

Check Sheet

Company Name: Emmintoach Southeast
Permit Number: AC 16-18623-24 Statewide
PSD Number:
Permit Engineer:

Application:

- ☒ Initial Application
☐ Incompleteness Letters
☐ Responses
☐ Waiver of Department Action
☐ Department Response
☐ Other

Cross References:

- ☐
☐
☐

Intent:

- ☒ Intent to Issue
☒ Notice of Intent to Issue
☒ Technical Evaluation
☐ BACT or LAER Determination
☐ Unsigned Permit

Correspondence with:

- ☐ EPA
☐ Park Services
☐ Other

- ☒ Proof of Publication
☐ Petitions - (Related to extensions, hearings, etc.)
☐ Waiver of Department Action
☒ Other

Withdrawn

Final

Determination:

- ☐ Final Determination
☐ Signed Permit
☐ BACT or LAER Determination
☐ Other

Post Permit Correspondence:

- ☐ Extensions/Amendments/Modifications
☐ Other



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Bob Martinez, Governor

Dale Twachtmann, Secretary

John Shearer, Assistant Secretary

PERMITTEE:

**EnviroTech Southeast, Inc.
900 University Blvd. N.
Suite 504
Jacksonville, FL 32211**

Permit Numbers: AC 16-180823

Expiration Date: January 1, 1991

County: Statewide Operation

**Project: 25 TPH Portable Rotary
Kiln/Afterburner Systems**

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 17-2 and 17-4. 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:

Authorization to construct a portable rotary kiln/afterburner system. The unit consists of a contaminated soil hopper and feed unit, a 25 TPH rotary dryer with a propane gas burner, a 99.7% efficient Astec PBH-10 baghouse, a 99% efficient propane fired Astec STU-430 afterburner (0.9 second retention time at 1600°F) and stack (4' diameter by 30' height) handling approximately 24,000 acfm (7474 dscfm at 50% EA), and associated equipment.

The unit may be used throughout the state (all counties) after receiving Department authorization to operate at a new location.

The source shall be constructed in accordance with the permit application, plans, documents, amendments and drawings, except as otherwise noted in the General and Specific Conditions.

Attachments are listed below:

1. Application received on May 18, 1990.



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Bob Martinez, Governor

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PERMITTEE:

**EnviroTech Southeast, Inc.
900 University Blvd. N.
Suite 504
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Permit Numbers: AC 16-180824

Expiration Date: January 1, 1991

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1. Application received on May 18, 1990.

PERMITTEE:
EnviroTech Southeast, Inc.

Permit Numbers: AC 16-180823
AC 16-180824
Expiration Date: January 1, 1991

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 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. 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), Florida Statutes, 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 the permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

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.

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EnviroTech Southeast, Inc.

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AC 16-180824
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GENERAL CONDITIONS:

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as 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 a reasonable time, 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 the conditions of the permit;
- 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 reasonably 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 non-compliance; and
- b. the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

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GENERAL CONDITIONS:

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 proscribed by Sections 403.73 and 403.111, Florida Statutes. 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 Florida Administrative Code Rules 17-4.120 and 17-30.300, 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.

13. 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.

PERMITTEE:
EnviroTech Southeast, Inc.

Permit Numbers: AC 16-180823
AC 16-180824
Expiration Date: January 1, 1991

GENERAL CONDITIONS:

- 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:
 - the date, exact place, and time of sampling or measurements;
 - the person responsible for performing the sampling or measurements;
 - the dates analyses were performed;
 - the person responsible for performing the analyses;
 - the analytical techniques or methods used; and
 - the results of such analyses.

14. 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 that 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.

SPECIFIC CONDITIONS:

Construction Requirements

- 1. The construction of this facility shall reasonably conform to the plans and schedule submitted in the application.
- 2. The stack sampling facilities must comply with F.A.C. Rule 17-2.700(4).
- 3. The afterburner shall be capable of operating above 1600°F with a 0.94 second retention time and have a minimum VOC destruction efficiency of 97.71%.

PERMITTEE:
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SPECIFIC CONDITIONS:

Emission Restrictions

4. Particulate matter emissions from this process shall neither exceed 0.08 grains/dscf corrected to 50% excess air nor 5.1 lbs/hr. Visible emissions from any part of the process shall not exceed 5% opacity.

5. Benzene emissions shall not exceed 4.7 lbs/hr. Total VOC emissions shall not exceed 22.89 lbs/hr. Compliance shall be determined from soil analysis, production rate, and the afterburner destruction efficiency.

6. The operation of this source shall not result in the emissions of air pollutants which cause or contribute to an objectionable odor pursuant to F.A.C. Rule 17-2.600(c)2.

Operation Requirements

7. The system shall be properly operated and maintained (F.A.C. Rule 17-2.210(2)). No person shall circumvent any pollution control device or allow the emissions of air pollutants without the applicable air pollution control device operating properly (F.A.C. Rule 17-2.240).

8. Reasonable precautions shall be used to minimize unconfined emissions of particulate matter generated by this operation (F.A.C. Rule 17-2.610(3)). This includes hauling the soil in covered trucks and keeping the work areas wet where the soil is being removed and treated.

9. The unit shall not be operated at a location or in a manner that may create a nuisance.

10. Untreated soil removed from the ground shall be stored under waterproof covers and on an impermeable surface.

11. This unit shall be allowed to operate 24 hours per day, 7 days per week, but not more than 8736 hrs/year.

12. Maximum soil charging rate to the unit shall not exceed 25 TPH. The permittee shall have means to determine the feed or production rate on site.

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SPECIFIC CONDITIONS:

13. Only propane gas shall be used as fuel for this unit. Maximum permitted fuel consumption is 34.2 MMBtu/hr (373 GPH propane).

14. Only soils contaminated with virgin (non-recycled) petroleum products and "on-spec" used oil (see Specific Condition No. 15) shall be treated in this unit unless otherwise approved by the Bureau of Air Regulation (BAR). The portable rotary kiln/afterburner system shall neither be used to thermally process materials that are listed in 40 CFR 261.31, 261.32, 261.33 (revised as of July 1, 1988) nor materials that have the hazardous characteristics of corrosivity, reactivity, EP toxicity, and ignitability. Prior to the acceptance of contaminated materials for processing, the permittee shall provide the Department with reasonable assurance that the soil is contaminated with only virgin petroleum products, i.e., certification from the generator that the material is not classified as a hazardous waste pursuant to the federal regulations cited in this specific condition. To obtain approval to treat soils contaminated with other materials, the permittee shall submit soil analysis results and calculations to the BAR which show the impact of the emissions will not exceed the acceptable ambient air concentration (AAC) or violate any permit condition or regulation.

15. The following constituents of the "on-spec" petroleum products that contaminated the soil shall not be exceeded:

<u>Constituent</u>	<u>Allowable Level (max. ppm in oil)</u>
Arsenic	5
Cadmium	2
Chromium	10
Lead	100
Total Halogens	1000

To demonstrate compliance with Specific Condition No. 15, the petroleum product(s) responsible for contamination of the soil shall be tested for the listed contaminants. Test results shall be sent to the BAR at least 15 days prior to any soil remediation. This test may be waived if the owner or operator of the site can demonstrate that only virgin petroleum products are responsible for contamination of the site.

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SPECIFIC CONDITIONS:

16. Sampling and analysis of the contaminated soil at each site, based on the procedures prescribed in SW-846, shall be conducted prior to remediation. Minimum number of composite samples for analysis for benzene and volatile organic compounds (VOC) at each site prior to remediation shall be as follows:

<u>Soil Quantity (yards³)</u>	<u>No. of Composite Samples</u>
Less than 100	1
100 to 500	3
500 to 1000	5
Each additional 250 yds	1 additional sample

The degree of treatment of the soil and its disposal must comply with the Bureau of Waste Cleanup policy. Presently, this requires that the soil exiting the dryer be sampled on an hourly basis during operation and an analysis of a daily composite sample made up of the hourly samples shall be performed for benzene, toluene, ethyl benzene, and xylene concentration using EPA Method 5030/8020, and total recoverable petroleum hydrocarbon concentration using EPA Method 418.1.

17. Unless the Department has determined other concentrations are required to protect public health and safety, predicted ambient air impact of any toxic pollutant, as determined by the PTPLU 6 model or other DARM approved models, shall not exceed the concentration calculated by the following formula:

$$AAC = \frac{40}{X} \cdot \frac{1}{\text{safety factor}} \quad (\text{OEL})$$

where,

AAC = acceptable ambient concentration

Safety Factor = 100 for category A substances and
50 for category B substances

X = 40 or the hours/week of actual operation,
whichever is larger

OEL - Occupational exposure level such as ACGIH, OSHA,
and NIOSH published standards for toxic materials.

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SPECIFIC CONDITIONS:

(TWA-TLV) is the threshold limit value (8 hrs/day, 40 hrs/wk) maximum exposure concentration considered safe for workers by the ACGIH.

Data in the application shows that, for continuous operation, an emission of 1 gram/sec will have a maximum ambient impact of 12.1×10^{-3} mg/m³ (8 hr. avg). If the stack parameters are different than the values listed in the application, the applicant must determine and use the revised impact factor.

$$\text{Maximum Allowable Emissions (g/sec)} = \frac{\text{AAC mg/m}^3}{12.1 \times 10^{-3}}$$

18. Pressure drop across the baghouse and temperature of the afterburner shall be recorded continuously during operations. The instruments used to obtain these measurements shall be properly calibrated, maintained, and in operation any time the unit is in service.

Compliance Requirements

19. This source must be tested at the maximum process weight rate at which the permittee intends to operate. All compliance tests shall meet the requirements listed in F.A.C. Rule 17-2.700. Operation at rates that are more than 10 percent above the tested rate will require the Department to be notified and, within 15 days, the source must be tested for compliance at this higher rate by appropriate test methods. The unit shall not operate above the maximum permitted rate of 25 TPH.

20. When the Department, after investigation, has good reason (such as complaints, increased visible emissions, or questionable maintenance of control equipment) to believe that any applicable emission standard contained in Chapter 17-2, F.A.C., or in this permit is being violated, it may require the owner or operator of the source to conduct compliance tests which identify the nature and quantity of pollutant emissions from the source and to provide a report on the results of said tests to the Department.

21. The exhaust stack for this process must be tested concurrently for particulate matter and visible emissions by EPA Methods 5 and 9 pursuant to 40 CFR 60, Appendix A, revised as of July 1, 1988, within 5 days after placing the unit in commercial

PERMITTEE:
EnviroTech Southeast, Inc.

Permit Numbers: AC 16-180823
AC 16-180824
Expiration Date: January 1, 1991

SPECIFIC CONDITIONS:

operation under this permit and annually thereafter. Operation at each subsequent site requires an EPA Method 9 test to be performed within 3 days of placing the unit in service.

22. The afterburner destruction efficiency, benzene, and VOC emissions shall be established by a Method 18, or 25 test (40 CFR 60, Appendix A, revised as of July 1, 1988) or other test method as approved by the Department.

Administrative Requirements

23. The permittee shall furnish the available information listed in Specific Condition No. 24 prior to operating the portable rotary kiln/afterburner system at its initial site. This permit requires compliance with any applicable local (county) regulations. Two units shall not be operated at the same site in an area designated nonattainment for ozone without prior approval of BAR.

24. This unit shall not be operated at any other site until the applicant has requested authorization at the new site. Whenever feasible, the request shall be at least 15 days prior to operation at the new site. The permittee shall notify the BAR by phone (confirm in writing at least 3 days prior to operation) that the unit is being relocated. The confirmation shall provide the permit number of the unit, a copy of the last stack test report, the date of the proposed move, the new site for the unit, and the locations and contamination levels of the soils to be treated. The Department shall notify the permittee of any new conditions the unit must meet within 15 days of the receipt of the relocation notice. This may include requirements for county operation permits and additional restrictions on the operation of this unit.

25. The permittee shall maintain a log that shows the unit's operation time during the preceeding 12 months. All required records must be available for inspection at the job site for the unit within 3 working days of a request by the Department.

26. The BAR shall be notified by phone (confirm in writing) at least 15 days in advance of any compliance test to be conducted on this source.

27. Any analysis required by Specific Condition No. 16 which indicates a potential violation of any condition in this permit shall be reported as soon as feasible to BAR. An average concentration of benzene above 1880 ppm in the soil or total

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AC 16-180824
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SPECIFIC CONDITIONS:

hydrocarbons above 20,000 ppm indicate a potential violation of this permit. The soil may be decontaminated provided no condition of this permit is violated. This can be accomplished by operating at less than the 25 TPH production rate, or other means with prior approval of the Department. The permittee must propose the method of compliance with this permit.

28. Records shall be kept on the location, date, time, and number of samples taken for each composite sample. Soil analysis results shall be sent to the BAR within 15 working days of such testing. All soil samples taken at the remediation site and exiting the dryer shall be stored in a sealed glass container immediately upon sampling.

29. All required test reports, except stack tests for PM and VOC, shall be filed with the Department as soon as practical but no later than 15 working days after the last sampling run of each test is completed (F.A.C. Rule 17-2.700 (7)(a), (b) and (c)). Stack test results from PM and VOC shall be submitted within 45 days of the test.

30. The permittee, for good cause, may request that this construction permit be extended. Such a request shall be submitted to the BAR prior to 60 days before the expiration of the permit (F.A.C. Rule 17-4.090).

31. An application for an operation permit must be submitted to the BAR at least 90 days prior to the expiration date of this construction permit or within 45 days after completion of compliance testing, whichever occurs first. To properly apply for an operation permit, the applicant shall submit the appropriate application form, fee, certification that construction was completed noting any deviations from the conditions in the construction permit, and compliance test reports as required by this permit (F.A.C. Rule 17-4.220).

Issued this _____ day
of _____, 1990

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Dale Twachtman, Secretary



EnviroTech

6363 Woodway, Suite 300
Houston, Texas 77057
Telephone: (713) 789-0400 • Fax (713) 789-0468

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RECEIVED

MAY 3 1995

April 27, 1995

Bureau of
Air Regulation

Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
Attention: Mr. C. H. Fancy, P.E.

Dear Mr. Fancy:

In response to your letter of April 17, 1995, please withdraw the following applications:

AO 16-186377
AC 16-180823
AC 16-180824

Thank you,

Edward C. Stanton III
Chairman

ECS:nb

cc: W. Hanks - ✓

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 John R. Blocker
 Chairman of the Board
 EnviroTech Systems, Inc
 6363 Woodway, Suite 300
 Houston, TX 77057

4a. Article Number
 Z 311 902 915

4b. Service Type
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery
 4/21/95

5. Signature (Addressee)
 [Signature]

6. Signature (Agent)
 [Signature]

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

PS Form 3811, December 1991 ☆U.S. GPO: 1993-352-714 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

Z 311 902 915



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, March 1993

Sent to	John R Blocker
Street and No.	EnviroTech Sys
P.O., State and ZIP Code	Houston, TX
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	4-17-95
AO 16-186377	
AC 16-180823	
AC 16-180824	



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

April 17, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. John R. Blocker
Chairman of the Board
EnviroTech Systems, Inc.
6363 Woodway, Suite 300
Houston, Texas 77057

Dear Mr. Blocker:

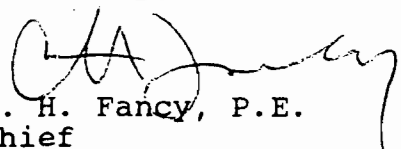
Re: DEP File Nos. AO 16-186377
AC 16-180823
AC 16-180824

The Department records contain three inactive air permitting files on applications to construct/operate 25 TPH mobile soil thermal treatment facilities for Environmental Technology Southeast, Inc. No activity has been taken on these applications since October 10, 1991. None of these facilities currently have a valid permit from the Department.

The Department requests you withdraw these applications so that the files can be closed. If there are any extenuating circumstances concerning these facilities you would like considered prior to closing the files on these applications, please let us know by June 1, 1995. Otherwise, the Department will issue a Notice of Denial for these permit requests if they are not withdrawn.

Any of these applications can be reconsidered at a later date by submitting a new application for a permit with the proper processing fee. If you have any questions on this matter, please write to me or call Willard Hanks at (904) 488-1344.

Sincerely,


C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CF/wh/h

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

HERBERT HUELSMAN

Petitioner,

vs.

ENVIROTECH SOUTHEAST, INC.,
and STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Respondents.
_____ /

DOAH Case Nos. 90-5115
90-5116
OGC File No. 90-1126

RECEIVED

APR 11 1993

Bureau of
Air Regulation

JOHN N. AUSTIN,

Petitioner,

vs.

ENVIROTECH SOUTHEAST, INC.,
and STATE OF FLORIDA,
DEPARTMENT OF ENVIRONMENTAL
REGULATION,

Respondents.
_____ /

DOAH Case Nos. 90-5117
90-5118
OGC File No. 90-1127

FINAL ORDER

On March 15, 1991, a hearing officer from the Division of Administrative Hearings submitted to me and all parties her Recommended Order of Dismissal in Case Nos. 90-5115 and 90-5116, a copy of which is attached as Exhibit A. In accordance with Florida Administrative Code Rule 17-103.200, all parties were allowed 15 days within which to file exceptions to the Recommended Order. None of the parties have submitted exceptions.

The Recommended Order thereafter came before me as head of the Department for final agency action. Having considered the Recommended Order, the pleadings, and the other documents submitted in this case, it is

ORDERED that the Recommended Order is adopted in its entirety, and the petitions in this case are hereby dismissed.

Any party to this Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; 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 from the date this Order is filed with the clerk of the Department.

DONE AND ORDERED this 26 day of April, 1991, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

FILING AND ACKNOWLEDGEMENT

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

Ruby C. Carter 4.26.91
Clerk Date

Carol M. Browner

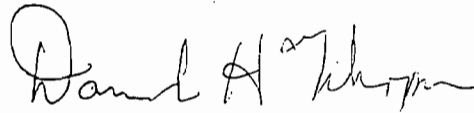
CAROL M. BROWNER,
Secretary

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
Telephone: (904) 488-4805

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by hand-delivery to Diane K. Kiesling, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-1550; Ann Cole, Clerk, Division of Administrative Hearings, the DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-1550; Michael P. Donaldson, Assistant General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and by U.S. Mail to Herbert Huelsman, 608 Ironwood Drive, Fort Walton Beach, FL 32548; Leslie G. Dillingham, Attorney at Law 23644 Hedrick Street, Jacksonville, FL 32205; Glenn Newton, Operation Manager, Envirotech Southeast, Inc., 900 University Boulevard North, Suite 504, Jacksonville, FL 32211 on this 26 day of April, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION



DANIEL H. THOMPSON
General Counsel

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS
Dept. of Environmental Reg.
Office of General Counsel

HERBERT HUELSMAN,)	
)	
Petitioner,)	
)	
vs.	)	DOAH CASE NOS. 90-5115
	)	90-5116
ENVIROTECH SOUTHEAST, INC.,	)	OGC File No. 90-1126
and STATE OF FLORIDA, DEPARTMENT)	
OF ENVIRONMENTAL REGULATION,)	
)	
Respondents.)	
<hr/>		
JOHN N. AUSTIN,)	
)	
Petitioner,)	
)	
vs.	)	DOAH CASE NOS. 90-5117
	)	90-5118
ENVIROTECH SOUTHEAST, INC.,	)	OGC File No. 90-1127
and STATE OF FLORIDA, DEPARTMENT)	
OF ENVIRONMENTAL REGULATION,)	
)	
Respondents.)	
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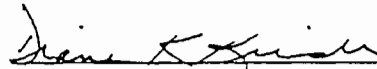
RECOMMENDED ORDER OF DISMISSAL IN CASE NOS. 90-5115 AND 90-5116

This cause comes on for consideration on the Order Declining Remand, Setting Aside Recommended Order of Dismissal, and Reopening Cases dated February 21, 1991. That Order set aside the first Recommended Order of Dismissal entered in these consolidated cases and gave the Petitioners fifteen days to file Amended Petitions. They were "strongly urged not to miss this filing date." Despite that warning and the previous history of these cases being dismissed for failure to timely file Amended Petitions, Petitioner Huelsman did not file an Amended Petition. The Amended Petition was due fifteen days from February 21, 1991, which would have been on March 8, 1991. As of the date of this Recommended Order of Dismissal, Petitioner Huelsman has yet to file an Amended Petition. For these reasons and all of those stated in the first Recommended Order of Dismissal, it is again RECOMMENDED that Case Nos. 90-5115 and 90-5116 be dismissed.

Best Available Copy

Case Nos. 90-5117 and 90-5118 remain open and active and are not subject to this Recommended Order.

DONE and ENTERED this 15th day of March, 1991, at Tallahassee, Florida.


DIANE K. KIESLING, Hearing Officer
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-1550
(904) 488-9675

Filed with the Clerk of the Division
of Administrative Hearings this 15th
day of March, 1991.

Copies furnished to:

Herbert Huelsman
608 Ironwood Drive
Fort Walton Beach, FL 32548

Leslie G. Dillingham
Attorney at Law
23644 Hedrick Street
Jacksonville, FL 32205

Michael P. Donaldson
Assistant General Counsel
Department of Environmental Regulation
Twin Tower Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Glenn Newton, Operation Manager
Envirotech Southeast, Inc.
900 University Boulevard North, Suite 504
Jacksonville, FL 32211

Carol Browner, Secretary
Department of Environmental
Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Case Nos. 90-5115 - 90-5118

CHARGE TO THE - DEPARTMENT
OF ENVIRONMENTAL REGULATION

Michael P. Donaldson
Assistant General Counsel
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

HERBERT HUELSMAN

Petitioner,

vs.

DOAH Case Nos. 90-5115

90-5116

ENVIROTECH SOUTHEAST, INC.,
and STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

OGC File No. ✓ 90-1126

Respondents.

JOHN N. AUSTIN,

Petitioner,

vs.

