



Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

NOTICE OF PERMIT ISSUANCE

CERTIFIED MAIL

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

DEP File No.: 0270013-003-AO

Dear Mr. Daughtrey:

Enclosed is Permit Number 0270013-003-AO for the operation of an air curtain incinerator, issued pursuant to Section 403.087, Florida Statutes (F.S.).

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, 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. 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 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 will not be effective until further Order of the Department.

Any party to the Order (Permit) 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.

Executed in Tampa, Florida.

Sincerely,



James L. McDonald
Air Permitting Engineer

Enclosure

cc: Mr. Thomas Siegert
South Florida Environmental Services
6821 Vista Parkway North
West Palm Beach, FL 33411

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT ISSUANCE was sent to the addressee by certified mail and all copies were sent by regular mail before the close of business on NOV 05 1999 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
acknowledged.


(Clerk)

NOV 05 1999
(Date)

Z 222 897 748

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to

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

PS Form 3800, April 1995

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

11/5/99



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

PERMITTEE:
Daughtrey Construction, Inc.
6816 SW C.R. 769
Arcadia, FL 34266

Permit No.: 0270013-003-AO
County: DeSoto
Effective Date: 11/05/99
Expiration Date: 11/02/04
Project: Air Curtain
Incinerator

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-204 through 62-297 & 62-4. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the department and made a part hereof and specifically described as follows:

For the operation of an Air Burners, Inc., Model T-359, air curtain incinerator with a 10' wide x 11' deep x 35' long clay strata burning pit. The incinerator has a maximum charging rate of 4.5 tons/hr. of wood waste (trees, logs, large brush, stumps relatively free of soil, unbagged leaves and yard trash, tree surgeon debris, and clean dry lumber such as pallets). Emissions are controlled by forced air at a very high static pressure over and around the pit. Power to the fan is supplied by a diesel engine. The air flow (air curtain) is delivered to the burning pit by a 35' air manifold. Fires will be started only with virgin oil natural gas, or liquefied petroleum gas.

Location: Approximately 2 miles north of the intersection of C.R. 769 and C.R. 761, southwest of Arcadia

UTM: 17-402.0 km East

3001.2 km North

Facility ID: 1010371

Emission Unit ID: 001

NOTE: Please reference the Permit No., Facility ID, and Emission Unit ID in all correspondence, test report submittals, applications, etc.

Replaces Permit No.: 0270013-001-AC (AC14-244330)

PERMITTEE:
Daughtrey Construction, Inc.

PERMIT No.: 0270013-003-AO
PROJECT: Air Curtain
Incinerator

SPECIFIC CONDITIONS:

1. A part of this permit is the attached 15 General Conditions. [Rule 62-4.160, F.A.C.]
2. The maximum charging rate to the incinerator shall not exceed 4.5 tons/hr. (daily average). [Construction permit 0270013-001-AC]
3. The operating (charging) hours of this incinerator shall exceed 1,088 hours/yr. [Construction permit 0270013-001-AC]
4. Outside of start-up periods, no visible emissions (5% opacity) shall be allowed except that visible emissions up to 20% opacity will be allowed for up to three minutes in any one hour. [Rule 62-296.401(7)(a), F.A.C.]
5. During the start-up periods, which shall not exceed the first thirty (30) minutes of operation, an opacity of up to 35 percent, averaged over a six minute period, shall be allowed. [Rule 62-296.401(7)(b), F.A.C.]
6. The general excess emissions rule, Rule 62-210.700, F.A.C., to handle start-ups, shutdowns, and malfunctions, shall not apply to this air curtain incinerator. [Rule 62-296.401(7)(c), F.A.C.]
7. The only materials that can be burned are wood waste consisting of trees, logs, large brush, stumps relatively free of soil, unbagged leaves and yard trash, tree surgeon debris, and clean dry lumber such as pallets. [Rule 62-296.401(7)(e), F.A.C.]
8. The burning of sawdust, paper, trash, tires, garbage, plastics, liquid wastes, chemically treated or painted wood, and other similar materials is expressly prohibited. [Rule 62-296.401(7)(f), F.A.C.]
9. Only virgin oil, natural gas, or liquefied petroleum gas may be used to start the fire. The use of waste oil, chemicals, gasoline or tires is prohibited. [Rule 62-296.401(7)(g), F.A.C.]
10. In no case shall the air curtain incinerator be started before sunrise and all charging must be completely stopped 2 hours before sunset. [Rule 62-296.401(7)(h), F.A.C.]
11. The pit shall be no longer than the length of the air curtain incinerator manifold. [Rule 62-296.401(7)(d), F.A.C.]

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12. The incinerator must be located at least three hundred (300) feet from any pre-existing occupied building located off site. [Rule 62-296.401(7)(j), F.A.C.]

13. Air curtain incinerators used at landfills may not be operated within 1000 feet of any active portion of the landfill unless the air curtain incinerator is separated from the active portion of the landfill by a controlled gate or check-in station [Rule 62-296.401(7)(k), F.A.C.].

14. The material shall not be loaded into the air curtain incinerator such that it will protrude above the air curtain. [Rule 62-296.401(7)(l), F.A.C.]

15. Ash shall not be allowed to build up in the pit to higher than 1/3 the pit depth or to the point where the ash begins to impede combustion, whichever occurs first. [Rule 62-296.401(7)(m), F.A.C.]

16. A detailed operation and maintenance (O & M) guide must be available to the operators at all times and the permittee must provide the proper training to all operators before they work at the incinerator. [Rule 62-296.401(7)(n), F.A.C.]

