areas generally. This prohibition shall not apply to any renewal of an existing permit that does not involve lateral expansion, nor to any vertical expansion at a permitted facility.
- (3) Burning. Open burning of solid waste is prohibited except in accordance with Chapter 62-256, F.A.C. Controlled burning of solid waste is prohibited except in a permitted incinerator, or in a facility in which the burning of solid waste is authorized by a site certification order issued under Chapter 403, Part II, F.S.
- (4) Hazardous waste. No hazardous waste shall be disposed of in a solid waste management facility unless such facility is permitted pursuant to Chapter 62-730, F.A.C.

- (5) PCBs. Disposal of liquids containing a polychlorinated biphenyl (PCB), or non-liquid PCBs in the form of contaminated soil, rags, or other debris, may be restricted or prohibited by 40 CFR Part 761. Persons managing PCBs are advised to consult that federal regulation before attempting to dispose of PCBs in any solid waste disposal unit in this state.
- (6) Biomedical waste.
  - (a) No biomedical waste shall be knowingly deposited in any solid waste management facility unless:
    1. The solid waste facility is specifically permitted to receive untreated biomedical waste;
    2. The biomedical waste has been properly incinerated so that little or no organic material remains in the ash residue, or treated by a process approved by the Department of Health, and the provisions in Rule 62-701.520(5)(c), F.A.C., are complied with; or
    3. The biomedical waste is generated by an individual as a result of self-care, or care by a family member or other non health care provider. However, in order to reduce the chance of exposure to the public, home generators are advised to segregate and package such waste before disposal according to the guidelines for disposal of home-generated biomedical waste available from each county health department.
  - (b) No solid waste, including treated biomedical waste, shall be commingled with untreated biomedical waste unless the solid waste is being managed in the same manner as the untreated biomedical waste.
  - (c) Treated or untreated biomedical waste shall not be allowed to leak into the environment during transport.
- (7) Class I surface waters. The Department shall not issue a construction permit for a landfill within 3,000 feet of Class I surface waters.

- (8) Special wastes for landfills. No person who knows or who should know of the nature of such solid waste shall dispose of the following wastes in any landfill:
- (a) Lead-acid batteries;
  - (b) Used oil, except as provided in Chapter 62-710, F.A.C.;
  - (c) Yard trash, except in unlined landfills classified by Department rule;
  - (d) White goods;
  - (e) Whole waste tires, except as provided in Chapter 62-711, F.A.C.
- (9) Special wastes for waste-to-energy facilities. No person who knows or who should know of the nature of such solid waste shall dispose of lead-acid batteries, mercury-containing devices, or spent mercury-containing lamps in any waste-to-energy facility.
- (10) Liquids restrictions.
- (a) Noncontainerized liquid waste shall not be placed in solid waste disposal units which accept household waste or construction and demolition debris for disposal unless:
    - 1. The waste is household waste other than septic waste; or
    - 2. The waste is leachate or gas condensate derived from the solid waste disposal unit, or byproducts of the treatment of such leachate or gas condensate, and the solid waste disposal unit is lined and has a leachate collection system.
  - (b) Containers holding liquid waste shall not be placed in a solid waste disposal unit unless:
    - 1. The container is a small container similar in size to that normally found in household waste;
    - 2. The container is designed to hold liquids for use other than storage; or
    - 3. The waste is household waste.
  - (c) Containers or tanks twenty gallons or larger in capacity shall either have one end removed or cut open, or have a series of punctures around the bottom to ensure the container is empty and free of residue. The empty container or tank shall be compacted to its smallest practical volume for disposal.