DOAH Case Nos. 90-5117

90-5118

ENVIROTECH SOUTHEAST, INC.,
and STATE OF FLORIDA,
DEPARTMENT OF ENVIRONMENTAL
REGULATION,

OGC File No. ✓ 90-1127

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Respondents.

FINAL ORDER

On March 15, 1991, a hearing officer from the Division of Administrative Hearings submitted to me and all parties her Recommended Order of Dismissal in Case Nos. 90-5115 and 90-5116, a copy of which is attached as Exhibit A. In accordance with Florida Administrative Code Rule 17-103.200, all parties were allowed 15 days within which to file exceptions to the Recommended Order. None of the parties have submitted exceptions.

The Recommended Order thereafter came before me as head of the Department for final agency action. Having considered the Recommended Order, the pleadings, and the other documents submitted in this case, it is

ORDERED that the Recommended Order is adopted in its entirety, and the petitions in this case are hereby dismissed.

Any party to this Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; 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 from the date this Order is filed with the clerk of the Department.

DONE AND ORDERED this 26 day of April, 1991, in Tallahassee, Florida.

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to S120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Kathy C. Carter 4.26.91
Clerk Date

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

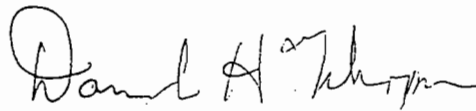
Carol M. Browner
CAROL M. BROWNER,
Secretary

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
Telephone: (904)488-4805

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by hand-delivery to Diane K. Kiesling, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-1550; Ann Cole, Clerk, Division of Administrative Hearings, the DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-1550; Michael P. Donaldson, Assistant General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and by U.S. Mail to Herbert Huelsman, 608 Ironwood Drive, Fort Walton Beach, FL 32548; Leslie G. Dillingham, Attorney at Law 23644 Hedrick Street, Jacksonville, FL 32205; Glenn Newton, Operation Manager, Envirotech Southeast, Inc., 900 University Boulevard North, Suite 504, Jacksonville, FL 32211 on this 26 day of April, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION



DANIEL H. THOMPSON
General Counsel

Twin Towers Office Building
2600 Blair Stone Road
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Telephone: (904) 488-9730

RECEIVED

MAR 18 1991

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS
Dept. of Environmental Reg.
Office of General Counsel

HERBERT HUELSMAN,
Petitioner,
vs.
ENVIROTECH SOUTHEAST, INC.,
and STATE OF FLORIDA, DEPARTMENT
OF ENVIRONMENTAL REGULATION,
Respondents.

DOAH CASE NOS. 90-5115
90-5116
OGC File No. 90-1126

JOHN N. AUSTIN,
Petitioner,
vs.
ENVIROTECH SOUTHEAST, INC.,
and STATE OF FLORIDA, DEPARTMENT
OF ENVIRONMENTAL REGULATION,
Respondents.

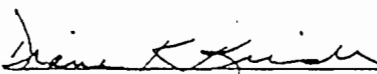
DOAH CASE NOS. 90-5117
90-5118
OGC File No. 90-1127

RECOMMENDED ORDER OF DISMISSAL IN CASE NOS. 90-5115 AND 90-5116

This cause comes on for consideration on the Order Declining Remand, Setting Aside Recommended Order of Dismissal, and Reopening Cases dated February 21, 1991. That Order set aside the first Recommended Order of Dismissal entered in these consolidated cases and gave the Petitioners fifteen days to file Amended Petitions. They were "strongly urged not to miss this filing date." Despite that warning and the previous history of these cases being dismissed for failure to timely file Amended Petitions, Petitioner Huelsman did not file an Amended Petition. The Amended Petition was due fifteen days from February 21, 1991, which would have been on March 8, 1991. As of the date of this Recommended Order of Dismissal, Petitioner Huelsman has yet to file an Amended Petition. For these reasons and all of those stated in the first Recommended Order of Dismissal, it is again RECOMMENDED that Case Nos. 90-5115 and 90-5116 be dismissed.

Case Nos. 90-5117 and 90-5118 remain open and active and are not subject to this Recommended Order.

DONE and ENTERED this 15th day of March, 1991, at Tallahassee, Florida.


DIANE K. KIESLING, Hearing Officer
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-1550
(904) 488-9675

Filed with the Clerk of the Division
of Administrative Hearings this 15th
day of March, 1991.

Copies furnished to:

Herbert Huelsman
608 Ironwood Drive
Fort Walton Beach, FL 32548

Leslie G. Dillingham
Attorney at Law
23644 Hedrick Street
Jacksonville, FL 32205

Michael P. Donaldson
Assistant General Counsel
Department of Environmental Regulation
Twin Tower Office Building
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Glenn Newton, Operation Manager
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Jacksonville, FL 32211

Carol Browner, Secretary
Department of Environmental
Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Case Nos. 90-5115 - 90-5118

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DEPT. OF ENVIRONMENTAL REGULATION

Michael P. Donaldson
Assistant General Counsel
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

HERBERT HUELSMAN

Petitioner,

vs.

DOAH Case Nos. 90-5115

90-5116

ENVIROTECH SOUTHEAST, INC.,
and STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

OGC File No. 90-1126

Respondents.

_____ /

JOHN N. AUSTIN,

Petitioner,

vs.

DOAH Case Nos. 90-5117

90-5118

ENVIROTECH SOUTHEAST, INC.,
and STATE OF FLORIDA,
DEPARTMENT OF ENVIRONMENTAL
REGULATION,

OGC File No. 90-1127

Respondents.

_____ /

FINAL ORDER

On March 15, 1991, a hearing officer from the Division of Administrative Hearings submitted to me and all parties her Recommended Order of Dismissal in Case Nos. 90-5115 and 90-5116, a copy of which is attached as Exhibit A. In accordance with Florida Administrative Code Rule 17-103.200, all parties were allowed 15 days within which to file exceptions to the Recommended Order. None of the parties have submitted exceptions.

The Recommended Order thereafter came before me as head of the Department for final agency action. Having considered the Recommended Order, the pleadings, and the other documents submitted in this case, it is

ORDERED that the Recommended Order is adopted in its entirety, and the petitions in this case are hereby dismissed.

Any party to this Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; 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 from the date this Order is filed with the clerk of the Department.

DONE AND ORDERED this 26 day of April, 1991, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to S120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Ruby C. Carter 4.26.91
Clerk Date

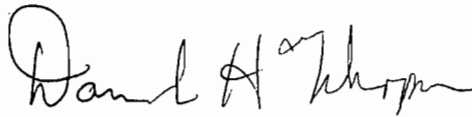
Carol M. Browner
CAROL M. BROWNER,
Secretary

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
Telephone: (904) 488-4805

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by hand-delivery to Diane K. Kiesling, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-1550; Ann Cole, Clerk, Division of Administrative Hearings, the DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-1550; Michael P. Donaldson, Assistant General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and by U.S. Mail to Herbert Huelsman, 608 Ironwood Drive, Fort Walton Beach, FL 32548; Leslie G. Dillingham, Attorney at Law 23644 Hedrick Street, Jacksonville, FL 32205; Glenn Newton, Operation Manager, Envirotech Southeast, Inc., 900 University Boulevard North, Suite 504, Jacksonville, FL 32211 on this 26 day of April, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION



DANIEL H. THOMPSON
General Counsel

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904)488-9730

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MAR 18 1991

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS
Dept. of Environmental Reg.
Office of General Counsel


HERBERT HUELSMAN,)	
)	
Petitioner,)	
)	
vs.	)	DOAH CASE NOS. 90-5115
	)	90-5116
ENVIROTECH SOUTHEAST, INC.,)	OGC File No. 90-1126
and STATE OF FLORIDA, DEPARTMENT)	
OF ENVIRONMENTAL REGULATION,)	
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Respondents.)	
<hr/>		
JOHN N. AUSTIN,)	
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vs.)	DOAH CASE NOS. 90-5117
)	90-5118
ENVIROTECH SOUTHEAST, INC.,)	OGC File No. 90-1127
and STATE OF FLORIDA, DEPARTMENT)	
OF ENVIRONMENTAL REGULATION,)	
)	
Respondents.)	
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RECOMMENDED ORDER OF DISMISSAL IN CASE NOS. 90-5115 AND 90-5116

This cause comes on for consideration on the Order Declining Remand, Setting Aside Recommended Order of Dismissal, and Reopening Cases dated February 21, 1991. That Order set aside the first Recommended Order of Dismissal entered in these consolidated cases and gave the Petitioners fifteen days to file Amended Petitions. They were "strongly urged not to miss this filing date." Despite that warning and the previous history of these cases being dismissed for failure to timely file Amended Petitions, Petitioner Huelsman did not file an Amended Petition. The Amended Petition was due fifteen days from February 21, 1991, which would have been on March 8, 1991. As of the date of this Recommended Order of Dismissal, Petitioner Huelsman has yet to file an Amended Petition. For these reasons and all of those stated in the first Recommended Order of Dismissal, it is again RECOMMENDED that Case Nos. 90-5115 and 90-5116 be dismissed.

Case Nos. 90-5117 and 90-5118 remain open and active and are not subject to this Recommended Order.

DONE and ENTERED this 15th day of March, 1991, at Tallahassee, Florida.


DIANE K. KIESLING, Hearing Officer
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-1550
(904) 488-9675

Filed with the Clerk of the Division
of Administrative Hearings this 15th
day of March, 1991.

Copies furnished to:

Herbert Huelsman
608 Ironwood Drive
Fort Walton Beach, FL 32548

Leslie G. Dillingham
Attorney at Law
23644 Hedrick Street
Jacksonville, FL 32205

Michael P. Donaldson
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Department of Environmental Regulation
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900 University Boulevard North, Suite 504
Jacksonville, FL 32211

Carol Browner, Secretary
Department of Environmental
Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Case Nos. 90-5115 - 90-5118

CHIEF OF CLERK OF COURT
DEPT. OF ENVIRONMENTAL REGULATION

RECEIVED
MAR 15 1991
DEPT. OF ENVIRONMENTAL REGULATION

Michael P. Donaldson
Assistant General Counsel
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

HERBERT HUELSMAN,

Petitioner,

vs.

OGC File No. 90-1126
DOAH Case Nos. 90-5115
90-5116

ENVIROTECH SOUTHEAST, INC., and
STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL REGULATION,

Respondents.

JOHN N. AUSTIN,

Petitioner,

vs.

OGC File No. 90-1127
DOAH Case Nos. 90-5117
90-5118

ENVIROTECH SOUTHEAST, INC., and
STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL REGULATION,

Respondents.

ORDER OF REMAND

On October 10, 1990, a hearing officer from the Division of Administrative Hearings ("DOAH") submitted to me and all parties her recommended order, a copy of which is attached as Exhibit A. On October 23 Petitioner Herbert Huelsman ("Huelsman") timely filed exceptions to the recommended order, attached as Exhibit B. On October 26 Petitioner John N. Austin ("Austin") filed a "Motion Requesting Recommended Order of Dismissal Be Set Aside," attached as Exhibit C, which I shall consider as timely filed exceptions. The Department filed responses to both sets of exceptions. The matter thereafter came before me as Secretary of the Department of Environmental Regulation ("Department") for final agency action.

BACKGROUND

This matter began with the filing with the Department by Huelsman on June 13, 1990, and by Austin on July 13, 1990, of petitions for administrative proceedings. Huelsman and Austin ("Petitioners") challenged the Department's intent to issue permits to EnviroTech Southeast, Inc., ("EnviroTech") to construct two 25 tons-per-hour portable soil remediation units for operation throughout Florida. According to the draft permit, the units would be rotary kiln/after burner systems and used for thermal treatment of soils contaminated with virgin (non-recycled) petroleum products and "on-spec" (nonhazardous) used oil. Such contamination exists at various sites around the state that need to be cleaned of their contamination. The Department referred the petitions to DOAH, where they were consolidated. The parties filed various motions in this case, including a motion to dismiss by EnviroTech on September 11, which alleged that Huelsman had failed to demonstrate that he had "sustained or was in danger of sustaining actual injury-in-fact."

On September 25 the hearing officer entered an "Order Granting Motions to Dismiss and Leave to Amend," in which she gave both Petitioners until October 8 to file amended petitions. (The Department's file contains no motion to dismiss by EnviroTech against Austin, but the hearing officer stated in her order that she had received one.) The hearing officer stated in her subsequent recommended order that "[n]either Petitioner filed an amended petition with the time allotted." (Recommended Order at

p.1) The Department's file indicates that Austin prepared a document entitled "Amended Petition for Administrative Proceeding," which contains a certificate of service dated October 4. The hearing officer does not acknowledge receiving this document. The Department's file also shows a "Leave to Amend" by Huelsman dated October 4, with an undated "Motion for Continuance" attached to it. The hearing officer did acknowledge untimely receipt of the "Leave to Amend," which she concluded "contained no allegations of fact, law or standing in order that it could be considered an amended petition." (Recommended Order at pp. 1-2). The hearing officer recommended dismissal for failure of both parties to file amended petitions within the allotted time.

RULING ON EXCEPTIONS

Exceptions of Austin

Austin asserts in his "Motion Requesting Recommended Order of Dismissal Be Set Aside" that he "did indeed file an Amended Petition by mail on October 4," along with a "Motion for Continuance" that same date; that the Florida Rules of Civil Procedure recognized the date of mailing as the date of filing; that Florida Administrative Code Rule 28-5.103 specifies that three days may be added for mailing; and that October 8 was a legal holiday for mail service.

There is substantial equivalency between Florida Administrative Code Rule 28-5.103, which in its current version allows five days to be added to prescribed time limits; and Florida Administrative Code Rule 22I-6.002. The difference between the rule chapters is that Florida Administrative Code

Chapter 28 contains model rules for agencies subject to Chapter 120, Florida Statutes, whereas Florida Administrative Code Chapter 22 applies to proceedings before DOAH hearing officers. A distinction between the two chapters is that in Chapter 22 there is a subsequent rule, at Rule 22I-6.003, which states that "filing shall mean received by the Officer of the Clerk [of DOAH] during normal business hours."

Based upon the file and record before me, I find that I am not in a proper position to determine whether or not Austin's amended petition was timely filed, for the following reasons: First, in her recommended order the hearing officer implies that no amended petition was ever filed, which directly contradicts Austin's assertion of filing. This creates a factual dispute that is more appropriately resolved by the hearing officer. As I most recently indicated in Rodriguez v. Department of Environmental Regulation, OGC File No. 89-0635 (Order of Remand July 17, 1990), the DOAH hearing officer is the proper person to rule on factual disputes arising during a DOAH proceeding, where the hearing officer has not already addressed the disputes in her recommended order. See also Miller v. Department of Environmental Regulation, 504 So.2d 1325 (Fla. 1st DCA 1987). Secondly, there is an arguable ambiguity between Rule 22I-6.002, which grants a five day grace period on the deadlines imposed by the hearing officer; and Rule 22I-6.003, which grants no such grace period for "filing." While the hearing officer used the words "filing," she did not advise that filing meant receipt at DOAH. If there was confusion as a result, that confusion could

give rise to an excusable neglect argument for untimely filing. Once again, I recognize that the hearing officer is in a better position to analyze the DOAH rules, resolve any alleged ambiguities, and consider the possibility of excusable neglect. See, e.g., Roth v. Pasco County Utilities and Department of Environmental Regulation, OGC File No. 88-0558 (Order of Remand October 5, 1988). See also Machules v. Department of Administration, 523 So.2d 1132 (Fla. 1988). Thirdly, the potential for ambiguity or excusable neglect is compounded by the fact that the hearing officer required the amended petition to be filed on October 8, which in 1990 was a postal holiday, Columbus Day. Particularly given that Austin and his counsel reside in Jacksonville, once again the ability of Austin to file properly in the allotted time is a matter best left to the hearing officer. Finally, the hearing officer's original order granting motions to dismiss implied that a motion for continuance could be filed as an alternative to an amended petition. Austin did file a motion for continuance, which was not considered by the hearing officer. As with my analysis regarding the amended petition, I conclude that consideration of the continuance request is best left to the hearing officer.

Austin may well be incorrect in suggesting that neither Florida Administrative Code Rule 28-5.102 nor the Florida Rules of Civil Procedure apply to the proceedings in this case before DOAH. Nonetheless, for the above-stated reasons I find that I must accept Austin's exceptions to the extent that they would authorize the requested relief of setting aside the recommended order. Therefore, I find it necessary to remand this case to the hearing officer.

Response to Huelsman's Exceptions

Huelsman's exceptions raise a number of issues that are not pertinent to resolution of this matter. I shall discuss only those that are pertinent.

First, Huelsman raises the issue of excusable neglect as to confusion in filing dates, and includes the Department's Florida Administrative Code Rules 17-103.050(2) and 17-103.155(4) as added culprits in this confusion. As I have already stated in response to Austin's exceptions, I find that the hearing officer is more appropriate as a reviewer of this issue. Even though the hearing officer appeared to address the merits of what she considered a late filed petition, Huelsman states that he was given only one day to respond to the hearing officer's original order granting motion to dismiss. For reasons further discussed in the following paragraphs, as well as because Huelsman requested a continuance that was not addressed by the hearing officer, the hearing officer should be given the opportunity for considering whether additional time would be appropriate for Huelsman to file a subsequent amended petition.

Huelsman also complains that the hearing officer failed to comply with Section 120.57(1)(b)9., Florida Statutes, which provides that

the hearing officer shall complete and submit to the agency and all parties a recommended order consisting of his findings of fact, conclusions of law, interpretation of administrative rules, . . . and any other information required by law or agency rule to be contained in the final order.

While findings of fact and conclusions of law can reasonably be inferred in the hearing officer's two page recommended order, there is not statutory analysis "interpretation of administrative rules," or "any other information" contained in the recommended order, only the bare statement, previously quoted, regarding the absence of "allegations of fact, law or standing." Furthermore, the hearing officer's two page order granting motions to dismiss sheds no further light on the basis for the recommended order. It merely granted, without discussion, EnviroTech's two page motion to dismiss, which itself cited no statutes or rules; and stated only that the Petitioners must set forth "allegations which adequately support the standing to this action."

I find myself sympathizing with Huelsman's complaint, in his exceptions, "that justice and fairness [have] not prevailed in this matter." The recommended order would have me dismiss Petitioners for their inartfully drafted petitions, while at the same time Petitioners were never informed, except in a very conclusory fashion with little time to respond, what was wrong with their petitions. While I reject Huelsman's assertion that the Department can confer standing merely by referring the matter to DOAH, I do find that standing is a very difficult issue in this case, sufficiently difficult that it warranted consideration of the petitions by DOAH in the first place.

The draft permit at issue provides that the proposed "unit may be used throughout the state (all counties) after receiving Department authorization to operate at a new location." It is not clear from the record or file in this case whether such

authorization would create an additional point of entry. The proposed project is very unique in that, unlike most other projects, the facility here would not be sited at a particular location, but would move from place to place depending on where soil remediation must occur. Petitioners are attacking what is, in essence, a moving target. If they miss the mark, it seems only fair that they be advised, with some degree of specificity, why they have missed. While I do not expect the hearing officer to provide legal advice to Petitioners as to how they should plead their cases, the uniqueness of the proposed project calls out for a greater degree of specificity than what has been provided so far. Therefore, I conclude that I must accept Huelsman's exceptions to the extent they warrant remanding this matter.

Therefore, it is

ORDERED:

This matter is remanded to the DOAH hearing officer for further proceedings consistent with this Order.

Done and Ordered in Tallahassee, Florida this 21ST day of November, 1990.

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to S120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Ruthy C. Carter
Clerk

11-21-90
Date

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

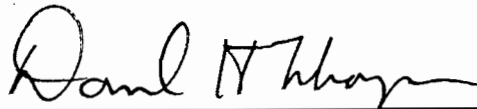
DALE TWACHTMANN
Secretary

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
Telephone: (904)488-4805

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by hand-delivery to Diane K. Kiesling, Hearing Officer, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-1550; and to Michael P. Donaldson, Assistant General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and by U.S. Mail to Herbert Huelsman, 608 Ironwood Drive, Fort Walton Beach, Florida 32548; Leslie G. Dillingham, Attorney at Law, 3644 Hedrick Street, Jacksonville, Florida 32205; and Glenn Newton, Operation Manager, EnviroTech Southeast, Inc., 900 University Boulevard North, Suite 504, Jacksonville, FL 32211 on this 21st day of November, 1990.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION



DANIEL H. THOMPSON
General Counsel

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904)488-9730

HERBERT HUELSMAN,
Petitioner,
vs.
ENVIROTECH SOUTHEAST, INC., and
STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL REGULATION,
Respondent.

JOHN N. AUSTIN,
Petitioner,
vs.
ENVIROTECH SOUTHEAST, INC., and
STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL REGULATION,
Respondent.

CASE NO. 90-5115
90-5116

CASE NO. 90-5117
90-5118


This cause comes on for consideration as a result of the Order Granting Motions to Dismiss and Leave to Amend entered on September 25, 1990, wherein the petitions filed by Petitioners were dismissed and Petitioners were given until October 8, 1990, "to file amended petitions which adequately support the standing to bring these actions." Neither Petitioner filed an amended petition within the time allotted. Petitioner Huelsman filed a document entitled "Leave to Amend" which requested that the Motion to Dismiss filed by Respondent be dismissed. It contained

no allegations of fact, law or standing in order that it could be considered as an amended petition. The Order of September 25, 1990, placed the Petitioners on notice that failure to timely file an amended petition would result in dismissal of the cases and closure of the DOAH files.

Because neither party has filed an amended petition within the time allowed in the Order of September 25, 1990, and because the original petitions filed by the Petitioners were dismissed as being inadequate, it is

RECOMMENDED that the Department of Environmental Regulation enter a Final Order and therein DISMISS the above-styled cases.

DONE and ENTERED this 10th day of October, 1990, at Tallahassee, Florida.