17. Each trained operator will receive a certificate demonstrating that the operator has successfully passed the training required by the O & M guide. A copy of this certificate will be kept on file at the facility and be made available to the Department upon request. [Rule 62-4.070(3), F.A.C.]

18. This facility shall not cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. [Rule 62-296.320(2), F.A.C.]

19. A daily operating log shall be kept and at a minimum contain the following:

- A. Date
- B. Type of starter fuel used.
- C. Total charges.
- D. Total material (in tons) charged.
- E. Daily operating (charging) hours which includes the start of initial combustion to the time of last charging the incinerator (Start and Stop Times).
- F. At the end of each month provide a calendar year cumulative total for the hours of operation to ensure the 1,088 hrs./yr. limitation is not exceeded.

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- G Daily, calculate the average hourly charging rate (tons/hr.).
- H. Type of Maintenance Performed
- I. Comments
- J. Operator's signature

The log shall be maintained at the facility for at least 3 years and shall be made available to the Department upon request.
[Rule 62-4.070(3), F.A.C.]

20. All reasonable precautions shall be taken to prevent and control generation of unconfined emissions of particulate matter. These provisions are applicable to any source, including, but not limited to vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrial related activities such as loading, unloading, storing and handling. Reasonable precautions shall include the following:

- Ash removed from the pit shall be wetted with water as necessary.
- Water will be applied as necessary to the facility grounds.
- Reasonable care will be taken in loading and unloading the pit.

[Rule 62-296.310(4)(c), F.A.C.]

21. In order to ensure the visible emission limitations are not exceeded and objectionable odors are not generated, the air curtain incinerator's fan shall continue to operate after the last charge of each day until all combustion has ceased. For the purposes of this condition, "combustion" means the presence of any flames or smoke that causes a visible emission greater than 5% opacity. [Rule 62-4.070(3), F.A.C.]

22. Test the air curtain incinerator for visible emissions (annually at least 60 days prior to or on the day of June 25.) Submit a copy of the test data to the Air Compliance Section of the Department's Southwest District Office within 45 days of such testing. All submitted compliance test reports shall include a copy of the daily log as required by Specific Condition No. 19 for each test day. [Rules 62-297.310(7) and 62-297.310(8)(b), F.A.C.]

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23. Testing of emissions must be conducted within 90-100% of the maximum allowable charging rate* of 4.5 tons/hr. A compliance test submitted at a rate less than 90% of the maximum permitted charging rate will automatically constitute an amended permitted charging rate at that lesser rate, plus 10%. Within 30 days of that lower amended permitted charging rate being exceeded by more than 10%, a new compliance test shall be conducted at the higher rate. The test results shall be submitted to the Air Compliance Section of the Department's Southwest District Office within 45 days of testing. Acceptance of the test by the Department will automatically constitute an amended permit at the higher charging tested rate, plus 10%, but in no case shall the maximum permitted charging rate of 4.5 tons/hr. be exceeded. The emission limitations in Specific Condition Nos. 4 and 5 shall not change. [Rules 62-4.070(3) and 62-297.310(2), F.A.C.]

* Charging rate is defined as 1) the amount of material placed in the incinerator during the period starting with the initial loading and ending 60 minutes after initial combustion, for the first 60 minute period after initial combustion and 2) the amount of material placed in the incinerator for any 60-minute period thereafter.

24. The visible emission test must be accomplished when the air curtain incinerator is charged with a mixture of materials as listed in Specific Condition No. 7, selected in order to ensure the visible emission test will be conducted when the highest emissions can reasonably be expected to occur. The visible emission test report shall include the charging rate, description of materials burned, starter fuel used, and a copy of the daily operating log for the test day. The DEP Method No. 9 test interval on this source shall be at least 90 minutes. The visible emission test shall begin upon initial combustion and include the first 90 minutes of the burn (30 minutes start-up and 60 minutes normal operation). [Rules 62-297.310(4)(a)2. and 62-4.070(3), F.A.C.]

25. The permittee shall notify the Air Compliance Section of this office at least 15 days prior to the date on which each formal compliance test is to begin of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted. [Rule 62-297.310(7)(a)9., F.A.C.]

PERMITTEE:
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26. An application to renew this operating permit shall be submitted to the Air Permitting Section of this office at least 60 days prior to the expiration date of this permit. Be sure to attach to the application, copies of at least 2 recent weeks of daily operating logs as required by Specific Condition No. 19. [Rules 62-4.070(3) and 62-4.090, F.A.C.]

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



W.C. Thomas, P.E.
District Air Program Administrator

ATTACHMENT - GENERAL CONDITIONS

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes (F.S.). The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. Not applicable to Air Permits.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - a. Have access to and copy any records that must be kept under conditions of the permit;

GENERAL CONDITIONS:

- b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
- c. Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

- a. A description of and cause of noncompliance; and
- b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to educe, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Rule 62-4.120 and 62-730.300 F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

GENERAL CONDITIONS:

13. This permit also constitutes:

- () Determination of Best Available Control Technology (BACT)
- () Determination of Prevention of Significant Deterioration (PSD)
- () Compliance with New Source Performance Standards (NSPS)

14. The permittee shall comply with the following:

a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

c. Records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;
2. the person responsible for performing the sampling or measurements;
3. the dates analyses were performed;
4. the person responsible for performing the analyses;
5. the analytical techniques or methods used;
6. the results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

16. Not applicable to Air Permits.

17. Not applicable to Air Permits.