- (11)(a) Except as provided in paragraph (b) of this subsection, no person may mix or commingle used oil with solid waste that is to be disposed of in landfills or directly dispose of used oil in landfills.
- (b) Oily wastes, sorbents or other materials used for maintenance or to clean up or contain leaks, spills or accidental releases of used oil, and soils contaminated with used oil as a result of spills or accidental releases are not subject to the prohibition in paragraph (a) of this subsection.
- (12) Yard trash. The prohibitions in paragraphs (2)(b), (f), and (h) of this section apply to the storage, processing, or disposal of yard trash, except that the following setback distances shall apply:
- (a) 100 feet from off-site potable water wells, no setback required from on-site water wells;
- (b) 50 feet from water bodies; and
- (c) 200 feet from wells serving community water supplies.
- (13) Tanks. The prohibitions in subsection (2) of this section do not apply to the storage or treatment of solid waste in tanks which meet the criteria of Chapter 62-761 or Rule 62-701.400(6), F.A.C. Instead, no such storage tank shall be installed within 500 feet of any existing community water supply system or any existing non-transient non-community water supply system, nor shall any tank be installed within 100 feet of any other existing potable water supply well.
- (14) Indoor storage. The prohibitions in subsection (2) of this section do not apply to the storage or processing of solid waste indoors, provided that the indoor storage area has an impervious surface and a leachate collection system. For the purposes of this subsection, an impervious surface means either a poured concrete pad having a minimum thickness of four inches, or an asphalt concrete paving with both a minimum thickness of one and one-half inches and with an additional component to restrict leaching to ground water such as a soil cement sub-base, an epoxy seal or a geomembrane.
- (15) Storage in vehicles. The prohibitions in subsection (2) of this section do not apply to the storage of solid waste in an enclosed or covered vehicle, provided that such vehicle has either been unloaded or moved over public highways within the previous seven days.



(16) Existing facilities. Those portions of facilities which were constructed prior to May 27, 2001, remain subject to the prohibitions that were in effect at the time the permit authorizing construction was issued. Lateral expansions of such facilities remain subject to the prohibitions that were in effect at the time the permit authorizing the lateral expansion was issued. For example, portions of facilities constructed prior to May 19, 1994 were subject to the prohibition against storing or disposing of solid waste within 500 feet of an existing or approved shallow water supply well, but are not subject to the prohibitions of paragraphs (2)(b) and (h) of this section. However, lateral expansions of such facilities which occurred after May 19, 1994 are subject to the prohibitions of paragraphs (2)(b) and (h) of this section.

#### **Ash Management Requirements.**

1. Ash from the air curtain incinerator may be used as a soil amendment or incorporated into mulch or compost products. If the ash is disposed of rather than beneficially used, such disposal shall be in accordance with the requirements of Chapter 62-701, F.A.C.

A person whose substantial interests are affected by the proposed permit amendment may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. 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. 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, F.A.C.

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 action; and
  - (f) A statement of 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, F.A.C.

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 permit amendment. 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.

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 EPA and by the person under the Clean Air Act unless and until Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

This permit amendment is final and effective on the date filed with the Clerk of the Department unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. or unless a request for an extension of time in which to file a petition is filed within the time specified for filing a petition. Upon timely filing of a petition or a request for an extension of time to file the petition, this permit amendment will not be effective until further Order of the Department.


Any party to the Order (Permit Amendment) has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by the filing of 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, Douglas Building, 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 of Appeal must be filed within 30 days after this Order is filed with the Clerk of the Department.

Daughtrey Construction, Inc.  
Permit No.: 0270013-003-AO  
FDEP Project No.: 004

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This letter must be attached to and becomes a part of permit 0270013-003-AO. If you have any questions, please call me at (813)744-6100 extension 116.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
Gerald J. Kissel, P.E.  
District Air Program Administrator

cc: Mr. Steve Morgan – Solid Waste, FDEP, Southwest District

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT AMENDMENT was sent to the addressee by certified mail and all copies were sent by regular mail before the close of business on 3-15-02 to the listed persons, unless otherwise noted.

Clerk Stamp

FILING AND ACKNOWLEDGEMENT FILED,  
on this date, pursuant to Section  
120.52(7), Florida Statutes, with  
the designated Department Clerk,  
receipt of which is hereby acknowledge.

Mark K. Anderson 3-15-02  
(Clerk) (Date)

U.S. Postal Service

# CERTIFIED MAIL RECEIPT

*(Domestic Mail Only; No Insurance Coverage Provided)*

7000 0520 0016 2386 8020  
0208 9922 9100 0250 0002



Postage	\$	Postmark Here  8/15/02
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$</b>	

**Recipient's Name (Please Print Clearly) (To be completed by mailer)**

DWIGHT DAUGHTREY

**Street, Apt. No.; or PO Box No.**

ARCADIA FL 34266

**City, State, ZIP+ 4**

DAUGHTREY CONST INC 6816 SW CR 769