DIANE K. KIESLING, Hearing Officer
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-1550
(904) 488-9675

Filed with the Clerk of the Division
of Administrative Hearings this 10th
day of October, 1990.

Copies furnished to:

Herbert Huelsman
608 Ironwood Drive
Fort Walton Beach, Florida 32548

Leslie G. Dillingham
Attorney at Law
3644 Hedrick Street
Jacksonville, Florida 32205

Michael P. Donaldson
Assistant General Counsel
Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Glenn Newton, Operation Manager
Envirotech Southeast, Inc.
900 University Boulevard North, Suite 504
Jacksonville, Florida 32211

Dale H. Twachtmann, Secretary
Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Case Nos. 90-5115-5118

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

HERBERT HUELSMAN
Petitioner

vs.

Case Nos. 90-5115
90-5116

ENVIROTECH SOUTHEAST, INC., AND
STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL REGULATION,
Respondents.

RECEIVED
OCT 23 1990

John N. Austin,
Petitioner,

Dept. of Environmental Reg.
Office of General Counsel

vs.

Case Nos. 90-5117
90-5118

ENVIROTECH SOUTHEAST, Inc., AND
STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL REGULATION,
Respondents.

EXCEPTIONS

On October 10, 1990, the Division of Administrative Hearings Hearing Officer, in the above styled cases, submitted a Recommended Order of Dismissal to the Department. (A copy of this Order was forwarded to the Department on October 10, 1990.) That Order held that neither party has filed an amended petition within the time allowed in the Order of Dismissal dated September 25, 1990, and because the original petitions filed by the petitioners were dismissed as being inadequate.

It must be noted that both petitioners did, in fact, file documents entitled "Leave to Amend". Petitioner filed his document entitled "Leave to Amend" on October 4, 1990. (This document was forwarded to the Department on October 4, 1990).

The Hearing Officer established a time frame of thirteen days. It is not known how or why the Hearing Officer established this time frame. Section 120.57, F.S. requires time frames to be established. Nothing within Rule 221-6, F.A.C. establishes a time frame a time frame to file a Leave to Amend. Rule 221-6.001 does establish that five days may be added to prescribed time limits which service is made by mail. The only time frame established

Page2:

to file a Leave to Amend is found is found in Section 17-103.155(4), F.A.C., with that time frame being fifteen days. Petitioner Huelsman filed his Leave to Amend on the ~~14~~⁹th day. Further, Section 17-103.050(2), F.A.C. states that "Service of a subsequent pleading, motion, or other document shall be deemed complete upon being properly addressed, stamped and deposited in the United States Mail.

Even if the Hearing Officer is permitted to establish a time frame without any specific authority of Rule Rule 22I-6, F.A.C., the Doctrine of Excusable Neglect generally expressed in Florida Rule of Civil Procedure 1.540(b), which allows a party to move for relief from entry of a judgement on the basis of "mistake, inadvertence, surprise, or excusable neglect", is expressed by Petitioner Huelsman.

Petitioner Huelsman did, in fact, believe that the time frame for filing a Leave to Amend was 15 days. Pursuant to Section 17-103.155(4). Additionally, Huelsman had only ~~1~~ days to prepare his response to the Order of Dismissal. Huelsman was held ignorant of the Petition submitted of Petitioner Austin. His first knowledge that a petition was submitted by Petitioner Austin was the receipt of the Hearing Officer's Notice of Hearing, and her Order of Prehearing Instructions, both dated September 6, 1990. This date was almost two and one half months after the Notice of Intent to Issue appeared in the Ft. Walton Beach newspaper. Only those who held the petitioners in these cases ignorant of each others petition know the reason for holding the petitioners ignorant of each other.

Upon the recognition of the petitioners petitions, a meeting was arranged between the petitioners, Petitioner Austin's attorney,

Page 3:

and probable expert witnesses for the petitioners, at Jacksonville, Florida on September 27, 1990, and for the length of time necessary to conduct our meeting. I departed Ft. Walton Beach on September 26, 1990. The Hearing Officer's Order of Dismissal with Leave to Amend, was dated September 25, 1990, and received by U.S. Mail on September 26, 1990, the afternoon of the day Huelsman departed for Jacksonville. Huelsman met with the interested parties to the petitions on Friday, Saturday, and Monday, the 28th and 29th of September, and the 1st of October. Huelsman planned to leave Jacksonville on the 2nd of October, however, his automobile broke down, had to be towed to the automobile dealership for repair, and was unable to depart Jacksonville until October 3, 1990, arriving in Ft. Walton Beach the evening of the 3rd of October. While a person educated, trained and experienced in the legal field may have been able to prepare a response in less time than Huelsman, Huelsman's lack of education, training, and experience in the legal field did not permit him that luxury. He stumbles as best he can in through this process.

The Hearing Officer's Recommended Order of Dismissal does address Huelsman's Leave to Amend, but states only that it was a Motion to Dismiss, and did not contain any allegations of fact, law or standing in order that it could be considered as an amended petition.

Rule 22I-6.003(7), F.A.C., states, "All papers filed shall be styled in such a manner as to indicate clearly the subject matter of the paper, ... The Hearing Officer did recognize that Huelsman did file a document entitled "Leave to Amend", yet omitted to state that this document contained about two and one half pages of argument under the headings "Substantial Interest", and "Material Facts".

Page 4:

Huelsman is not aware of the legal definition of "styled", however, Webster's Dictionary states that style can mean a "form of address or title, or a manner or mode of expression in language: way of putting thoughts into words". Within this definition the document filed on October 4, 1990, a copy of which was forwarded to the Department on October 4, 1990, is titled "Leave to Amend", with language within this document clearly the thoughts of Huelsman which added to his thoughts, or arguments, which were contained in his petition dated July 12, 1990. (A copy was forwarded to the Department on that day). While the language in the body of the document entitled "Leave to Amend" did not contain the phrase "Leave to Amend", Huelsman used the word "addition" when expressing additional thoughts or arguments regarding his Substantial Interest and disputed issues of Material Facts. In this regard, the document which was filed by Huelsman was, in fact, an amendment to his petition.

When the Hearing Officer dismissed the petitions based upon Respondent's Motion for Dismissal was in error. Pursuant to Section 120.57, F.S., the provisions of that section applies in all proceedings in which substantial interest of a party are determined by an agency, in this case, the Department of Environmental Regulation. While not specifically stating that the Department accepted Huelsman as having standing for a Hearing, the language contained in the Department's Request for a Hearing Officer stated those thoughts by stating, "the Secretary has decided not to act as hearing officer and request that the Division....". If the Secretary had not determined Huelsman's standing, he would not have considered acting as the hearing officer. The only way a petition can be brought before a hearing, standing must be established, the Department did establish such standing of Huelsman, first by the Secretary his decision not to act as the hearing officer, and secondly, by requesting a hearing officer from the Division of Administrative Hearings. If EnviroTech objected to the standing of Huelsman,

a Petition objecting to Huelsman's standing would have been the proper course of action by EnviroTech.

The Motion by EnviroTech to dismiss the petitions based upon petitioners material facts IS THE ISSUE before the Hearing Officer. Pursuant to Section 120.57, F.S., this section states, "Unless waived by all parties, subsection (1) applies whenever the proceeding involves a disputed issue of material facts." Subsection (1) applies to a Formal Proceeding. In order to resolve a disputed issue of material fact, the proceeding must proceed to it's conclusion, and not be terminated by a Motion.

The Motion by EnviroTech to claim that the petitioners did not state any "injury in fact" is not relevant in that the petitions were brought forwarded because of a proposed activity., and as such, no one can claim an injury on any proposed acitvity.

The Motion by EnviroTech to dismiss the petitions was not signed by the authorized representative of EnviroTech Southeast, Inc. A Glenn Newton signed the motion. However, the only representative of EnviroTech Southeast, Inc. is stated on the Permit Application, that person being Chris Sleeper. Pursuant to Section 120.57(1)(b)5, F.S., "All pleadings, motions, or other papers filed in the proceeding must be signed by a party, a parties' attorney, or a party's qualified representative. The company has not stated that Glenn Newton is a qualified representative. In fact, on all documents entered into this proceeding signed by Glenn Newton, his title with the company is stated as their Operations Manager, not even an officer of the company, or stated to be an officer of the company. by an officer of EnviroTech Southeast, Inc.

When the Hearing Officer submitted her Recommended Order for Dismissal to the Secretary, there were no documents attached with that Recommended Order. Pursuant to Section 120.57(1)(b)6, F.S., "the Hearing Officer shall complete and submit to the agency and all parties a recommended order consisting of her findings of fact, conclusions of law, interpretations of administrative rules, and recommended penalty, if applicable, and any other information required by law or agency rule to be contained in the Final Order." By documents, Huelsman means the inclusion of those laws or rules which the Hearing Officer relied upon to determine both the Order of Dismissal of the Petitions, and the Recommended Order of Dismissal.

Without repeating all the circumstances which Huelsman has presented in the foregoing statements, it is Huelsman's belief that justice and fairness has not prevailed in this matter. Huelsman further states that if he were educated, trained, and experienced in the legal profession, this document could have been prepared in a manner more consistent with those which will be prepared by a person in the legal profession, as well as present provisions of law, etc. which is not known to him, and which would support his contentions.

In conclusion, and to be brief, Huelsman states;

1. The Motion filed by EnviroTech Southeast, Inc. was not signed by an authorized representative of the company,
2. The Hearing Officer erred in accepting a motion from an unauthorized person of the company,
3. The Hearing Officer accepted the arguments presented in the motion which were not supported by any evidence, provisions of law, rules, etc., a clear error,
4. The Hearing Officer erred in not substantiating her Order of Dismissal with providing that evidence and provision of law, rules, etc. in support of her dismissal order,

Page 7:

5. The Hearing Officer erred in not accepting Huelsman Leave to Amend, as an amendment to his petition, even though the language contained in his document entitled Leave to Amend was clearly additional arguments in the area of Substantial Interest and area of Material Facts. to those presented in his petition.

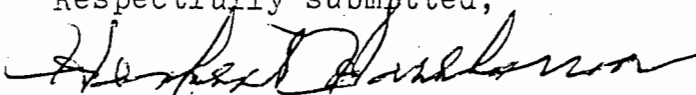
6. The Hearing Officer erred in not stating a response date for the amendments to petitions in her Order of Dismissal with Leave to Amend which was in accord with Rule 22I-6, or any other law or F.A.C.

7. The Hearing Officer erred in not providing those provisions of law or Rule in support of her Recommended Order of Dismissal, as well as including the case records, which had accumulated before submitting her Recommended Order of Dismissal, along with her Recommended Order of Dismissal.

8. The Hearing Officer erred in not accepting the mailing date as the filing date for the amendments to the petitions.


Note: Documents referred to in the foregoing are possessed by FDER.

Respectfully submitted;


Herbert Huelsman
Petitioner, Case Nos. 90-5115 & 90-5116
608 Ironwood Drive
Ft. Walton Beach, Florida 32548

CERTIFICATE OF SERVICE

I certify that the original and one copy of the foregoing has been mailed to the Office of General Counsel, Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee Florida, 32399-2400; and to Glenn Newton, Operations Manager, EnviroTech Southeast, Inc., 900 University Blvd., Jacksonville, Florida, 32211; and to Leslie G. Dillingham, Esq., 3644 Hedrick Street, Jacksonville, Florida 32205; and to Michael P. Donaldson, Asst. General Counsel, Dept. of Env. Regulation, 2600 Blair Stone Rd, Tallahassee Florida 32399-2400; on this 20th day of October, 1999.


Herbert Huelsman
608 Ironwood Drive
Ft. Walton Beach, Florida 32548

OCT 26 1990

STATE OF FLORIDA
 DIVISION OF ADMINISTRATIVE HEARING
 Dept. of Environmental Reg.
 Office of General Counsel

HERBERT HUELSMAN,)	
)	
Petitioner,)	
vs.	)	CASE NO.: 90-5115
	)	90-5116
ENVIROTECH SOUTHEAST, INC., and)	
STATE OF FLORIDA DEPARTMENT OF)	
ENVIRONMENTAL REGULATION,)	
)	
Respondent.)	
<hr/>		
JOHN N. AUSTIN,)	
)	
Petitioner,)	
vs.	)	CASE NO.: 90-5117
	)	90-5118
ENVIROTECH SOUTHEAST, INC., and)	
STATE OF FLORIDA DEPARTMENT OF)	
ENVIRONMENTAL REGULATION,)	
)	
Respondent.)	
<hr/>		

MOTION REQUESTING RECOMMENDED ORDER
OF DISMISSAL BE SET ASIDE

Petitioner, John N. Austin, by and through his undersigned attorney, takes exception to the Recommended Order of Dismissal and files this motion requesting that the Recommended Order of Dismissal be set aside and in support thereof states:

1. Petitioner did indeed file an Amended Petition by mail on October 4, 1990, which was not considered by the hearing officer prior to her ruling.

2. Petitioner filed a Motion for Continuance by mail on October 4, 1990, which was not considered by the hearing officer

prior to her ruling.

3. The hearing officer's Order Granting Motions to Dismiss and Leave to Amend of September 25, 1990 required that Petitioner file an amended petition no later than October 8, 1990.

4. The Florida Rules of Civil Procedure recognize the date of mailing as the date of filing.

5. Further, Rule 28-5.103, F.A.C. specifies that three days may be added to prescribed time limits when service is made by mail. October 8, 1990 was a legal holiday for the mail service, which should extend the deadline by one day.

Wherefore, Petitioner requests that an Order be entered setting aside the Recommended Order of Dismissal.

Respectfully Submitted,

Leslie Goller Dillingham
LESLIE GOLLER DILLINGHAM
Florida Bar No. 393932
3644 Hedrick Street
Jacksonville, Florida 32205
(904) 388-8968
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was furnished by U.S. Mail to Secretary Dale Twachtman, Florida Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; Michael P. Donaldson, Esq., Florida Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Glenn Newton, Operations Manager, Envirotach Southeast, Inc., 900 University Boulevard North, Suite 504, Jacksonville, Florida 32211, Herb Huelsman, 608 Ironwood Drive, Fort Walton Beach, Florida 32548, and Diane K. Kiesling, Hearing Officer, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550, by U.S. Mail this 23rd day of October, 1990.

Leslie Gotter Dillingham
Attorney



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Carol M. Browner, Secretary

October 25, 1991

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. John R. Blocker
Chairman of the Board
EnviroTech Systems, Inc.
6363 Woodway, Suite 300
Houston, Texas 77057

Dear Mr. Blocker:

The Department is in receipt of your October 14, 1991, letter asking for additional time to provide the information requested in our September 26, 1990, letter. The information is needed to complete the application for permit to operate the referenced unit. The additional time is needed because the unit has not been operated in Florida since the July, 1990, project in Marianna. The Department will grant partial approval of your request and allow 6 months of additional time (until May 1, 1992) for EnviroTech to obtain and provide the Department with the data requested in our September 26, 1990, letter. Also, please note that this unit must obtain a general permit pursuant to F.A.C. Rule 17-775 prior to resuming operation in Florida.

Sincerely,

C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/WH/plm

c: Tom Conrardy, BWC



EnviroTech Systems, Inc.

6363 Woodway, Suite 300
Houston, Texas 77057
Telephone: (713) 789-0400 • Fax (713) 789-0468

RECEIVED

OCT 16 1991

BAR ASBESTOS

October 14, 1991

Mr. Willard Hanks
Florida Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: File No. AO16-186377, 25 TPH SRU

Dear Mr. Hanks:

Our soil incineration unit permitted under our EnviroTech Southeast, Inc. subsidiary has been in Louisiana and Texas for the last year and we have not had an opportunity to operate in Florida to demonstrate compliance with our permit conditions in order to get our Permit to Operate in Florida.

Please extend our construction permit to December 31, 1992 to allow us ample time to locate an appropriate test site in Florida with soil which is contaminated with virgin or "on-spec" used oil. At that time we will be able to demonstrate compliance with the permit conditions and will apply for our operating permit.

Thank you.

Sincerely,

John R. Blocker
Chairman of the Board

JRB:cdp



EnviroTech Southeast, Inc.

900 University Blvd. North, Suite 504
Jacksonville, Florida 32211
Telephone: (904) 744-4404 • Fax (904) 745-1326

November 20, 1990

RECEIVED

NOV 21 1990

DER - BAQM

Mr. Willard Hanks
Florida Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Dear Mr. Hanks:

In response to your letter of September 26, 1990, we offer the following:

1. We agree to do complete compliance testing at the permitted capacity of 25 TPH as soon as it is feasible and have requested an extension of time on our Permit to Construct to allow us time to locate a contaminated soil site that matches our permit conditions.
2. The changes in our calculated maximum emission levels came about due to the increase in heat input. Since the allowable emissions is based on 50% excess combustion air we should be allowed emissions at these higher levels if we are to be allowed the higher heat input. However it is a moot point since the original (before the heat input was increased) emission levels are easily achieved. Therefore we have revised our calculations to show controlled emissions of particulates at the levels shown in the Permit No. AC16-167033. The revised application pages and calculation pages are attached.
3. The heat input was increased to allow destruction of Toxaphene for an EPA clean up we were contracted to do. We do not anticipate burning at more than 70% of full burner capacity when cleaning soils contaminated with only virgin oil and "on-spec" used oil.
4. We are currently seeking an appropriate spill site to conduct compliance tests and will advise you of the time and place when it is found.

Thank you for your continued cooperation in helping us to clean-up our environment.

Sincerely,

Glenn Newton,
Operations Manager

Revision to application
for permit to operate.
Waiting test results
at 25 TPH

SECTION "C" (Revised 11-19-90)

SECTION III: AIR POLLUTION SOURCES & CONTROL DEVICES (Other than Incinerators)

A. Raw Materials and Chemicals Used in your Process, if applicable:

Description	Contaminants		Utilization Rate - lbs/hr	Relate to Flow Diagram
	Type	% Wt		
Petroleum contam-	Particulates	100%	50,000	A
inated soil	VOC	Varies		

B. Process Rate, if applicable: (See Section V, Item 1)

1. Total Process Input Rate (lbs/hr): 50,000

2. Product Weight (lbs/hr): <50,000 depending on moisture content

C. Airborne Contaminants Emitted: (Information in this table must be submitted for each emission point, use additional sheets as necessary)

Name of Contaminant	CONTROLLED Emission ¹ ESTIMATE		Allowed ² Emission Rate per Rule 17-2	Allowable ³ Emission lbs/hr	UNCONTROLLED Potential ⁴ Emission		Relate to Flow Diagram
	Maximum lbs/hr	Actual T/yr			lbs/yr	T/yr	
Particulates	3.257	7.12	.08 gr/dscf 5% opacity	3.3 lbs/hr	142.7	312	B
CO	2.034	4.45			2.034	4.45	B
NO _x	8.159	17.83			8.159	17.83	B
SO ₂	10.016	21.89			10.016	21.89	B
VOC	37.5	81.9			1000.227	2187	B

¹See Section V, Item 2. Rule 17-2.600 (1) (C) 1

²Reference applicable emission standards and units (e.g. Rule 17-2.600(5)(b)2. Table II, E. (1) - 0.1 pounds per million BTU heat input)

³Calculated from operating rate and applicable standard.

⁴Emission, if source operated without control (See Section V, Item 3).

CALCULATIONS
REVISED 11-19-90

All calculations are based upon the expected worst case soil conditions and maximum expected operating hours per year.

I. Soil Conditions (for the purpose of this application we have set the soil conditions to be worse than those we encountered in previous work we've done)

- * Ambient temperature = 60
- * Moisture content = 12.0% by wt.
- * Hydrocarbon content = 2.0% by wt.
- * Bulk density = 100 Lb/cu ft

II. Plant Operating Hours

- * 12 Hr/Day
- * 52 Wk/Yr
- * 7 Days/Wk
- * 4,368 Hr/Yr

III. Fuel Consumption

- * Propane gas having 91,500 BTU's/gal, 2523 BTU/ft³
- * PTU Burner (Rotary Drier)
 - Maximum capacity = 51 MM BTU/HR
 - PTU rated capacity = 25 TPH heated to 700°F soil temperature
 - Energy req'd at rated cap = 20.0 MM BTU/HR
 - Fuel consumption = 20,000 cfh natural gas or 218.58 gal/hr propane
- * STU Burner (Afterburner)
 - Maximum rated capacity = 20.0 MM BTU/HR
 - Fuel consumption = 20,000 cfh natural gas or 218.58 gal/hr propane
- * Total Fuel Consumption
 - (PTU @ 25 TPH) + (STU @ MAX) = 40,000 cfh or 174.72 MM cfy natural gas
 - = 437.16 gal/hr or 1,909,514 gal/yr propane

IV. Emissions Factors

- A. Primary Treatment Unit (Rotary Drier)
- * Contaminated soil = raw material
 - * Emissions factor = 40 LB oil/ton of soil based on 2.0% oil by wt.
 - * Emissions factor = 5.7 lbs particulate will emerge from the drier per ton of soil processed
- ref. AP-42 8.18-1

B. Soil Contaminate Is No. 2 Fuel Oil (Density 7.3 lbs per gallon which when burned has the following emissions)

- * Particulates uncontrolled = 2.0 lb/1,000 gal
- * Sulfur content of fuel = 0.5% by wt.
- * Sulfur dioxide = 2.0 lb per 1%/100 lbs oil
- * Nitrogen oxide = 20 lb/1,000 gal
- * Carbon monoxide = 5 lb/1,000 gal
- * Hydrocarbons = 0.2 lb/1,000 gal

C. Total Uncontrolled Emissions from Rotary Drier (PTU) Due to Soil and Oil Contaminate

Assumption: The raw material with 12% moisture and 2.0% HC's is processed at 25 tph. All HC's in the soil are treated like additional fuel in the STU.

1. Particulate emissions from Rotary Drier (PTU) from soil:
(AP-42 8.18-1 says approximately 5.7 lb/ton)
 $(5.7 \text{ lb/ton}) \times (25 \text{ TPH}) = 142.5 \text{ lb/hr}$
2. Hydrocarbon (VOC) emissions from oil in soil:
 - * $\text{VOC} = (2.0\%) \times (25 \text{ TPH}) \times (2,000 \text{ lb/ton}) = 1000 \text{ lb/hr}$
 - * VOC fuel conversion
 $= (1000 \text{ lb/hr}) / (7.3 \text{ lb/gal}) = 136.98 \text{ gal/hr}$
 - * Particulates due to fuel oil
 $= (2 \text{ lb/1000 gal}) \times (136.98 \text{ gal/hr}) = .2739 \text{ lb/hr}$
 - * Sulfur Dioxide
 $= 2.0 \times .5 \times 1000/100 = 10 \text{ lb/hr}$
 - * Nitrogen Oxide
 $= (136.98 \text{ gal/hr}) \times 20 \text{ lb/1000 gal} = 2.739 \text{ lb/hr}$
 - * Carbon Monoxide
 $= (136.98 \text{ gal/hr}) \times (5.0 \text{ lb/1000 gal}) = 0.684 \text{ lb/hr}$
3. Total Solid Uncontrolled Emissions (Particulates) from Rotary Drier (PTU)
(Soil Emissions) + (HC Emissions) = Total
 $142.5 \text{ lb/hr} + 0.2739 \text{ lb/hr} = 142.7739 \text{ lb/hr}$
4. Uncontrolled Emissions from combustion of Propane Gas (AP-42 Table 1.5-1)
Natural gas is considered the same except for SO₂ which is slightly lower (.0114 lbs.hr)
PTU = 218.58 gal/hr
STU = 218.58 gal/hr
TOTAL = 437.16 gal/hr

Particulate	.09 to .44 lbs per 1000 gal	= .0393 lbs/hr to .1923 lbs/hr
SO ₂	.0378 lbs per 1000 gal	= .0165 lbs/hr
NO _x	12.4 lbs per 1000 gal	= 5.4207 lbs/hr
CO	3.1 lbs per 1000 gal	= 1.3551 lbs/hr
VOC	.52 lbs per 1000 gal	= .2273 lbs/hr

5. Total Uncontrolled Emissions (Non-Particulate) due to combustion of propane and soil contaminant oil.

$$\begin{array}{lll} \text{SO}_2 & 10.0 \text{ lbs/hr} + .0165 \text{ lbs/hr} & = 10.0165 \text{ lbs/hr} \\ \text{NO}_x & 2.739 \text{ lbs/hr} + 5.4207 \text{ lbs/hr} & = 8.1597 \text{ lbs/hr} \\ \text{CO} & 0.684 \text{ lbs/hr} + 1.3551 \text{ lbs/hr} & = 2.0391 \text{ lbs/hr} \\ \text{VOC} & 1000 \text{ lbs/hr} + .2273 \text{ lbs/hr} & = 1000.2273 \text{ lbs/hr} \end{array}$$

D. Total Controlled Particulate Emissions

1. To determine the required efficiency of particulate removal we start with the permissible emission and calculate the efficiency necessary to achieve it.

CALCULATIONS

Air required for combustion is determined as follows:

Total Fuel Consumption (from III above) = 40,000 cfh natural gas.

9.52 ft³ air required to burn 1 ft³ natural gas

Air required with 50% excess air

$$150\% \times 9.52 \frac{\text{ft}^3 \text{ air}}{\text{ft}^3 \text{ nat gas}} \times 40,000 \frac{\text{ft}^3 \text{ natural gas}}{\text{hour}} = 571,200 \frac{\text{ft}^3 \text{ air}}{\text{hour}}$$

Maximum allowable particulate emissions for incinerators is given by the state as .08 grains per dscf corrected to 50% excess air.

$$571,200 \frac{\text{ft}^3 \text{ air}}{\text{hour}} \times .08 \frac{\text{grains}}{\text{ft air}} \times \frac{1 \text{ pound}}{7000 \text{ grs}} = 6.528 \text{ lbs/hr}$$

Venturi Scrubber Efficiency must be as shown below to achieve regulatory compliance 6.528 lbs/hr maximum particulate emission. (Inlet conditions at the venturi scrubber will be controlled by the twin cyclones which have approximately 70% efficiency).

Inlet conditions at the twin cyclones will be 142.773 lbs/hr (from C-3 above)

142.773 lbs/hr x 30% passes through = 42.83 lbs/hr escaping the twin cyclones

$$\% \text{ Efficiency} = \frac{(\text{Total Uncontrolled}) - (\text{Total Controlled})}{\text{Total Uncontrolled}}$$

$$\frac{(42.83 \text{ lb/hr}) - (6.528 \text{ lb/hr})}{42.83 \text{ lb/hr}}$$

$$\% \text{ efficiency} = 84.75\%$$

This is the efficiency required to meet .08 gr/dscf. Actual scrubber efficiency is estimated at 99%, so we should have no problem meeting this efficiency requirement.

*****11-19-90 REVISIONS FOLLOWS*****

What efficiency will we have to meet to keep emissions below the level shown on our original Application for a Permit to Construct. (This was based on our original heat input)

Instead of 6.528 lb/hr we will use 3.257 lbs/hr as the permissible particulate emission because that is what we used in our original Permit to Construct.

$$\% \text{ Efficiency} = \frac{(\text{Total Uncontrolled}) - (\text{Total Controlled})}{\text{Total Uncontrolled}}$$

$$\frac{(42.83 \text{ lb/hr}) - (3.257 \text{ lb/hr})}{42.83 \text{ lb/hr}}$$

$$\% \text{ Efficiency} = 92.4\%$$

Actual scrubber efficiency is estimated at 99% so we should have no problem meeting this efficiency.

*****END OF 11-19-90 REVISION*****

E. Exhaust Volume from Venturi scrubber

Assumption: Water is sprayed into the Venturi at a rate of 160 GPM, therefore the exhaust gasses will be lowered to approximately 180° F.

*Venturi is designed for 27,725 acfm @ 1600° F (7,125 scfm)

$$\text{Correction factor} = \frac{(180 + 460)}{(1600 + 460)} = 0.310$$

$$(0.310) \times (27,725 \text{ acfm @ } 1600^\circ \text{ F}) = 8,595 \text{ acfm @ } 180^\circ \text{ F}$$

* Stack gas velocity	
Size of exhaust stack	= 3.0 ft diameter
Cross sectional area	= 7.06 sq ft
Exhaust gas velocity	= $\frac{8595 \text{ acfm}}{7.06 \text{ sq ft}} \times \frac{1 \text{ min}}{60 \text{ sec}} = 20.29 \text{ fps}$

* Stack height above grade = 50.0 ft

F. Total Controlled Emissions of VOC's

* Secondary Treatment Unit (afterburner) operates at 1,400 to 1,600°F and field tests of similar units indicate it has a 99.00% destruction efficiency for all VOC's entering unit. However we will only claim a 95.43% efficiency since that will be good enough to keep controlled VOC effluent below 100 ton/year as shown.

* Uncontrolled VOC's = 1000.2273 lb/hr (from C-5 above)

* Permissible VOC effluent = 100 ton/year x $\frac{2000 \text{ lbs}}{\text{ton}} \div \frac{4368 \text{ hrs}}{\text{year}}$ = 45.78 lbs/hr

$$\text{Efficiency} = \frac{(\text{Total Uncontrolled}) - (\text{Total Controlled})}{\text{Total Uncontrolled}}$$
$$\frac{1000.2273 \text{ lbs/hr} - 45.78 \text{ lbs/hr}}{1000.2273 \text{ lbs/hr}} = \% \text{ eff} = 95.43 \%$$

*****11-19-90 REVISION FOLLOWS*****

REVISED F. Total Controlled Emissions of VOC's based on keeping emissions below the level shown in our original Application for a Permit to Construct. (This was based on our original heat input).

* Secondary Treatment Unit (afterburner) operates at 1,400 to 1,600 °F and field tests of similar units indicate it has a 99.00% destruction efficiency for all VOC's entering unit. However we will only claim a 96.25% efficiency since that will be good enough to keep controlled VOC effluent below 100 ton/year as shown below.

* Uncontrolled VOC's = 1000.2273 lb/hr (from C-5 above)

* Permissible VOC effluent = 100 ton/year x $\frac{2000 \text{ lbs}}{\text{ton}} \div \frac{4368 \text{ hrs}}{\text{year}}$ = 45.78 $\frac{\text{lbs}}{\text{Hr}}$

Instead of 45.78 lbs/hr we will use 37.5 lb/hr as the permissible VOC emission because that is what we used in our original Permit to Constant

$$\text{Efficiency} = \frac{(\text{Total Uncontrolled}) - (\text{Total Controlled})}{\text{Total Uncontrolled}}$$

$$\frac{1000.2273 \text{ lbs/hr} - 37.5 \text{ lbs/hr}}{1000.2273 \text{ lbs/hr}} = \% \text{ eff} = 96.25$$

*****END OF 11-19-90 REVISION*****

- * Exhaust gases in the STU are calculated to be at or near 27,725 acfm @ 1600°F
- * STU I.D. = 4.5 ft.
- * Cross sectional area = 15.90 sq. ft.
- * STU air velocity = 30.00 fps
- * Required retention time of gases = 0.5 sec
- * Required length of STU = (0.5 sec) x (30.00 fps) = 15.00 ft
- * Actual length of STU = 25 ft
- * Actual retention time of gases = .833 sec

- G. Controlled Emissions other than Particulates and VOC's
- * CO < 2.0391 lbs/hr or 8.91 tpy
 - * NO_x < 8.1597 lbs/hr or 35.64 tpy
 - * SO₂ < 10.0165 lbs/hr or 43.75 tpy

RECEIVED

SEP 28 1990

Dept. of Environmental Reg.
Office of General Counsel

September 26, 1990
Herbert Huelsman
608 Ironwood Drive
Ft. Walton Beach,
Florida, 32548
(904) 862 5331

Michael P. Donaldson
Asst. General Counsel
Dept. of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: OGC File 90-1127
Your ltr. dtd. September 12, 1990

Dear Mr. Donaldson:

Again, please accept my apology for not responding to your letter any sooner than this date.

The attached comments by the Department's engineer to your letter were reviewed in depth. The comments herein is based upon those comments, information revealed to me by an employee of EnviroTech Southeast, Inc., and data which I believe to be pertinent in this matter.

The engineer's conclusion was that the heat input proposed by the applicant was reasonable, and that the Department's concern was toward emissions, and not fuel consumption. Unfortunately, we are still in disagreement.

When considering the emissions which will occur due to the operation to remediate the petroleum products contaminating soil, one cannot arbitrarily dismiss some emmitants, and only concentrate on those selected by the applicant, or for that matter, the Department. In order to determine whether their might be any violation of emission standards established by the Department or USEPA, all emmittants must be consider.

Further, it has been revealed to me that the Department was intimately involved in the calculation for Btu requirements, temperature requirements, and projected emissions. Additionally, arbitrary rather factual data was used in some calculations.

With regard to the engineer's conclusions regarding fuel consumption. The Soil Remediation Units must rely upon auxiliary equipment and vehicles for it's operation. Therefore, all emissions due to the soil remediation at any specific site must be taken into consideration, to include the emissions due to the combustion of Propane Fuel, and the combustion of that fuel combusted in the internal combustion engines in any equipment and vehicles required in support the Soil Remediation Units.

When I performed my initial Btu requirements for the units, I used one formula to determine the Transfer of Heat by Convection, while the Department's engineer used another. Either I used the incorrect formula, or the formula used by the engineer was incorrect. The formula I used is as follows;

$H = (M) \times (c) \times (TD)$, whereas H denotes the Heat in Btu's; M denotes the mass in lbs. of heat transfer medium; c denotes the Specific Heat of the mass; and TD denotes the temperature change of the medium in the process. This formula was taken from a College textbook by Delmar Publishers, published by Litton Educational Publishing, Inc., and contained in the Library of Congress, with Catalog Card Number 60-11124. The engineer and I will never agree on this matter if we use different formulas. If you could provide the formula used by the engineer, and for that matter, all other formulas used by the engineer in his calculation to determine this units required temperatures, Btu's, fuel consumption, and emissions, we'll at least by speaking the same language.

The Department did not determine the heat loss through the walls of the units. The types of material, thickness of these materials, and the K Factor of these materials must be known, and is not known, in order to determine the Heat Loss from these units. It has been revealed to me that EnviroTech estimated a Heat Loss of 10% of available heat.

The engineer determined the Btu requirement to evaporate the petroleum products from sand as $0.88\text{Btu}/^{\circ}\text{F}$. This is the Specific Heat of pure sand. While this state's soil is made up of a lot of sand, there are areas of this state where remediation of petroleum products from soils, will be from soils that is not sand. These other soils have a Specific Heat much lower than that of sand. This is a blatant attempt to show Btu requirements much less than will be encountered during the state wide operation of these units.

The engineer further determined the heat rise in the drier to 700°F , and to 1600°F , from 70°F . While this determination works well on paper, it does not relate to the actual conditions which will be encountered during the actual operation of these units. I do, and I think the Department should determine the maximum Btu which would be encountered in the units operation, in order to determine to maximum emissions from the combustion of propane. Averages have no place in this determination.

If the engineer is permitted to use a figure of 70°F to determine Btu requirements, the same temperature would also be used in the determination of Heat Loss.

Without going into a lot of detail, the use of an average is limited, if in fact 70°F is the average temperature throughout the state, I believe it is not. It is more like an arbitrary figure plucked out of the engineer's mind.

In conclusion regarding Btu's, fuel consumption, which relates to predictable emissions from the combustion from all fuel consumed on a remediation site, neither one has yet to be determined by the Department. Unless and until this determination is made based on factual data which can be predicted based upon the operation of these units throughout the state, we will continue to be at odds.

While the foregoing has focused on Btu's, it is imperative that a further review of, not only emissions from combusted fuel, but also the emissions of Particulate Matter and those chemicals which will be emitted due to the application of heat to the chemical composition of the petroleum products which the operator will encounter.

The applicant has relied upon the amount of petroleum product concentration in soils as 1000 per 50,000 pounds of soil, so has the Department. However, this figure is based upon the concentration found in soils surrounding or under leaking underground storage tanks. These tanks normally contain gasoline. Most other Virgin Petroleum Products and "On-spec" used oil which enters soils will have a heavier concentration, due to the chemical bonding of those products. Both EnviroTech Southeast, Inc. and the Department's engineer have built their case on minimums, rather than factual conditions which the operator of the units will encounter.

Most distressing was information which revealed arbitrary figures were used in the emission calculations to show Air Quality Standards would not be exceeded, rather than factual figures based upon the units operation.

The revelation of my source of information from EnviroTech Southeast, Inc. would serve no useful purpose. The only relevant information relating to this case is scientifically developed information which reveals most probable emissions which will be expected in the most adverse conditions, that being the highest concentration of petroleum products likely to be encountered during the period of time the units would be permitted to operate, as well as the lowest temperature which the unit will operate within the proposed permit period of time.

Page 5.

Mr. Donaldson, in a sense, you are in the middle of this, however you will be required to defend the Department's position. You are a lawyer, I am not. Your legal expertise will undoubtedly put me to shame during the Final Hearing. However, I believe I will one step on you, that being my education and working experience in math, my education and working experience in the engineering area, my experience as a Director of Environmental Services, and now with a co-petitioner with like education and work experiences, a working engineer as an assistant, and an attorney well versed in the defence of petitions against Department Actions, we just might have a good chance to defeat the above styled case.

What ever you do, please do not interpret the forgoing as any type of threat. Only that it might be advisable for you to ask the Department's engineer those questions I have posed, and to provide the information which has not been provided to you.

Sincerely;



Herbert Huelsman

Petitioner, -OGG-File-90-1127 (dismissed)

Cy: Secretary Dale Twachman
Leslie G. Dillingham, Esq.

PS: It ain't over til the fat lady sings.



State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee	
To: _____	Location: _____
To: _____	Location: _____
To: _____	Location: _____
From: _____	Date: _____

Interoffice Memorandum

TO: Gary Smallridge
THRU: Clair Fancy *CH*
Barry Andrews *BA*
FROM: Willard Hanks *WH*
DATE: August 28, 1990
SUBJ: EnviroTech Southeast, Inc. Hearing Request
OGC File 90-1127

Attached is a draft letter you may want to send to Mr. Huelzman to let him know what is being done about his hearing request.

If you have any questions on this matter, please call Willard Hanks at 488-1344.

WH/plm

Attachment

September 30, 1990

Mr. Herbert Huelsman
608 Ironwood Drive
Fort Walton Beach, Florida 32548

Dear Mr. Huelsman:

Re: OGC File 90-1127, EnviroTech Southeast, Inc.

Thank you for your August 20 letter. The Department is proceeding to resolve the issues you raised in your July 12 letter on the intent to issue construction permits for soil remediation units to EnviroTech Southeast, Inc.

We are beginning to collect the data needed to evaluate and resolve the differences you noted. The Department's engineer that reviewed the application has prepared the attached comments on the the issues mentioned in your July 12 letter. These are his preliminary comments and are not necessarily the Department's final official position.

In response to your August 20 letter, the review engineer stated that the heat requirement requested by EnviroTech Southeast, Inc. was comparable with the quantities requested by other applicants for similar operations. Data from the Department's files on these units are summarized in the following table.

Heat Input for Soil Remediation Units

Owner	Capacity TPH	Heat Input (MMBtu/hr)		
		Dryer	Afterburner	Total
International Petroleum Specialties, Inc. Jacksonville, FL	87.5	76	60	136
CleanSoils, Inc. Minneapolis, MN	50	25	8	33
Thermotech, Inc. Orlando, FL	40	26.7	20.6	47.3
TPS Apopka, FL	25	25	12	37
EnviroTech SE, Inc. Jacksonville, FL	25	17.2	17	34.2
Mobile Reclaim, Inc. Gainesville, FL	25	17	10.8	27.8

Mr. Herbert Huelsman
September 7, 1990
Page 2

The estimate of the heat requirement for the EnviroTech Southeast unit is shown below.

Total heat input = ht. soil + heat water + heat air

Note that the calculations do not consider thermal efficiency of the system, heat required to evaporate the petroleum fuel and contaminants, or the heat released in burning the petroleum contaminants.

Heat for 25 TPH soil (sand) containing 12% water from 70 to 700°F
= 25 TPH x 0.88 x 2000 #/T x 0.191 Btu/# - °F x (700-70)°F =
5.3 MMBtu/hr

Moisture (estimate) in soil = 25 TPH x 2000 #/T x 0.12 =
6,000 #/hr

Water in air (2.5%) = 435 lbs/hr

Water from fuel = (373.22 GPH)(4.2 #/G)(1.64 #water/#fuel) =
2545 lbs/hr

Heat water from 70°F to 1600°F = (6,000 + 435 + 2545)
(1857.3 - 38) = 16.3 MMBtu/hr

Heat air (9800 CFM @ 380°F) from 70°F to 1600°F = 9800 CFM x
0.0473 #/CF x 60 min/hr x 0.245 Btu/# - °F x (1600 - 70)°F =
10.4 MMBtu/hr

Total heat input = 5.3 + 16.3 + 10.4 = 32 MMBtu/hr

The engineer feels that this calculation shows the heat input proposed by applicant is reasonable.

If it is determined that additional heat input is needed to operate the proposed source, we will re-evaluate the application and, if necessary, modify the proposed permit. The Department is concerned with the emissions from the proposed systems, not the fuel consumption.

If, after review of the enclosed data, you still believe that the heat input has been underestimated, please provide a copy of your data/calculations to the Office of General Counsel.

Mr. Herbert Huelsman
September 7, 1990
Page 3

Sincerely,

Gary Smallridge
Office of General Counsel

GS/plm

Copy: Carlton Dixon, EnviroTech SE
Willard Hanks, BAR

Comments	Responses
<p style="text-align: center;">Material Facts Disputed</p> <ol style="list-style-type: none"> 1) Units will not reach temperatures needed to decontaminate soil (evaporate petroleum or incinerate in afterburner). 2) Emissions greater 1 gram/second and ambient air impact greater than $12.1 \times 10^{-3} \text{ ug/m}^3$. 3) Max. BTEX greater than stated in evaluation. 4) Less 20,000 PPM VOC can be treated in SRU. 5) VOC emissions greater than 99.98 TPY. 6) DER unable to restrict benzene and VOC content of the soil. Unit will cause AAQS and health hazard problems. 7) F.A.C. Chapter 17-2 will be violated. 	<p>Satisfactory operation to be based on tests. BTEX analysis on soil before and after treatment. DE of after-burner.</p> <p>Units will emit 2.9 g/s VOC. Each 1 g/s emission has an AAQ impact of $12.1 \times 10^{-3} \text{ ug/m}^3$ (8 hr. avg.) according to the EPA Screening Model.</p> <p>Basic material balance showed soils containing 271,440 PPM xylene can be treated without exceeding AAC. Unlikely soil will be 27% xylene. Expected 2% total VOC in soil (uncontrollable).</p> <p>Material balance shows 20,000 PPM VOC in 25 TPH soil can be handled with 97.71% AB without exceeding 22.89 lbs/hr VOC emissions.</p> <p>Limits in permit restrict unit to 99.98 TPY VOC emission.</p> <p>DER is unable to control contaminants in soil but does restrict their treatment in SRU when specified conc. are exceeded. No AAQS or health problem with emission limits specified.</p> <p>Compliance with permit restriction results in compliance with rule.</p>
<p style="text-align: center;">Reversal/Modification Requested</p> <ol style="list-style-type: none"> 1) Temperature required to decontaminate soil not specified. 2) Max. Press. drop baghouse not specified. 	<p>DER not concerned with quantity propane burned and will raise heat input if needed to properly treat 25 TPH soil.</p> <p>High press. drop restricts capacity. DER concerned with emissions. Feel VE tests best indicator baghouse performance.</p>

- 3) Afterburner will not achieve 1600°F and 97.71% destruction (S.C. #3). VE exceeds 5% opacity (S.C. #4). Emissions will exceed 4.7 lbs BZ/hr and 22.89 lbs VOC/hr (S.C. #5).

Not enough propane burned for afterburner to reach 1600°F.

Objectionable odors caused by incomplete combustion.

VOC emissions will exceed 100 TPY, subjecting source to new regulations.

- 4) Spec. for impermeable surface to store soil and protective measures for liner not given.
- 5) DER does not list chemicals that cannot be treated in SRU.
- 6) Additives in virgin petroleum projects not addressed.
- 7) Level of contaminants in virgin petroleum product not addressed as it did for "on-spec" oil.
- 8) Level of other contaminants that may be present are not addressed.
- 9) Does not restrict employee to 8 hr work day that OEL based on.
- 10) Site could be cleaned up before the DER confirmed prohibited soils not treated.

97.71% destruction efficiency and emission limits are requirements that must be proved by tests. 1600°F is not an operation requirement. Practice is to specify temperature compliance test performed at as minimum. Test will show if emission stds. met.

If more fuel and higher temperature is needed to properly treat soil, DER will amend permit.

Incomplete combustion will not be a problem with a properly designed and operated unit. If problem, will violate std. in permit.

If unit has potential to exceed 100 TPY VOC emissions, permit will be amended by adding additional restrictions.

Expect applicant to use reasonable precautions to prevent additional soil contamination. If fails to (BWC rule violation), applicant must correct.

CFR includes list ch. that cannot be treated. Intended to limit SRU to gasoline, diesel fuel, and motor oil contaminated soil. DER will clarify.

Products normally burned and additives not considered a problem.

See above (6) "On-spec" same spec. as virgin petroleum oil.

See above (5)

Toxic eval. limit exposure of public to small % OEL. No limit on employee exposure (OSHA regulates).

Permittee must obtain permission from DER before treating "off-spec" oil. Analysis required prior to treatment.

Statement of Relief

- 1) Unit unable to achieve temperatures needed to operate at (1600°F).
- 2) Provide burners to achieve temperatures.
- 3) Address other concerns listed.

1600°F operation temp. not a requirement (97.71% DE is). Test confirm performance.

DER modify permit if different burners/add. fuel req'd.

See all of above



State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee	
To: _____	Location: _____
To: _____	Location: _____
To: _____	Location: _____
From: _____	Date: _____

Interoffice Memorandum

TO: Willard Hanks
FROM: Michael Donaldson *md*
DATE: August 23, 1990
SUBJECT: Environtech Southeast, Inc.

Please find attached for your information a letter directed to Secretary Twachtman from Herbert Huelsman regarding Environtech, Southeast, Inc.

MPD/rb

Attachment

DEPARTMENT OF ENVIRONMENTAL REGULATION

**ROUTING AND
TRANSMITTAL SLIP**

ACTION NO.

ACTION DUE DATE

1. TO: (NAME, OFFICE, LOCATION)

Willard Hanks (Baom)

Initial

Date

2.

Initial

Date

3.

Initial

Date

4.

Initial

Date

REMARKS:

RECEIVED

AUG 24 1999

DER-BAOM

INFORMATION

Review & Return

Review & File

Initial & Forward

DISPOSITION

Review & Respond

Prepare Response

For My Signature

For Your Signature

Let's Discuss

Set Up Meeting

Investigate & Report

Initial & Forward

Distribute

Concurrence

For Processing

Initial & Return

FROM:

Michael Donaldson

DATE

8-23

PHONE

REC-1
AUG 22 1990

August 20, 1990
Herbert Huelsman
608 Ironwood Drive
Ft. Walton Beach,
Florida 32548
(904) 862 5331

Dept. of Environmental Reg.
Office of General Counsel

Secretary Dale Twachtman
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: CGC File 90-1127

Dear Mr. Secretary:

I am in receipt of the departments "Request for assignment of a Hearing Officer" submitted to the Division of Administrative Hearings. I have yet received any response from the Division regarding your request.

It is unfortunate that the petition has placed us as opponents when we are both interested in the same objective, that being the protection of the environment in accordance with legislative action, and the departments rules as established by the Environmental Commission.

As you may recall, I have practical experience with regard to an Administrative Hearing, and am fully aware of the time, effort, and expense required to be expended by all parties to bring the hearing to a conclusion, and the probable appeal of any decision resulting from the hearing.

My work world experience has revealed to me that it is infinitely better to discover an error or mistake in a proposed project of proposal before it's innactment, rather than suffer from such an error or mistake after it's innactment. The petition is of course a statement that an error or mistake has been discovered in the application and the departments evaluation of that application. I may be mistaken, but then again, I may not.

The preliminary mathematical computations I have made with regard to the amount of Btu's required to be generated by the Soil Remediation Units burners to achieve all of the objectives of the permit has revealed an amount of Btu's much greater than that stated by the applicant and the department. Because of the greater amount of Btu requirements, the amount of fuel expended will be greater than stated, the amount of heat which will be required to evaporate the petroleum products and destroy, or better expressed, change the chemical composition of the contaminants from one composition into another, will not be achieved.

-2-

The results from my calculations were based upon the following;

1. The rate of heat transfer by conduction,
The rate of heat transfer by convection,
The rate of heat flow,
Total heat leakage.
2. The specific heat of sandy soils and the petroleum products which will be encountered.
3. Mass was based upon 49,000 lbs/hrs of sandy soils, and 1000 lbs/hrs. of petroleum products.
4. Temperature change of the soils and petroleum products in the kiln was based upon the lowest winter temperature of soils in N/W Florida, to the temperatures required to evaporate all or any petroleum products likely to be encountered.
5. Temperature change within the afterburner section was based upon the lowest probable air temperature in N/W Florida, the temperature of the air passing through the baghouse, the cubic feet of air passing through the afterburner, up to a temperature in excess of 1600 degrees F., or 1601 degrees F.
6. The K factor of sandy soil and the petroleum products.
7. The temperature differential between the inside of the kiln and afterburner, to the atmosphere or temperature of the air outside of the kiln and afterburner at the lowest probable temperature which would be expected in the winter in N/W Florida.

Mr. Secretary, the other major doubt expressed in the petition is the efficiency of the Soil Remedial Units burners to obtain the Raw Energy from the fuel expected to be used by the units. While there are other issues addressed in the petition, I have just pointed the major points.

I am as prone to error as any other human being. If you would provide to me the calculations made by your people in their evaluation of Btu requirements, and the efficiency of the burners. which would disprove my calculations, I see no reason why the other issues raised cannot be worked out between us, and the petition withdrawn.

I believe it would be in our best interest to draw the applicant into this area of dispute.

Sincerely:



Herbert Huelsman

Cy. to: DER General Counsel, EnviroTech Southeast, Inc., and
Division of Administrative Hearings.



EnviroTech Southeast, Inc.

900 University Blvd. North, Suite 504
Jacksonville, Florida 32211
Telephone: (904) 744-4404 • Fax: (904) 745-1326

RECEIVED

AUG 8 1990

DER-BAQM

August 7, 1990

Mr. Willard Hanks
Bureau of Air Regulation
Florida Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Dear Mr. Hanks:

Enclosed please find the final proof of publication for the Notice of Intent to Issue a permit to EnviroTech Southeast, Inc.

At this point, you should have all the proofs of publication to cover all the counties in Florida.

If you have any questions, please feel free to call me at (904) 744-4404.

Sincerely,

Chris K. Sleeper
Director of Technical Sales

CKS/dje

FLORIDA PUBLISHING COMPANY

Publisher

JACKSONVILLE, DUVAL COUNTY, FLORIDA

STATE OF FLORIDA }
COUNTY OF DUVAL }

Before the undersigned authority personally appeared _____

Ronald Clark

who on oath says that he is

Legal Advertising Rep.

_____ of The Florida Times-Union,

a daily newspaper published at Jacksonville in Duval County, Florida; that the

attached copy of advertisement, being a _____

in the matter of _____ Notice of Intent

in the _____ Court,

was published in THE FLORIDA TIMES-UNION in the issues of _____

June 29, 1990

Affiant further says that the said The Florida Times-Union is a newspaper published at Jacksonville, in said Duval County, Florida, and that the said newspaper has heretofore been continuously published in said Duval County, Florida, The Florida Times-Union each day, has been entered as second class mail matter at the postoffice in Jacksonville, in said Duval County, Florida, for a period of one year next preceeding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

Sworn to and subscribed before me
this _____ day of _____

Mary A. Walsh
Notary Public,
State of Florida at Large.

My Commission Expires _____

Notary Public, State of Florida
My Commission Expires Feb. 7, 1994
DA 444

R Clark

State of Florida
Department of Environmental Regulation
Notice of Intent to Issue

The Department of Environmental Regulation hereby gives notice of its intent to issue permits (AC 16-180823 and -180824) to EnviroTech Southeast, Inc., 900 University Blvd. N., Suite 504, Jacksonville, Florida 32211, to construct two 25 TPH soil remediation units with air pollution controlled by baghouses and afterburners. Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) determinations were not required. Each unit may emit 22.4 TPY particulate matter, 99.98 TPY, VOC, and 43.7 TPY SO₂. These emissions will not cause a violation of any ambient air quality standard or Prevention of Significant Deterioration (PSD) increment. The Department is issuing this Intent to Issue for the reasons stated in the Technical Evaluation and Preliminary Determination.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
 - (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
 - (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
 - (d) A statement of the material facts disputed by Petitioner, if any;
 - (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
 - (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
 - (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.
- If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

The application is available for public inspection during business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Regulation
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
Department of Environmental Regulation
Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794
Department of Environmental Regulation
Southwest District
4520 Oak Fair Boulevard
Tampa, Florida 33610-7347
Department of Environmental Regulation
South District
2269 Bay Street
Ft. Myers, Florida 33901-2896
Department of Environmental Regulation
Northeast District
3426 Bills Road
Jacksonville, Florida 32207
Department of Environmental Regulation
Central District
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803-3767
Department of Environmental Regulation
Southeast District
1900 S. Congress Avenue, Suite A
West Palm Beach, Florida 33406
Broward County Environmental
Quality Control Board
621 South Andrews Avenue
Ft. Lauderdale, Florida 33310
Dade County Dept. of Environmental
Resources Management
Jose Marti Building
801 S.W. 3rd Avenue, 2nd Floor
Miami, Florida 33130
Duval County Dept. of Health, Welfare
& Bio-Environmental Services
421 West Church Street, Suite 412
Jacksonville, Florida 32202
Hillsborough County Environmental
Protection Commission
1410 North 21st Street
Tampa, Florida 33605
Palm Beach County Health Dept.
Division of Environmental Science
and Engineering
901 E. Evernia Street
West Palm Beach, Florida 33402
Pinellas County Department of
Environmental Management
315 Court Street
Clearwater, Florida 34616
Sarasota County Environmental
Services Department
1301 Cattleman Road
Sarasota, Florida 33582-9631
Orange County Environmental
Protection Department
2002 E. Michigan Avenue
Orlando, Florida 32806

Any person may send written comments on the proposed action to Mr. Barry Andrews at the Department's Tallahassee address. All comments mailed within 14 days of the publication of this notice will be considered in the Department's final determination.

PM: 7/26/90

Jacksonville, FL

RECEIVED

JUL 27 1990

DER-BAQM



EnviroTech Southeast, Inc.

900 University Blvd. North, Suite 504
Jacksonville, Florida 32211
Telephone: (904) 744-4404 • Fax (904) 745-1326

July 26, 1990

Mr. Willard Hanks
Bureau of Air Regulation
Florida Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Dear Mr. Hanks:

The proof of publication for the Miami Herald, the Fort Myers News-Press, and the Gainesville Sun for the Notice of Intent to Issue Permit to EnviroTech Southeast, Inc. are enclosed.

We are still awaiting proof of publication from the Jacksonville area.

If you have any questions, please feel free to call me at (904) 744-4404.

Sincerely,

Chris Sleeper
Director of Technical Sales

CKS/dje

Enclosures

W. HANKS

Best Available Copy

**FEDERAL
EXPRESS**

QUESTIONS? CALL 800-288-5355 TOLL FREE

AIRBILL
PACKAGE
TRACKING NUMBER

8112343912

8112343912

RECIPIENT'S COPY

From (Your Name) Please Print Chris Sleeper		Your Phone Number (Very Important) 904-744-4406		To (Recipient's Name) Please Print Wallard Hanks		Recipient's Phone Number (Very Important) (904) 488-1341			
Company ENVIROMENTAL TECH SE INC		Department/Floor No. 504		Company Florida DER; Bureau of Air Regulation		Department/Floor No. 2600 Blair Stone Road Twin Towers B			
Street Address 900 UNIVERSITY BLVD N STE 504		City JACKSONVILLE		State FL		ZIP Required 3 2 2 1 1			
YOUR INTERNAL BILLING REFERENCE INFORMATION (First 24 characters will appear on invoice)		IF HOLD FOR PICK-UP, Print FEDEX Address Here Street Address		City Tallahassee		State FL			
PAYMENT 1 <input checked="" type="checkbox"/> Bill Sender 2 <input type="checkbox"/> Bill Recipient's FedEx Acct. No. 3 <input type="checkbox"/> Bill 3rd Party FedEx Acct. No. 4 <input type="checkbox"/> Bill Credit Card		5 <input type="checkbox"/> Cash		City Tallahassee		State FL			
4 SERVICES (Check only one box)		DELIVERY AND SPECIAL HANDLING		PACKAGES		WEIGHT In Pounds Only			
Priority Overnight Service (Delivery by next business morning) 11 <input type="checkbox"/> YOUR PACKAGING 16 <input checked="" type="checkbox"/> FEDEX LETTER 12 <input type="checkbox"/> FEDEX PAK 13 <input type="checkbox"/> FEDEX BOX 14 <input type="checkbox"/> FEDEX TUBE Economy Service (formerly Standard Air) (Delivery by second business day) 30 <input type="checkbox"/> ECONOMY SERVICE		Standard Overnight Service (Delivery by next business afternoon) 51 <input type="checkbox"/> FEDEX LETTER 52 <input type="checkbox"/> FEDEX PAK 53 <input type="checkbox"/> FEDEX BOX 54 <input type="checkbox"/> FEDEX TUBE Heavyweight Service (for Extra Large or any package over 150 lbs) 70 <input checked="" type="checkbox"/> HEAVYWEIGHT 80 <input type="checkbox"/> DEFERRED HEAVYWEIGHT *Declared Value Limit \$100 **Call for delivery schedule		1 <input type="checkbox"/> HOLD FOR PICK-UP (if in Box 1) 2 <input checked="" type="checkbox"/> DELIVER WEEKDAY 3 <input type="checkbox"/> DELIVER SATURDAY (Extra charge) 4 <input type="checkbox"/> DANGEROUS GOODS (Extra charge) 5 <input type="checkbox"/> CONSTANT SURVEILLANCE SVC. (CSS) 6 <input type="checkbox"/> DRY ICE 7 <input type="checkbox"/> OTHER SPECIAL SERVICE 8 <input type="checkbox"/> 9 <input type="checkbox"/> SATURDAY PICK-UP (Extra charge) 10 <input type="checkbox"/> 11 <input type="checkbox"/> DESCRIPTION 12 <input type="checkbox"/> HOLIDAY DELIVERY (if offered) (Extra charge)		YOUR DECLARED VALUE Total Total Total DIM SHIPMENT (Heavyweight Services Only) Received At 1 <input type="checkbox"/> Regular Stop 3 <input type="checkbox"/> Drop Box 2 <input type="checkbox"/> On-Call Stop 4 <input type="checkbox"/> B.S.C. 5 <input type="checkbox"/> Station FedEx Emp. No.		Emp. No. Date <input type="checkbox"/> Cash Received <input type="checkbox"/> Return Shipment <input type="checkbox"/> Third Party <input type="checkbox"/> Chg. To Del. <input type="checkbox"/> Chg. To Hold Street Address City State Zip Received By Date/Time Received FedEx Employee Number Release Signature Date/Time	
Federal Express Use Base Charges Declared Value Charge Other 1 Other 2 Total Charges REVISION DATE 11/89 PART #119501 FXEM 6/90 FORMAT #014 014 © 1989 F.E.C. PRINTED IN U.S.A.									

The Miami Herald
A KNIGHT-RIDDER NEWSPAPER

PUBLISHED DAILY
MIAMI — DADE — FLORIDA

STATE OF FLORIDA
COUNTY OF DADE:

Before the undersigned authority personally appeared

ANN MARTULA

who on oath says that he/she is

CUSTODIAN OF RECORDS

of The Miami Herald, a daily newspaper published at Miami in Dade County, Florida; that the attached copy of advertisement was published in said newspaper in the issues of

JULY 5, 1990

Affiant further says that the said The Miami Herald is a newspaper published at Miami, in the said Dade County, Florida and that the said newspaper has heretofore been continuously published in said Dade County, Florida, each day and has been entered as second class mail matter at the post office in Miami, in said Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Ann Martula

Sworn to and subscribed before me this.....

5th

day of July A.D. 1990

My commission expires.....

Elyse Benton

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. MAR 15, 1991
BONDED THRU GENERAL INS. UND.



and be filed (received) with 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

The application is available for public inspection during business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, et:

Department of
Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida
32399-2400

Department of
Environmental Regulation
Northwest District
160 Governmental Center
Pensacola, Florida
32501-5794

Department of
Environmental Regulation
Southwest District
4520 Oak Fair Boulevard
Tampa, Florida 33610-7437

Department of
Environmental Regulation
South District
2269 Bay Street
Tallahassee, Florida
32391-2896

Department of
Environmental Regulation
Northeast District
3426 Bills Road
Jacksonville, Florida
32207

Department of
Environmental Regulation
Central District
3319 Maguire Blvd.,
Suite 232
Orlando, Florida
32803-3767

Department of
Environmental Regulation
Southeast District
1900 S. Congress Avenue,
Suite A
West Palm Beach, Florida
33406

Broward County
Environmental Quality
Control Board
621 South Andrews Avenue
Ft. Lauderdale, Florida
33310

Dade County Dept. of
Environmental
Resources Management
Jose Marti Building
801 S.W. 3rd Avenue,
2nd Floor
Miami, Florida 33130

Duval County Dept. of
Health, Welfare &
Bio-Environmental
Services
421 West Church Street,
Suite 412
Jacksonville, Florida
32202

Hillsborough County
Environmental
Protection Commission
1410 North 21st Street
Tampa, Florida 33605

Palm Beach County
Health Dept.
Division of
Environmental Science
and Engineering
901 E. Evernia Street
West Palm Beach, Florida
33402

State of Florida
Department of
Environmental
Regulation
Notice of Intent to Issue

The Department of Environmental Regulation hereby gives notice of its intent to issue permits (AC 18-180823 and -180824) to EnviroTech Southeast, Inc., 900 University Blvd., Suite 504, Jacksonville, Florida 32211, to construct two 25 TPH soil remediation units with air pollution controlled by baghouses and afterburners. Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) determinations were not required. Each unit may emit 22.4 TPD particulate matter, 99.98 TPD VOC, and 43.7 TPD SO₂. These emissions will not cause a violation of any ambient air quality standard or Prevention of Significant Deterioration (PSD) increment. The Department is issuing this intent to issue for the reasons stated in the Technical Evaluation and Preliminary Determination.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel at the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information:

- The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- A statement of how and when each petitioner received notice of the Department's action or proposed action;
- A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- A statement of the material facts disputed by Petitioner, if any;
- A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above.

FORT MYERS NEWS-PRESS

Published every morning — Daily and Sunday

Fort Myers, Florida

Affidavit of Publication

State of Florida

County of Lee

Before the undersigned authority, personally appeared

Brenda Leighton....., who on oath says that he/she is the

Legal Coordinator..... of the Fort Myers News-Press, a daily newspaper published at Fort Myers, in Lee County, Florida;

that the attached copy of advertisement, being a

Notice

in the matter of DER Intent to Issue Permit

to Construct 2 TPH Soil..... in the

..... Court, was published in

said newspaper in the issues of

June 29, 1990

Affiant further says that the said Fort Myers News-Press is a paper of general circulation daily in Lee, Charlotte, Collier and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Brenda Leighton
29th

Sworn to and subscribed before me this day

of NOV 27 June

A.D. 19 90

Sherry McQuinn

Notary Public

Notary Public, State of Florida

My Commission Expires Jun. 3, 1994

Bonded Thru Troy Fata - Insurance Inc.

CLASS-16

**State of Florida
Department of
Environmental
Regulation
Notice of Intent
to Issue**

The Department of Environmental Regulation hereby gives notice of its intent to issue permits (AC 16-180823 and 180824) to EnviroTech Southeast,

Inc., 900 University Blvd. N., Suite 504, Jacksonville, Florida 32211, to construct two 25 TPH soil remediation units with air pollution controlled by baghouses and afterburners. Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) determinations were not required. Each unit may emit 22.4 TPY particulate matter, 99.98 TPY VOC, and 43.7 TPY SO₂. These emissions will not cause a violation of any ambient air quality standard or Prevention of Significant Deterioration (PSD) increment. The Department is issuing this Intent to Issue for the reasons stated in the Technical Evaluation and Preliminary Determination.

A person whose substantial interests are affected by the Department's proposed (hearing) in accordance with Section 120.57, 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department, Permit File Number and the county in which the project is proposed;

(b) A statement of how and when each petitioner received notice of the Department's action or proposed action;

(c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;

(d) A statement of the material facts disputed by Petitioner, if any;

(e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

The application is available for public inspection during business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Regulation,
Bureau of Air Regulation,
2600 Blair Stone Road,
Tallahassee, Florida 32399-2400
Department of Environmental Regulation,
Northwest District, 160
Governmental Center,
Pensacola, Florida 32501-5794

Department of Environmental Regulation,
Southwest District, 4520
Oak Fair Boulevard,
Tampa, Florida 33610-7347

Department of Environmental Regulation,
South District, 2269 Bay Street, Ft. Myers, Florida 33901-2896

Department of Environmental Regulation,
Northeast District, 3426
Bills Road, Jacksonville, Florida 32207

Department of Environmental Regulation,
Central District, 3319
Maguire Blvd., Suite 232, Orlando, Florida 32803-3767

Department of Environmental Regulation,
Southeast District, 1900
S. Congress Avenue,
Suite A, West Palm Beach, Florida 33406
Broward County Environmental Quality Control Board, 621 South Andrews Avenue, Ft. Lauderdale, Florida 33310

Dade County Dept. of Environmental Resources Management,
Jose Marti Building,
801 S.W. 3rd Avenue,
2nd Floor, Miami, Florida 33130

Duval County Dept. of Health, Welfare & Bio-Environmental Services, 421 West Church Street, Suite 412, Jacksonville, Florida 32202

Hillsborough County Environmental Protection Commission, 1410 North 21st Street, Tampa, Florida 33605

Palm Beach County Health Dept., Division of Environmental Science and Engineering, 901 E. Evernia Street, West Palm Beach, Florida 33402

Pinellas County Department of Environmental Management, 315 Court Street, Clearwater, Florida 34616

Sarasota County Environmental Services Department, 1301 Cattleman Road, Sarasota, Florida 33582-9631

Orange County Environmental Protection Department, 2002 E. Michigan Avenue, Orlando, Florida 32806

Any person may send written comments on the proposed action to Mr. Barry Andrews at

the Department's Tallahassee address. All comments mailed within 14 days of the publication of this notice will be considered in the Department's final determination.

Jun 29

No. 6783

STATE OF FLORIDA
COUNTY OF ALACHUA

No 3560

THE GAINESVILLE SUN
Published Daily and Sunday
GAINESVILLE, FLORIDA

Sally Galanos

Before the undersigned authority personally appeared
who on oath says that he/she is
newspaper published at Gainesville in Alachua County, Florida, that the attached copy of advertisement, being a

NOTICE OF INTENT TO ISSUE PERMIT

in the matter of ENVIROTECH SOUTHEAST

in the Court, was published in said newspaper in the issue of,

JUNE 30, 1990

Affiant further says that the said THE GAINESVILLE SUN is a newspaper published at Gainesville, in said Alachua County, Florida, and that the said newspaper has heretofore been continuously published in said Alachua County, each day, and has been entered as second class mail matter at the post office in Gainesville, in said Alachua County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount for publication in the said newspaper.

Sworn to and subscribed before me this

..... day of A.D., 1990

(Seal) Notary Public

Notary Public, State of Florida
My Commission Expires May 20, 1992
Bonded Thru Troy Fain - Insurance Inc.

STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL
REGULATION
NOTICE OF INTENT
TO ISSUE PERMIT

The Department of Environmental Regulation hereby gives notice of its intent to issue a permit (AC 16-180823 and -180824) to EnviroTech Southeast, Inc., 900 University Blvd. N., Suite 504, Jacksonville, Florida 32211, to construct two 25 TPH soil remediation units with air pollution controlled by baghouses and afterburners. Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) determinations were not required. Each unit may emit 22.4 TPD particulate matter, 99.98 TPD VOC, and 43.7 TPD SO₂. These emissions will not cause a violation of any ambient air quality standard or Prevention of Significant Deterioration (PSD) increment. The Department is issuing this intent to issue for the reasons stated in the Technical Evaluation and Preliminary Determination.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number, and the county in which the project is proposed;

(b) A statement of how and when each petitioner received notice of the Department's action or proposed action;

(c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;

(d) A statement of the material facts disputed by Petitioner, if any;

(e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceedings. Any subsequent intervention will only be at the approval of the presiding officer upon motion file pursuant to Rule 28-5.207, F.A.C.

The application is available for public inspection during business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental

tal Regulation, Bureau of Air Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Department of Environmental Regulation, Northwest District, 160 Governmental Center, Pensacola, Florida 32501-5794.

Department of Environmental Regulation, Southwest District, 4520 Oak Fair Boulevard, Tampa, Florida 33610-7347.

Department of Environmental Regulation, South District, 2269 Bay Street, Ft. Myers, Florida 33901-2896.

Department of Environmental Regulation, Northeast District, 3426 Bills Road, Jacksonville, Florida 32207.

Department of Environmental Regulation, Central District, 3319 Maguire Blvd., Suite 232, Orlando, Florida 32803-3767.

Department of Environmental Regulation, Southeast District, 1900 S. Congress Avenue, Suite A, West Palm Beach, Florida 33406.

Broward County Environmental Quality Control Board, 621 South Andrews Avenue, Ft. Lauderdale, Florida 33310.

Dade County Dept. of Environmental Resources Management, Jose Marti Building, 801 S.W. 3rd Avenue, 2nd Floor, Miami, Florida 33130.

Duval County Dept. of Health, Welfare & Bio-Environmental Services, 421 West Church Street, Suite 412, Jacksonville, Florida 32202.

Hillsborough County Environmental Protection Commission, 1410 North 21st Street, Tampa, Florida 33605.

Palm Beach County Health Dept., Division of Environmental Science and Engineering, 901 E. Evernia Street, West Palm Beach, Florida 33402.

Pinellas County Department of Environmental Management, 315 Court Street, Clearwater, Florida 34616.

Sarasota County Environmental Services Department, 1301 Cattleman Road, Sarasota, Florida 33582-9631.

Orange County Environmental Protection Department, 2002 E. Michigan Avenue, Orlando, Florida 32806.

Any person may send written comments on the proposed action to Mr. Barry Andrews at the Department's Tallahassee address. All comments mailed within 14 days of the publication of this notice will be considered in the Department's final determination.

(3560) 6:30



EnviroTech Southeast, Inc.

900 University Blvd. North, Suite 504
Jacksonville, Florida 32211
Telephone: (904) 744-4404 • Fax (904) 745-1326

July 13, 1990

RECEIVED
JUL 17 1990
DER-BAQM

Willard Hanks
Florida Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Mr. Hanks

Your recent notice of intent to issue air pollution permits numbered AC16-180823 and AC16-180824 included specific conditions which we would like you to agree to change.

Specific Condition (page 7) paragraph 13.

Although our usual fuel will be propane or LPG we may have occasion to use natural gas when it is available. Would you please add LPG and Natural gas to the permitted fuels.

Specific Condition (page 9) paragraph 18.

Your requirement for continuously recorded measurements of the static pressure drop across the baghouse represents an undue financial burden for capital equipment. Astec Industries, the manufacturer of the plant; estimates the cost of a chart recorder to be \$1800, the cost of a pressure transducer and transmitter to be \$1000 and the cost for Astec to install these items in the control and monitoring panel to be \$1500. This totals \$4300.

We can understand your concern for detecting bag breakage and possible discharge of particulates to the atmosphere, however due to the design of our system we do not feel that a continuous record of the pressure drop will help. Here are our thoughts.

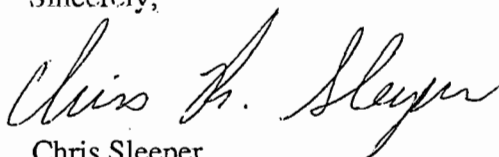
1. The presence of a small hole in a bag would only cause a slight (undetectable) change in baghouse pressure drop.
2. Our system cfm varies continuously due to changes in our soil feed rate and the fan has a variable volume damper which is governed by the draft (negative pressure) at the drier burner. For this reason the baghouse pressure drop will be ever changing and differences due to even a large hole in a bag would be hard to distinguish from differences due to fan damper modulation.
3. A standard magnehelic differential pressure gauge will be installed on the baghouse and we will be able to record baghouse pressure drop if the information proves to have any value at all.
4. Our normal operation will be with zero opacity and no fallout on the site. In the event of baghouse leaks the operators will easily notice the opacity and the fall out. They can then take corrective action.

You may want to add a requirement that we shut down and repair any baghouse leaks within 8 hours of their discovery. This should be adequate since it puts the burden on the operator to devise a method for detection.

A continuous chart recorder might not be looked at until it is time to change the chart (many hours after a leak occurs) and as stated above, any variations on the chart would be inconclusive.

Thank you for considering these improvements in our permit conditions.

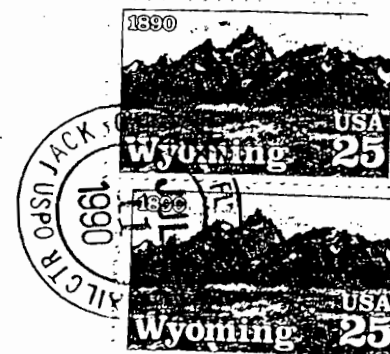
Sincerely,

A handwritten signature in cursive script that reads "Chris H. Sleeper".

Chris Sleeper
Director, Technical Services

H. Hanks
CHF/BA

John N. Austin
6356 Sundown Dr.
Jacksonville, Fla.
32244



Mr. Barry Andrews
Dept. of Environmental Regulation
Office of General Counsel
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Original carried
to OGC 7-16-90
PAT

RECEIVED

JUL 13 1990

John N. Austin
6356 Sundown Dr.
Jacksonville, Fl. 32244
904-771-3098
July 10, 1990

Dept. of Environmental Regulation
Office of General Counsel
2600 Blair Stone Road
Twin Towers Office Building
Tallahassee, Florida 32301

Dear Sirs:

Pursuant to Section 120.57, Florida Statutes, I hereby petition for an administrative proceeding on the permit application to construct two 25 GPH soil remediation units by EnviroTech Southeast, Inc., 900 University Blvd. N., Suite 504, Jacksonville, Florida 32211, Permit Nos.: AC 16-180823 and -180824. The county in which the project is proposed to be based is Duval, but its proposed operation is apparently statewide.

Petitioner received notice of the Dept.'s proposed action by publication in the Florida Times-Union on Friday, June 29, 1990.

Petitioner is a resident of Duval County, is a certified asbestos lung disease victim, breathes the air and drinks the water in Duval County, utilizes the natural environment of Duval County, and therefore has a substantial interest in the air and water quality of Duval County. DER's proposed intent to issue a permit to EnviroTech to construct two portable soil remediation incinerators based in Duval County will substantially, materially, and adversely affect, i.e. injure, the air and water quality and the

environment of Duval County and other counties in Florida by allowing the introduction of an additional source of air pollution. The emissions from these proposed soil remediation incinerators will contain heavy metals, volatile organic compounds, dioxins, and furans, which will detrimentally affect, i.e. injure, the health of persons exposed, of which Petitioner is one. In fact, as a certified asbestos lung disease victim Petitioner has a special interest, above that of the average citizen in the air quality of his environment and in the detrimental and injurious health consequences produced by EnviroTech's increased air pollution. Dust from the baghouse will be "added to the finished product," contaminating the ground and eventually contaminating the ground and drinking water of Petitioner, and thus the health of Petitioner.

Petitioner objects that Lowest Achievable Emission Rate has not been applied to this permit (F. 1. b.) and that volatile organic compounds were not listed as non-attainment pollutants (F. 1. c.) Petitioner objects that Standards of Performance for New Stationary Sources has not been applied to this permit (F. 4.). Petitioner objects that there is no time requirement for testing afterburner destruction efficiency, benzene, and VOC emissions on specific condition 22. This testing must occur at each operative site to insure

applicable efficiency levels. Petitioner objects to Specific Condition 3 with the indefinite language of "the afterburner shall be capable of operating above 1600° F" the language should be "the afterburner must be operated at the required minimum temperature of 1 °F at all times." Petitioner further objects to Specific Condition 3 and states that the minimum temperature must be 1800° F and the retention time must be 1 second. Petitioner objects to Specific Condition 11 in that Envirotech is being permitted to operate these soil remediation incinerators for continuous non-stop operation, when in actuality this is impossible given mobile time and when there has been no showing that there is an actual need for or actual demand for such operation. Petitioner objects to Specific Condition 14 in that the definition of what constitutes reasonable assurance that the soil is contaminated with only virgin petroleum product is merely certification from the generator and not actual required test results. Petitioner objects to Specific Condition 21 in that testing for particulate matter and visible emissions will only occur annually. Petitioner objects to Envirotech's proposed method of disposal of solid waste generated by dumping contaminated dust from the baghouse into the finished soil and thus reasonable

reasonable assurance that the soil will meet the requirements of all applicable laws and rules.

Wherefore, I request an administrative proceeding on Envirotech's soil remediation incinerators permit applications.

John N. Austin
John N. Austin



CONTROLLED ENVIRONMENTS FOR INDUSTRY, INC.

P. O. Box 10428 • 4500 Phillips Highway • Jacksonville, FL 32207 • (904) 731-7760

FAX TRANSMITTAL

Number of pages, including cover sheet: 4

From:

To:

C Lee Daniel Jr.

Willard Hanks

Project Name:

922-6979

Order No.

Fax #:

REMARKS:

Please contact us @ (904) 731-7760 or (904) 730-7279 (FAX), if there are any questions concerning this transmission.

For
See Daniels
cphs

July 12, 1990
Herbert Huelsman
608 Ironwood Drive
Ft. Walton Beach,
Florida, 32548

Office of General Counsel
Florida Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee Florida, 32399-2400

RE: Petition for an Administrative Proceeding pursuant to Section 120.57 Florida Statute.

Note: In the Technical Evaluation and Preliminary Determination Report by the department dated June 20, 1990, I have taken the liberty to number those paragraphs under a section or sub-section for ease of identification and reference.

(a). Petitioner: Herbert Huelsman
608 Ironwood Drive
Ft. Walton Beach,
Okaloosa County, Florida, 32548

Department file numbers: AC-16-180823 & AC 16-180824

(b). Notice of the Department's proposed actions: I read of this proposed action in the Legal Section of the Northwest Florida Daily News, Ft. Walton Beach, Florida on Saturday, 30 June, 1990.

(c). Substantial Interest: The portable Soil Remediation Units (Incinerators) will be trailer mounted and permitted to operate throughout the state, in all counties, which includes the county of my residence. The units will be further permitted to operate at any location throughout the state, except where the site would be considered a nuisance. The department does not provide any other siting information.

My residence is located within one mile of a major throughfare, which is a U.S. Highway on which is transported both "Virgin Petroleum Products" and "on spec used oil". In the event that soil contamination occurs within one mile of my residence with Virgin Petroleum Products and on spec used oil, it can be presumed that soil remediation by permitted source would occur. Due to shifting winds, inversion layer and other weather phenomenon, any emission from the units proposed to be permitted will affect me and my family, as well as any other person in Florida and it's adjoining states.

In an event which causes or contributes emissions contrary to Air Quality Standards or the Prevention of Significant Deterioration, would jeopardize myself, my family, and the Public's Health and Safety.

(d). Material facts disputed:

1. RE: Technical evaluation, para. III-1: that soil will be decontaminated in the propane fired rotary kiln/afterburner system, and that 25 TPH of soil will be heated to a sufficient temperature to evaporate the petroleum products, and that the baghouse will remove 99.7% of the particulate matter, and that the afterburner will achieve sufficient temperatures to burn VOC at an 97.7% efficiency.
2. RE: Tech. Eval., para III-7: that emissions will be greater than 1 gram/sec, and that the ambient air impact of 12.1×10^{-2} mg/m³ stated by the department is incorrect.
3. RE: Tech. Eval. III-9: that the maximum soil concentration for BTEX compounds is greater than that stated in this paragraphs.
4. RE: Tech. Eval. III-10: that less 20,000 PPM VOC can be treated in the units proposed to be permitted.
5. RE: Tech. Eval. III-11: that VOC emissions will be greater than 99.98 TEY VOC.
6. RE: Tech. Eval. IV: that the department will be able to restrict benzene and VOC content of the soil; and that the operation of the portable rotary kiln/afterburner units will not create a health hazard or cause/contribute to an ambient air quality violation.
7. RE: Tech. Eval. V: that any technical provision of Chapter 17-2 of the FAC will not be violated.

(e). Facts which warrant reversal or modification of the department's proposed action:

1. Soil decontamination by the units: The temperatures which would be required to decontaminate all soil contaminants has not been stated by the applicant, not address or stated by the department.
2. The efficiency of the baghouse is largely dependent upon the pressure drop across the baghouse. While the department does require the applicant to record the pressure drops, the department has not established a maximum allowable pressure drop to achieve the stated efficiency.
3. The afterburner will not achieve a temperature of 1600° F, and destructive efficiency of 97.71% as required by Specific Condition 3, nor will the visible emissions be held to 5% opacity as required by specific condition 4, nor will benzene emissions be held to 4.7 lbs/hr and VOC emissions be held to 22.89 lbs/hr. as is required by specific condition 5.

The afterburner cannot achieve it's stated purpose due to the use of BTU content or potential of propane, rather than the efficiency of the afterburner to obtain the BTU content or potential from propane.

The BTU content or potential of propane is 91,500 BTU/gal. Both the applicant and the department related 34.2 MMBtu/hr to 373 GPH. This is the BTU content or potential of propane.

It is technologically impossible for any device known to man to obtain 100 % of the BTU content or potential of any fuel other than in a laboratory. Any device which would obtain a 90 % efficiency to obtain the BTU content of a fuel would be considered to be excellent.

Based upon a 90% efficiency of the proposed afterburner, and 373 GPH of propane as required by specific condition 13, and considering that the BTU content or potential of propane to be 91,500 BTU/gal., the afterburner would obtain a temperature of 1440°F and 30.7MMBtu/hr.

With only 1440°F, emissions would be greater than calculated by the department, VOC would be greater than that calculated by the department, opacity would be greater than that calculated by the department, as well as other violation of Ambient Air Quality Standards, and other other determination to Protect the Public Health.

Because of the incomplete combustion of the propane, objectionable odors will increase and aggravate an already potential nuisance problem.

Because of VOC emissions of over 100, the source must be considered a major source, rather than a minor source as is not stated by the department. As a major source, a whole new set of regulation would apply to the proposed units.

4. While the department requires the applicant to store untreated soil on an impermeable surface under specific condition 10, the department did not provide the specifications for the impermeable surface nor the protective measures the applicant must take to insure the integrity of the impermeable surface.

5. While the department addresses virgin petroleum products which the portable rotary kiln/afterburner system shall neither be used to thermally process certain products listed in 40 CFR 261.32, 33, and 31, as well as those products which have the characteristics of corrosivity, reactivity, EP toxicity, and ignitability, and those which are classified as hazardous waste, the department does not specifically identify these products, either by name or chemical composition. Considering the hundreds of virgin petroleum products distilled from crude oil, the probability of error by the applicant in identifying prohibited products which can not be treated is a risk the department should not permit.

6. The department does not address the additives contained in virgin petroleum products, nor their effect on the ambient air quality.
7. The department does not address the allowable level of constituent in virgin petroleum products as it does for some of the "on spec" used oil.
8. The department does not address the allowable level of all constituents which can be predictably found in "on spec" used oil, to include uncombusted fuels, acids, etc.
9. While the department does establish the OEL computation method for an eight hour day, it does not call for the applicant to insure that its employees do not exceed an eight hour work day.
10. The department did establish the sampling requirements of untreated soils, Specific Condition 16, yet considering that the sampling and analysis of soils will be accomplished by the applicant unsupervised by the department, and with the units production capability of 25TPH, that the unit will be permitted to operate 24 hours a day, a contaminated site could very well be treated before the department would have a chance to confirm the constituance of the untreated soils to insure that the soils were not prohibited soils.

(f). Rule or statute reversal or modification.

1. While I may have questions in this area, a separate petition to the Environmental Regulatory Commission would be required. It would then be of no consequence to mention them in this petition.

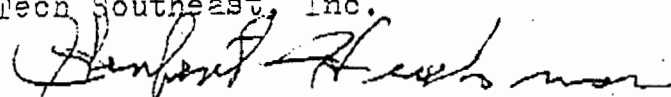
(g). Statement of relief:

1. In that the crux of my argument is the ability of the units to achieve the temperatures required to meet all regulatory requirements, a reversal by the department to permit the proposed units is sought, (that being temperatures in excess of 1600°F).
2. An alternative to reversal is for the applicant to provide a burning system which takes into consideration the ability to achieve the required temperatures of over 1600°F through its ability to achieve an efficiency to obtain the BTU content or potential of propane at 91,500 BTU/gal.
3. As an additional alternative to reversal, I ask the department to specifically address all other concerns I have brought forth in the facts which I have alleged to warrant reversal or modification.

Submitted to DER General Counsel by 24 hours U.S. Postal Service on July 12, 1990.

Copy mailed this day to EnviroTech Southeast, Inc.

Herbert Huelsman, Petitioner--





EnviroTech Southeast, Inc.

900 University Blvd. North, Suite 504
Jacksonville, Florida 32211
Telephone: (904) 744-4404 • Fax (904) 745-1326

RECEIVED

JUL 13 1990

DER-BAQM

July 12, 1990

Mr. Willard Hanks
Bureau of Air Regulation
Florida Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Re: Notification of Publication

Dear Mr. Hanks:

Enclosed please find proof of publication of the Notice of Intent to Issue Permit to EnviroTech Southeast, Inc.

Confirmations have not been received from Miami, Fort Meyers, Jacksonville, and Gainesville newspapers. We will forward these to you upon receipt.

If you have any questions, please feel free to call me at (904) 744-4404.

Sincerely,

Chris K. Sleeper
Director of Technical Sales

CKS/dje

Enclosures

C: WMH

Rec'd 7/13/90

THE TAMPA TRIBUNE

Published Daily
Tampa, Hillsborough County, Florida

State of Florida }
County of Hillsborough } ss.

Before the undersigned authority personally appeared
R. Putney, who on oath says that he is Accounting Manager of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of advertisement being a

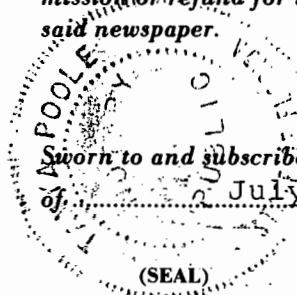
LEGAL NOTICE

in the matter of

ENVIRONMENTAL REGULATION

was published in said newspaper in the issues of
July 2, 1990

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa, in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



R. Putney

Sworn to and subscribed before me, this 5 day

July, A.D. 1990

Janya Poole

Notary Public, State of Florida
My Commission Expires Sept. 8, 1992
Bonded Thru Troy Fain - Insurance Inc.

State of Florida
Department of
Environmental Regulation
Notice of Intent to Issue
The Department of Environmental Regulation hereby gives notice of its intent to issue permits (AC 16-180823 and -180824) to EnviroTech Southeast, Inc., 900 University Blvd. N., Suite 504, Jacksonville, Florida 32211, to construct two 25 TPH soil remediation units with air pollution controlled by baghouses and afterburners. Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) determinations were not required. Each unit may emit 22.4 TPY particulate matter, 99.98 TPY VOC, and 43.7 TPY SO₂. These emissions will not cause a violation of any ambient air quality standard or Prevention of Significant Deterioration (PSD) increment. The Department is issuing this intent to issue for the reasons stated in the Technical Evaluation and Preliminary Determination.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The petition shall contain the following information:

- The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- A statement of how and when each petitioner received notice of the Department's action or proposed action;
- A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- A statement of the material facts disputed by petitioner, if any;
- A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S. and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

The application is available for public inspection during business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Regulation
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
Dept. of Environmental Regulation
Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794
Department of Environmental Regulation
Southwest District
4520 Oak Fair Boulevard
Tampa, Florida 33610-7347
Department of Environmental Regulation
South District
2269 Bay Street
Ft. Myers, Florida 33901-2896
Department of Environmental Regulation
Northeast District
3426 Bills Road
Jacksonville, Florida 32207

Department of Environmental Regulation
Central District
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803-3767
Department of Environmental Regulation
Southeast District
1900 S. Congress Avenue, Suite A
West Palm Beach, Florida 33406
Broward County Environmental Quality Control Board
621 South Andrews Avenue
Ft. Lauderdale, Florida 33310
Dade County Dept. of Environmental Resources Management
Jose Marti Building
801 S.W. 3rd Avenue, 2nd Floor
Miami, Florida 33130
Duval County Dept. of Health, Welfare & Bio-Environmental Services
421 West Church Street, Suite 412
Jacksonville, Florida 32202
Hillsborough County Environmental Protection Commission
1410 North 21st Street
Tampa, Florida 33605
Palm Beach County Health Dept. Division of Environmental Science and Engineering
901 E. Evernia Street
West Palm Beach, Florida 33402
Pinellas County Department of Environmental Management
315 Court Street
Clearwater, Florida 34616
Sarasota County Environmental Services Department
1301 Cattlemen Road
Sarasota, Florida 33582-9631
Orange County Environmental Protection Department
2002 E. Alchigan Avenue
Orlando, Florida 32806
Any person may send written comments on the proposed action to Mr. Barry Andrews at the Department's Tallahassee address. All comments mailed within 14 days of the publication of this notice will be considered in the Department's final determination.

3430 7/2/90

The Orlando Sentinel

Published Daily
Orlando, Orange County, Florida

State of Florida ss.
COUNTY OF ORANGE

Before the undersigned authority personally appeared _____

Juanita Rosado

, who on oath says that

she is the Legal Advertising Representative of the Orlando Sentinel, a Daily newspaper published at Orlando, in Orange County, Florida; that the attached copy of advertisement, being a Notice of Intent to Issue Permit in the matter of EnviroTech Southeast, Inc.

_____ in the _____ Court,

was published in said newspaper in the issues of _____

June 29, 1990

Affiant further says that the said Orlando Sentinel is a newspaper published at Orlando, in said Orange County, Florida, and that the said newspaper has heretofore been continuously published in said Orange County, Florida, each Week Day and has been entered as second-class mail matter at the post office in Orlando, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Juanita Rosado

Sworn to and subscribed before me this 2nd day

A.D., 1990

Notary Public, State of Florida at Large
My Commission Expires February 9, 1993
Bonded thru Brown & Brown, Inc.

Notary Public

FORM NO. AD-262

ADVERTISING CHARGE

\$251.02

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION NOTICE OF INTENT TO ISSUE PERMIT

The Department of Environmental Regulation gives notice of its intent to issue permits (AC 16-180823 and -180824) to EnviroTech Southeast, Inc., 900 University Blvd. N., Suite 504, Jacksonville, Florida 32211, to construct two 25 TPH soil remediation units with air pollution controlled by baghouses and afterburners. Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) determinations were not required. Each unit may emit 22.4 TPD particulate matter, 99.98 TPD VOC, and 43.7 TPD SO₂. These emissions will not cause a violation of any ambient air quality standard or Prevention of Significant Deterioration (PSD) increment. The Department is issuing this intent

to issue for the reasons stated in the Technical Evaluation and Preliminary Determination.

A person whose substantial interests are affected by the department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The petition shall contain the following information:

- The name, address and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- A statement of how and when each petitioner received notice of the department's action or proposed action;
- A statement of how each petitioner's substantial interests are affected by the Department's

action or proposed action;

(d) A statement of the material facts disputed by Petitioner, if any;

(e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207 F.A.C.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday except legal holidays, at: Department of Environmental Regulation, Bureau of Air Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Department of Environmental Regulation
Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794
Department of Environmental Regulation
Southwest District
4520 Oak Fair Boulevard
Tampa, Florida 33610-7347
Department of Environmental Regulation

South District
2269 Bay Street
Ft. Myers, Florida 33901-2896
Department of Environmental Regulation
Northeast District
3426 Bills Road
Jacksonville, Florida 32207
Department of Environmental Regulation
Central District
3319 Maquire Blvd., Suite 232
Orlando, Florida 32803-3767
Department of Environmental Regulation
Southeast District
1900 S. Congress Avenue, Suite A
West Palm Beach, Florida 33406
Broward County Environmental Quality Control Board
621 South Andrews Avenue
Ft. Lauderdale, Florida 33310
Dade County Dept. of Environmental Resources Management
Jose Marti Building
801 S.W. 3rd Avenue, 2nd Floor
Miami, Florida 33130
Duval County Dept. of Health, Welfare & Bio-Environmental Services
421 West Church Street, Suite 412
Jacksonville, Florida 32202
Hillsborough County Environmental Protection Commission
1410 North 21st Street
Tampa, Florida 33605
Palm Beach County Health Dept.
Division of Environmental Science and Engineering
901 E. Evernia Street
West Palm Beach, Florida 33402
Pinellas County Department of Environmental Management
315 Court Street
Clearwater, Florida 34616
Sarasota County Environmental Services Department
1301 Cattleman Road
Sarasota, Florida 33582-9631
Orange County Environmental Protection Department
2002 E. Michigan Avenue
Orlando, Florida 32806
Any person may send written comments on the proposed action to Mr. Barry Andrews at the Department's Tallahassee address. All comments mailed within 14 days of the publication of this notice will be considered in the Department's final determination.
CL-253 Jun. 29, 1990

The News-Journal

Published Daily and Sunday
Daytona Beach, Volusia County, Florida

State of Florida,
County of Volusia:

Before the undersigned authority personally appeared
C. Morgan Miller

who, on oath says that he is.....
Classified Manager

of The News-Journal, a daily and Sunday newspaper, published
at Daytona Beach in Volusia County, Florida; that the
attached copy of advertisement, being a.....

Notice of Intent to Issue

in the matter of.....
EnviroTech Southeast, Inc.

in the.....Court, was published
in said newspaper in the issues.....
June 30, 1990

Affiant further says that The News-Journal is a newspaper
published at Daytona Beach, in said Volusia County, Florida,
and that the said newspaper has heretofore been continuously
published in said Volusia County, Florida, each day and
Sunday and has been entered as second-class mail matter at the
post office in Daytona Beach, in said Volusia County, Florida,
for a period of one year next preceding the first publication of
the attached copy of advertisement; and affiant further says
that he has neither paid nor promised any person, firm or
corporation any discount, rebate, commission or refund for the
purpose of securing this advertisement for publication in the
said newspaper.

C. Morgan Miller

Sworn to and subscribed before me
this 2nd day of July

A.D. 19 90

Patricia E. Bay
NOTARY PUBLIC, State of Florida at Large
My Commission Expires December 30, 1990
Bonded By AMERICAN PIONEER CASUALTY INS. CO.

LEGAL ADVERTISEMENT

State of Florida
Department of Environmental
Regulation

Notice of Intent to Issue
The Department of Environmental
Regulation hereby gives notice of its
intent to issue permits (AC 16-180823
and 180824) to EnviroTech Southeast,
Inc., 900 University Blvd. N., Suite
504, Jacksonville, Florida 32211, to
construct two 25 TPH soil remediation
units with air pollution controlled by
baghouses and afterburners. Best
Available Control Technology (BACT)
and Lowest Achievable Emission Rate
(LAER) determinations were not
required. Each unit may emit 22.4
TPY particulate matter, 99.98 TPY
VOC, and 43.7 TPY SO₂. These emis-
sions will not cause a violation of any
ambient air quality standard or Pre-
vention of Significant Deterioration
(PSD) increment. The Department is
issuing this Intent to Issue for the rea-
sons stated in the Technical Evalua-
tion and Preliminary Determination.

A person whose substantial inter-
ests are affected by the Department's
proposed permitting decision may
petition for an administrative pro-
ceeding (hearing) in accordance with
Section 120.57, 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 2600
Blair Stone Road, Tallahassee, Florida
32399-2400, within fourteen (14) days
of publication of this notice. Peti-
tioner shall mail a copy of the petition
to the applicant at the address indi-
cated above at the time of filing. Fail-
ure to file a petition within this time
period shall constitute a waiver of
any right such person may have to
request an administrative determina-
tion (hearing) under Section 120.57,
Florida Statutes.

The Petition shall contain the fol-
lowing information:

- The name, address, and tele-
phone number of each petitioner, the
applicant's name and address, the
Department Permit File Number and
the county in which the project is pro-
posed;
- A statement of how and when
each petitioner received notice of the
Department's action or proposed
action;
- A statement of how each peti-
tioner's substantial interests are
affected by the Department's action or
proposed action;
- A statement of the material facts
disputed by Petitioner, if any;
- A statement of facts which peti-

PROOF OF PUBLICATION

IN RE

NEWS-JOURNAL CORPORATION

Daytona Beach, Florida

Publication Fee, \$

JUL 5 1990

RECEIVED
JUL 13 1990
DER-BAQM

tioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceedings. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

The application is available for public inspection during business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: Department of Environmental Regulation

Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Department of Environmental Regulation
Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794

Department of Environmental Regulation
Southwest District
4520 Oak Fair Boulevard
Tampa, Florida 33610-7347

Department of Environmental Regulation
South District
2269 Bay Street
Ft. Myers, Florida 33901-2896

Department of Environmental Regulation
Northeast District
3426 Bills Road
Jacksonville, Florida 32207

Department of Environmental Regulation
Central District
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803-3767

Department of Environmental Regulation
Southeast District
1900 S. Congress Avenue, Suite A
West Palm Beach, Florida 33406

Broward County Environmental Quality Control Board
621 South Andrews Avenue
Ft. Lauderdale, Florida 33310

Dade County Dept. of Environmental

Resources Management
Jose Marti Building
801 S.W. 3rd Avenue, 2nd Floor
Miami, Florida 33130

Duval County Dept. of Health, Welfare & Bio-Environmental Services
421 West Church Street, Suite 412
Jacksonville, Florida 32202

Hillsborough County Environmental Protection Commission
1410 North 21st Street
Tampa, Florida 33605

Palm Beach County Health Dept. Division of Environmental Science and Engineering
901 E. Evernia Street
West Palm Beach, Florida 33402

Pinellas County Department of Environmental Management
315 Court Street
Clearwater, Florida 34616

Sarasota County Environmental Services Department
1301 Cattleman Road
Sarasota, Florida 33582-9631

Orange County Environmental Protection Department
2002 E. Michigan Avenue
Orlando, Florida 32806

Any person may send written comments on the proposed action to Mr. Barry Andrews at the Department's Tallahassee address. All comments mailed within 14 days of the publication of this notice will be considered in the Department's final determination.

Legal 531, June 30, 1990, 1t.

rec'd
7/13/90

PENSACOLA News Journal

PUBLISHED DAILY
PENSACOLA, ESCAMBIA COUNTY, FLORIDA

State of Florida,
County of Escambia.

Before the undersigned authority personally appeared

Cindy Vance
who on oath says that she is Legal Advertising Supervisor
of the Pensacola News Journal, a daily newspaper published at Pensacola in
Escambia County, Florida; with general circulation in Escambia, Santa
Rosa, Okaloosa and Walton Counties that the attached copy of
advertisement, being a NOTICE in the matter of

Intent to Issue

_____ in the _____ Court,
was published in said newspaper in the issues of _____

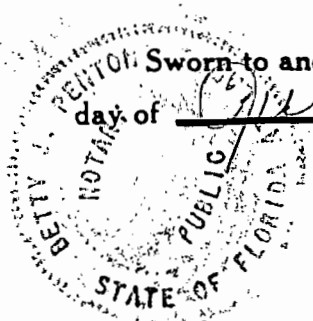
June 29, 1990

Affiant further say that the said The Pensacola News
Journal is a newspaper published at Pensacola, in said Escam-
bia County, Florida, and that the said newspaper has heretofore
been continuously published in said Escambia County, Florida,
each day and has been entered as second class mail matter at
the post office in Pensacola, in said Escambia County, Florida,
for a period of one year next preceding the first publication of
the attached copy of advertisement; and affiant further says
that he has neither paid nor promised any person, firm or cor-
poration any discount, rebate, commission or refund for the
purpose of securing this advertisement for publication in the
said newspaper.

Cindy Vance

Sworn to and subscribed before me this 29th
day of June, 1990

Betty J. Patton
NOTARY PUBLIC.



My Commission Expires October 26, 1991

State of Florida Department of Environmental Regulation Notice of Intent to Issue

The Department of Environmental Regulation hereby gives notice of its intent to issue permits (AC 16-180823 and -180824) to EnviroTech Southeast, Inc., 900 University Blvd. N., Suite 504, Jacksonville, Florida 32211, to construct two 25 TPH soil remediation units with air pollution controlled by baghouses and afterburners. Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) determinations were not required. Each unit may emit 22.4 TPY particulate matter, 99.98 TPY VOC, and 43.7 TPY SO₂. These emissions will not cause a violation of any ambient air quality standard or Prevention of Significant Deterioration (PSD) increment. The Department is issuing this Intent to Issue for the reasons stated in the Technical Evaluation and Preliminary Determination.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information:

- The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- A statement of how and when each petitioner received notice of the Department's action or proposed action;
- A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- A statement of the material facts disputed by Petitioner, if any;
- A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

The application is available for public inspection during business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Regulation
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RECEIVED
JUL 13 1990
DER-BAQM

JUL 5 1990

rec'd 7/13/90

Department of Environmental Regulation
Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794

Department of Environmental Regulation
Southwest District
4520 Oaks Fair Boulevard
Tampa, Florida 33610-7347

Department of Environmental Regulation
South District
2269 Bay Street
Ft. Myers, Florida 33901-2896

Department of Environmental Regulation
Northeast District
3426 Bills Road
Jacksonville, Florida 32207

Department of Environmental Regulation
Central District
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803-3767

Department of Environmental Regulation
Southeast District
1900 S. Congress Avenue, Suite A
West Palm Beach, Florida 33406

Broward County Environmental
Quality Control Board
621 South Andrews Avenue
Ft. Lauderdale, Florida 33310

Dade County Dept. of Environmental
Resources Management
Jose Marti Building
801 S. W. 3rd Avenue, 2nd Floor
Miami, Florida 33130

Duval County Dept. of Health, Welfare
& Bio-Environmental Services
421 West Church Street, Suite 412
Jacksonville, Florida 32202

Hillsborough County Environmental
Protection Commission
1410 North 21st Street
Tampa, Florida 33605

Palm Beach County Health Dept.
Division of Environmental Science
and Engineering
901 E. Evernia Street
West Palm Beach, Florida 33402

Pinellas County Department of
Environmental Management
315 Court Street
Clearwater, Florida 34616

Sarasota County Environmental
Services Department
1301 Cattleman Road
Sarasota, Florida 33582-9631

Orange County Environmental
Protection Department
2002 E. Michigan Avenue
Orlando, Florida 32806

Any person may send written comments on the
proposed action to Mr. Barry Andrews at the
Department's Tallahassee address. All comments
mailed within 14 days of the publication of this
notice will be considered in the Department's
final determination.

Legal No. 37977 1T
July 29, 1990

rec'd 7/13/90

THE PALM BEACH POST

Published Daily and Sunday
West Palm Beach, Palm Beach County, Florida

PROOF OF PUBLICATION

STATE OF FLORIDA

COUNTY OF PALM BEACH

Before the undersigned authority personally appeared Chris Bull
who on oath says that she/he is Class. Sales Mgr of The Palm Beach Post,
a daily and Sunday newspaper published at West Palm Beach in Palm Beach County,
Florida; that the attached copy of advertising, being a _____
Notice

in the matter of _____ intent to issue _____
in the _____ Court, was published in said newspaper in
the issues of _____ June 29, 1990

Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 29 day of June A.D. 19 90



Betty D. Cullen
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. DEC 14, 1990
BONDED THRU GENERAL INS. UND.

NO. 294615
State of Florida
Department of
Environmental Regulation
Notice of Intent to Issue
The Department of Environmental Regulation hereby gives notice of its intent to issue permits (AC 18-180823 and -180824) to EnviroTech Southeast, Inc., 800 University Blvd. N., Suite 504, Jacksonville, Florida 32211, to construct two 25 TPH soil remediation units with air pollution controlled by baghouses and afterburners. Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) determinations were not required. Each unit may emit 22.4 TYP particulate matter, 99.98 TYP VOC, and 43.7 TYP SO₂. These emissions will not cause a violation of any ambient air quality standard or Prevention of Significant Deterioration (PSD) increment. The Department is issuing this intent to issue for the reasons stated in the Technical Evaluation and Preliminary Determination. A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative (hearing) under Section 120.57, Florida Statutes. The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by Petitioner, if any;

(e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.
If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the application have the right to petition to be a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.
The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:
Department of Environmental Regulation
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400
Department of Environmental Regulation
Northwest District
180 Governmental Center
Pensacola, FL 32501-5794
Department of Environmental Regulation
Southwest District
4520 Oak Fair Boulevard
Tampa, FL 33610-7347
Department of Environmental Regulation
South District
2269 Bay Street

Ft. Myers, FL 33901-2896
Department of Environmental Regulation
Northeast District
3426 Billie Road
Jacksonville, FL 32207
Department of Environmental Regulation
Central District
3319 Maguire Blvd., Suite 232
Orlando, FL 32803-3767
Department of Environmental Regulation
Southeast District
1900 S. Congress Avenue, Suite A
West Palm Beach, FL 33406
Broward County Environmental Quality Control Board
621 South Andrews Avenue
Ft. Lauderdale, FL 33310
Dade County Dept. of Environmental Resources Management
Jose Marti Building
801 S.W. 3rd Avenue, 2nd Floor
Miami, FL 33130
Duval County Dept. of Health, Welfare & Bio-Environmental Services
421 West Church Street, suite 412
Jacksonville, FL 32202
Hillsborough County Environmental Protectional Commission
1410 North 21st Street
Tampa, FL 33605
Palm Beach County Health Dept.
Division of Environmental Science and Engineering
901 E. Evernia Street
West Palm Beach, FL 33402
Pinellas County Department of Environmental Management
315 Court Street
Clearwater, FL 34616
Sarasota County Environmental Services Department
1301 Cattleman Road
Sarasota, FL 33582-9631
Orange County Environmental Protection Department
2002 E. Michigan Avenue
Orlando, FL 32806
Any person may send written comments of the proposed action to Mr. Barry Andrews at the Department's Tallahassee address. All comments mailed within 14 days of the publication of this notice will be considered in the Department's final determination.
PUB: Palm Beach Post
June 29, 1990

Daily News

NORTHWEST FLORIDA

Published Daily

Fort Walton Beach, Florida

State of Florida

County of Okaloosa

Before the undersigned authorized personally appeared _____

Karlene Valliere, who on oath says that (s)he

is Acct. Asst. of the Northwest Florida Daily News, a daily

newspaper published at Fort Walton Beach, in Okaloosa County, Florida;

that the attached copy of advertisement, being a Legal

in the matter of Notice of Intent

in the _____

Court, was published in said newspaper in the issues of _____

June 30, 1990

Affiant further says that the said Northwest Florida Daily News is a newspaper published at Fort Walton Beach, in said Okaloosa County, Florida, and that the said newspaper has heretofore been continuously published in said Okaloosa County, Florida, each day, and has been entered as second class mail matter at the post office in Fort Walton Beach, in said Okaloosa County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that (s)he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Karlene Valliere

Sworn to and subscribed before me this 2nd day of

July, A.D. 19 90.

Theresa A. Thomas

Notary Public, State of Florida at Large

My Commission Expires _____



THERESA A. THOMAS
My Comm. Exp. 3-4-94
Bonded Thru Service Ins. Co.

Leg: 1678
State of Florida
Department of Environmental Regulation
Notice of Intent to Issue
The Department of Environmental Regulation hereby gives notice of its intent to issue permits (AC 16-180823 and -180824) to EnviroTech Southeast, Inc., 900 University Blvd. N., Suite 504, Jacksonville, Florida 32211, to construct two 25 TPH soil remediation units with air pollution controlled by baghouses and afterburners. Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) determinations were not required. Each unit may emit 22.4 TPY particulate matter, 99.98 TPY VOC, and 43.7 TPY SO₂. These emissions will not cause a violation of any ambient air quality standard or Prevention of Significant Deterioration (PSD) increment. The Department is issuing this Intent to Issue for the reasons stated in the Technical evaluation and Preliminary Determination.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information:

- The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- A statement of how and when each petitioner received notice of the Department's action or proposed action;
- A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- A statement of the material facts disputed by Petitioner, if any;
- A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- A statement of the relief sought by petitioner, stating precisely the action petitioner

wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C. The application is available for public inspection during business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Regulation
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, Florida
32399-2400

Department of Environmental Regulation
Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794

Department of Environmental Regulation
Southwest District
4520 Oak Fair Boulevard
Tampa, Florida 33610-7347

Department of Environmental Regulation
South District
2269 Bay Street
Ft. Myers, Florida 33901-2896

Department of Environmental Regulation
Northeast District
3426 Bills road
Jacksonville, Florida 32207

Department of Environmental Regulation
Central District
3319 Moguire Blvd., Suite 232
Orlando, Florida 32803-3767

Department of Environmental Regulation
Southeast District
1900 S. Congress Avenue, Suite A
West Palm Beach, Florida
33406

Broward County Environmental Quality Control Board
621 South Andrews Avenue
Ft. Lauderdale, Florida 33310

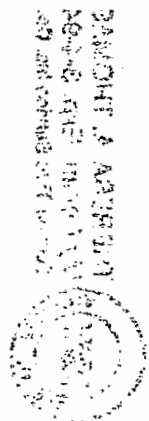
Dade County Dept. of Environmental Resources Management
Jose Marti Building
801 S.W. 3rd Avenue, 2nd Floor
Miami, Florida 33130

RECEIVED

JUL 13 1990

DER-BAQM

JUL 5 1990



rec'd 7/13/90

Duval County Dept. of Health,
Welfare & Bio-Environmental
Services
421 West Church Street, Suite
412
Jacksonville, Florida 32202

Hillsborough County Environ-
mental Protection Commission
1410 North 21st Street
Tampa, Florida 33605

Palm Beach County Health
Dept.
Division of Environmental Sci-
ence and Engineering
901 E. Evernia Street
West Palm Beach, Florida
33402

Pinellas County Department
of Environmental
Management
315 Court Street
Clearwater, Florida 34616

Sarasota County Environmen-
tal Services Department
1301 Cattleman Road
Sarasota, Florida 33582-9631

Orange County Environmental
Protection Department
2002 E. Michigan Avenue
Orlando, Florida 32806

Any person may send written
comments on the proposed
action to Mr. Barry Andrews
at the Department's Tallahas-
see address. All comments
mailed within 14 days of the
publication of this notice will
be considered in the Depart-
ment's final determination.
Leg: 1678 June 30, 1990.

Florida Freedom Newspapers, Inc.

PUBLISHERS OF THE NEWS - HERALD

Panama City, Bay County, Florida

Published Daily

State of Florida

County of Bay

Before the undersigned authority appeared _____

Scott Walker

, who on oath says that (s)he

is Advertising Director _____ of the News-Herald, a daily

newspaper published at Panama City, in Bay County, Florida; that the attached copy

of advertisement, being a Notice of Intent _____

in the matter of Dept. of Env. Regulation _____

In the Bay County _____

Court, was published in said newspaper in the issues of _____

July 6

Affiant further says that the News-Herald is a direct successor of the Panama City News and that this publication, together with its direct predecessor, has been continuously published in said Bay County, Florida, each day (except that the predecessor, Panama City News, was not published on Sundays), and that this publication, together with its said predecessor, has been entered as a second class mail matter at the post office in Panama City in said Bay County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement, all in accordance with the provisions of section 49.03, Florida Statutes; and affiant further says that (s)he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

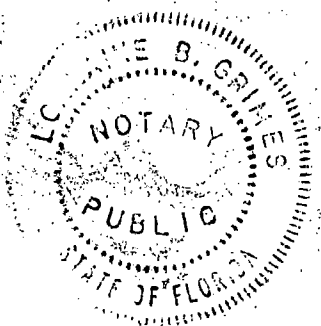
Sworn to and subscribed before me this 6th _____ day of

July

A.D., 19 90

Notary Public, State of Florida at Large

My Commission Expires _____ Notary Public, State of Florida
My Commission Expires Aug. 25, 1992
Bonded Thru Troy Fain - Insurance Inc.



9390
STATE OF FLORIDA
Department of
Environmental Regulation
Notice of Intent to Issue

The Department of Environmental Regulation hereby gives notice of its intent to issue permits (AC 16-180823 and -180824) to EnviroTech Southeast, Inc., 900 University Blvd. N., Suite 504, Jacksonville, Florida 32211, to construct two 25 TPH soil remediation units with air pollution controlled by baghouses and afterburners. Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) determinations were not required. Each unit may emit 22.4 TPY particulate matter, 99.98 TPY VOC, and 43.7 TPY SO₂. These emissions will not cause a violation of any ambient air quality standard or Prevention of Significant Deterioration (PSD) increment. The Department is issuing this Intent to Issue for the reasons stated in the Technical Evaluation and Preliminary Determination.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, 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 of 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information:

- The name, address, and telephone number of each petitioner, the applicants' name and address, the Department Permit File Number and the county in which the project is proposed;
- A statement of how and when each petitioner received notice of the Department's action or proposed action;
- A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- A statement of the material facts disputed by Petitioner, if any;
- A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

RECEIVED

JUL 13 1990

DER-BAQM

rec'd
7/13/90

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

The application is available for public inspection during business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of
Environmental Regulation
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee,
Florida 32399-2400

Department of
Environmental Regulation
Northwest District
160 Governmental Center
Pensacola,
Florida 32501-5794

Department of
Environmental Regulation
Southwest District
4520 Oak Fair Boulevard
Tampa, Florida 33610-7347

Department of
Environmental Regulation

South District
2269 Bay Street
Ft. Myers,
Florida 33901-2896

Department of
Environmental Regulation
Northeast District
3426 Bills Road
Jacksonville, Florida 32207

Department of
Environmental Regulation
Central District
3319 Maguire Blvd.,
Suite 232
Orlando, Florida 32803-3767

Department of
Environmental Regulation
Southeast District
1900 S. Congress Avenue,
Suite A
West Palm Beach,
Florida 33406

Broward County Environmental
Quality Control Board
621 South Andrews Avenue
Ft. Lauderdale, Florida 33310

Dade County Department
of Environmental Resources
Management
Jose Marti Building
801 S.W. 3rd Avenue,
2nd Floor
Miami, Florida 33130

Duval County Dept. of Health,
Welfare & Bio-Environmental
Services
421 West Church Street,
Suite 412
Jacksonville, Florida 32202

Hillsborough County Environ-
mental Protection Commission
1410 North 21st Street
Tampa, Florida 33605

Palm Beach County
Health Dept.
Division of Environmental
Science and Engineering
901 E. Evernia Street
West Palm Beach,
Florida 33402

Pinellas County Department of
Environmental Management
315 Court Street
Clearwater, Florida 34616

Sarasota County Environmental
Services Department
1301 Cattleman Road
Sarasota,
Florida 33582-9631

Orange County Environmental
Protection Department
2002 E. Michigan Avenue
Orlando, Florida 32806

Any person may send written comments on the proposed action to Mr. Barry Andrews at the Department's Tallahassee address. All comments mailed within 14 days of the publication of this notice will be considered in the Department's final determination.
July 6, 1990

Tallahassee Democrat

PUBLISHED DAILY

TALLAHASSEE - LEON - FLORIDA

STATE OF FLORIDA COUNTY OF LEON:

Before the undersigned authority personally appeared Carrie Coons who on oath says that she is Legal Advertising Representative of the Tallahassee Democrat, a daily newspaper published at Tallahassee in Leon County, Florida; that the attached copy of advertising being a Legal Ad in the matter of

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

in the
Court, was published in said newspaper in the
issues of:

JUNE 30, 1990

Affiant further says that the said Tallahassee Democrat is a newspaper published at Tallahassee, in the said Leon County, Florida, and that the said newspaper has heretofore been continuously published in said Leon County, Florida, each day and has been entered as second class mail matter at the post office in Tallahassee, in said Leon County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this publication in the said newspaper.

Carrie Coons
Carrie Coons,
Legal Advertising Representative

Sworn To And Subscribed Before Me
This 2nd

Day of July

A.D. 1990



Lady Hashins
Notary Public

Notary Public, State of Florida
My Commission Expires Sept. 27, 1992
Bonded Thru Troy Fain - Insurance Inc.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION NOTICE OF INTENT TO ISSUE PERMIT

The Department of Environmental Regulation hereby gives notice of its intent to issue permits (AC 16-180823 and 180824) to EnviroTech Southeast, Inc., 900 University Blvd. N., Suite 504, Jacksonville, Florida 32211, to construct two 25 TPH soil remediation units with air pollution controlled by baghouses and afterburners. Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) determinations were not required. Each unit may emit 22.4 TPY particulate matter, 99.98 TPY VOC, and 43.7 TPY SO₂. These emissions will not cause a violation of any ambient air quality standard or Prevention of Significant Deterioration (PSD) increment. The Department is issuing this Intent to Issue for the reasons stated in the Technical Evaluation and Preliminary Determination.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 14 days of the publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

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- The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the County in which the project is proposed;
- A statement of how and when each petitioner received notice of the Department's action or proposed action;
- A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- A statement of the material facts disputed by the Petitioner, if any;
- A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, Florida Statutes, and to participate as a party in this proceeding. Any subsequent intervention will be only at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

The application is available for public inspection during business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays at:

Department of Environmental Regulation
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400.

Department of Environmental Regulation
Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794

Department of Environmental Regulation
Southwest District
4520 Oak Fair Boulevard
Tampa, Florida 33610-7347

Department of Environmental Regulation
South District
2269 Bay Street
Ft. Myers, Florida 33901-2896

Department of Environmental Regulation
Northeast District
3426 Bills Road
Jacksonville, Florida 32207

Department of Environmental Regulation
Central District
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803-3767

Department of Environmental Regulation
Southeast District
1900 S. Congress Avenue, Suite A
West Palm Beach, Florida 33406

Broward County Environmental
Quality Control Board
621 South Andrews Avenue
Ft. Lauderdale, Florida 33310

Dade County Dept. of Environmental
Resources Management
Jose Marti Building
801 S.W. 3rd Avenue, 2nd Floor
Miami, Florida 33130

RECEIVED

JUL 13 1990

DER-BAQM

Duval County Dept. of Health Welfare
& Bio-Environmental Services
421 West Church Street, Suite 412
Jacksonville, Florida 32202

Hillsborough County Environmental
Protection Commission
1410 North 21st Street
Tampa, Florida 33605

Palm Beach County Health Dept.
Division of Environmental Science
and Engineering
901 E. Evernia Street
West Palm Beach, Florida 33402

Pinellas County Department of
Environmental Management
315 Court Street
Clearwater, Florida 34616

Sarasota County Environmental
Services Department
1301 Cattleman Road
Sarasota, Florida 33582-9631

Orange County Environmental
Protection Department
2002 E. Michigan Avenue
Orlando, Florida 32806

Any person may send written comments on the
proposed action to Mr. Barry Andrews at the Department's
Tallahassee address. All comments mailed within 14 days
of the publication of this notice will be considered in the
Department's final determination.

June 30, 1990

Ad No. 6R640110



RECEIVED



METRO-DADE CENTER

JUL 6 1990

DER - BAQM

June 28, 1990

ENVIRONMENTAL RESOURCES MANAGEMENT
SUITE 1310
111 N.W. 1st STREET
MIAMI, FLORIDA 33128-1971
(305) 375-3376

CERTIFIED MAIL NO. P 289 538 239
RETURN RECEIPT REQUESTED

Chris Sleeper, Director
ENVIROTECH SOUTHEAST, INC.
900 University Blvd., N.
Suite 504
Jacksonville, Florida 32211

Dear Mr. Sleeper:

The Florida Administrative Code and the Metropolitan Dade County Environmental Protection Ordinance both require that major air pollution sources in Dade County satisfy the appropriate pollution control regulations and operate within the Code provisions of the governing regulatory agencies. Please be advised that the operation of soil remediation units in Dade County requires permitting by the Department of Environmental Resources Management (DERM).

We have received notification from the Florida Department of Environmental Regulation, (FDER), that the FDER intends to issue permits AC-16-180823 and AC-16-180824 to construct two 25 TPH soil remediation units which could be operated in any county in the state. This facility cannot legally operate in Dade County without Dade County Pollution Control Permits.

Please submit to DERM Plan Review at 111 N.W. First Street, Suite 1010, Miami, Florida 33128 Attn: Vince Arrebola, Chief, two copies of the FDER permit application and two sets of the appropriate engineering drawings for the subject plants for DERM plan review.

For clarification of any of the above, please contact the DERM Air Section at telephone (305) 858-0601.

Sincerely,

Ewart L. Anderson, P.E.
Air Permitting Engineer
Environmental Monitoring Division

ELA/aas

cc: C.H. Fancy, P.E. ✓
Michael Graham
File P-697

DEPARTMENT OF HEALTH, WELFARE
& BIO-ENVIRONMENTAL SERVICES
Bio-Environmental Services

RECEIVED

JUL 5 1990

DER-BAQM



July 2, 1990

Mr. Barry Andrews
Bureau of Air Regulation
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

SUBJECT: ENVIROTECH SOUTHEAST, INC. - AC16-180823, 180824

Dear Mr. Andrews:

Bio-Environmental Services Division (BESD) has reviewed the above referenced permit and does not have any comments for consideration.

Very truly yours,

Ronald L. Roberson
Associate Engineer

RLR/ea

cc: Mr. Andrew G. Kutyna, P.E., DER
BESD Air Permitting File
BESD File 1370.5 - C Soil Remediation Units

disc/rlr/19

cc:

Willard Hawks 7/6/90 RLR



● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: Chris Sleeper Director of Tech. Sales EnviroTech SE, Inc 900 University Blvd N. Jacksonville, FL 32211		4. Article Number P 423 104 516
5. Signature - Address X <i>[Signature]</i>		Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
6. Signature - Agent X		Always obtain signature of addressee or agent and DATE DELIVERED .
7. Date of Delivery 6-21-90		
		8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Mar. 1988

★ U.S.G.P.O. 1988-212-865

DOMESTIC RETURN RECEIPT

P 423 104 516

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

PS Form 3800, June 1985 ★ U.S.G.P.O. 1989-234-555	Sent to Chris Sleeper	
	Street and No. EnviroTech SE	
	P.O., State and ZIP Code 900 Univ. Blvd N. Jacksonville, FL	
	Postage	
	Certified Fee	
	Special Delivery Fee	
	Restricted Delivery Fee	
	Return Receipt showing to whom and Date Delivered	
	Return Receipt showing to whom, Date, and Address of Delivery	
	TOTAL Postage and Fees	\$
Postmark or Date AC 16-180823 AC 16-180824 6-19-90		



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Bob Martinez, Governor

Dale Twachtmann, Secretary

John Shearer, Assistant Secretary

June 20, 1990

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. Chris Sleeper
Director of Technical Sales
EnviroTech Southeast, Inc.
900 University Blvd, N., Suite 504
Jacksonville, Florida 32211

Dear Mr. Sleeper:

Attached is one copy of the Technical Evaluation and Preliminary Determination and proposed permits to construct two soil remediation units for operation throughout Florida.

Please submit any written comments you wish to have considered concerning the Department's proposed action to Mr. Barry Andrews of the Bureau of Air Regulation.

Sincerely,

C. H. Fancy, P.E.

Chief

Bureau of Air Regulation

CHF/WH/plm

Attachments

c: Don Ehlenbeck, BWC
District Air Program Directors
County Program Air Sections
Mark Armentrout, USEPA
Dale Kelley, P.E.

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

In the Matter of
Application for Permit by:

EnviroTech Southeast, Inc.
900 University Blvd, N., Suite 504
Jacksonville, Florida 32211

DER File No. AC 16-180823
AC 16-180824

INTENT TO ISSUE

The Department of Environmental Regulation hereby gives notice of its intent to issue permits (copies attached) for the proposed projects as detailed in the application specified above. The Department is issuing this Intent to Issue for the reasons stated in the attached Technical Evaluation and Preliminary Determination.

The applicant, EnviroTech Southeast, Inc., applied on May 18, 1990, to the Department of Environmental Regulation for permits to construct two 25 TPH portable soil remediation units for operation throughout Florida.

The Department has permitting jurisdiction under Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 17-2 and 17-4. The project is not exempt from permitting procedures. The Department has determined that an air construction permit is required for the proposed work.

Pursuant to Section 403.815, F.S. and DER Rule 17-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit. The notice shall be published one time only within 30 days, in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. The applicant shall provide proof of publication to the Department, at the address specified within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

The Department will issue the permit with the attached conditions unless a petition for an administrative proceeding (hearing) is filed pursuant to the provisions of Section 120.57, F.S.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Petitions filed by the permit applicant and the parties listed below must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of receipt of this intent, whichever first occurs. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information;

(a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;

(b) A statement of how and when each petitioner received notice of the Department's action or proposed action;

(c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;

(d) A statement of the material facts disputed by Petitioner, if any;

(e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

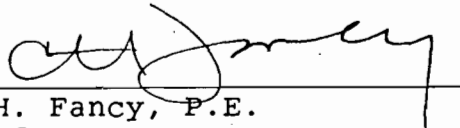
(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the application(s) have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office in General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such

person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION



C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

Copies furnished to:

Don Ehlenbeck, BWC
District Air Program Directors
County Program Air Sections
Mark Armentrout, USEPA
Dale Kelley, P.E.

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this NOTICE OF INTENT TO ISSUE and all copies were mailed before the close of business on 6-19-90.

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to
§120.52(9), Florida Statutes, with
the designated Department Clerk,
receipt of which is hereby
acknowledged.

Kern Jober
Clerk

6-19-90
Date

State of Florida
Department of Environmental Regulation
Notice of Intent to Issue

The Department of Environmental Regulation hereby gives notice of its intent to issue permits (AC 16-180823 and -180824) to EnviroTech Southeast, Inc., 900 University Blvd. N., Suite 504, Jacksonville, Florida 32211, to construct two 25 TPH soil remediation units with air pollution controlled by baghouses and afterburners. Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) determinations were not required. Each unit may emit 22.4 TPY particulate matter, 99.98 TPY VOC, and 43.7 TPY SO₂. These emissions will not cause a violation of any ambient air quality standard or Prevention of Significant Deterioration (PSD) increment. The Department is issuing this Intent to Issue for the reasons stated in the Technical Evaluation and Preliminary Determination.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by Petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

The application is available for public inspection during business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Regulation
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Department of Environmental Regulation
Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794

Department of Environmental Regulation
Southwest District
4520 Oak Fair Boulevard
Tampa, Florida 33610-7347

Department of Environmental Regulation
South District
2269 Bay Street
Ft. Myers, Florida 33901-2896

Department of Environmental Regulation
Northeast District
3426 Bills Road
Jacksonville, Florida 32207

Department of Environmental Regulation
Central District
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803-3767

Department of Environmental Regulation
Southeast District
1900 S. Congress Avenue, Suite A
West Palm Beach, Florida 33406

Broward County Environmental
Quality Control Board
621 South Andrews Avenue
Ft. Lauderdale, Florida 33310

Dade County Dept. of Environmental
Resources Management
Jose Marti Building
801 S.W. 3rd Avenue, 2nd Floor
Miami, Florida 33130

Duval County Dept. of Health, Welfare
& Bio-Environmental Services
421 West Church Street, Suite 412
Jacksonville, Florida 32202

Hillsborough County Environmental
Protection Commission
1410 North 21st Street
Tampa, Florida 33605

Palm Beach County Health Dept.
Division of Environmental Science
and Engineering
901 E. Evernia Street
West Palm Beach, Florida 33402

Pinellas County Department of
Environmental Management
315 Court Street
Clearwater, Florida 34616

Sarasota County Environmental
Services Department
1301 Cattleman Road
Sarasota, Florida 33582-9631

Orange County Environmental
Protection Department
2002 E. Michigan Avenue
Orlando, Florida 32806

Any person may send written comments on the proposed action to Mr. Barry Andrews at the Department's Tallahassee address. All comments mailed within 14 days of the publication of this notice will be considered in the Department's final determination.

Technical Evaluation
and
Preliminary Determination

EnviroTech Southeast, Inc.
Jacksonville, Duval County, Florida

Two 25 TPH Soil Remediation Units
Statewide Operation

File Numbers:
AC 16-180823
AC 16-180824

Department of Environmental Regulation
Division of Air Resources Management
Bureau of Air Regulation

June 20, 1990

I. General Information

A. Applicant

EnviroTech Southeast, Inc.
900 University Blvd. N., Suite 504
Jacksonville, Florida 32211

B. Request

On May 18, 1990, EnviroTech Southeast, Inc. submitted an application for permits to construct two 25 TPH portable soil remediation units (rotary kiln/afterburner system) which could be operated in any county in the state. The application was considered complete on May 18, 1990, when the application fee was received.

C. Project

The applicant is requesting permission to construct two 25 TPH portable rotary kiln/afterburner units (SIC 1629) for operation throughout the state. The units will be mounted on trailers so that they can be transported to various sites. Each unit will be equipped with a baghouse and afterburner. The units are to be used to decontaminate soil containing virgin petroleum products and "on-spec" used oil.

D. Emissions

Each unit will emit particulate matter (PM), including lead compounds, volatile organic compounds (VOC), and the products of combustion (SO₂, NO_x, and CO).

A 99.7% efficient Astec baghouse will be used to control PM emissions. The baghouse has been designed to meet the particulate matter emissions standard of 0.08 grain/dscf corrected to 50% excess air (F.A.C. Rule 17-2.600(1)(c)1.) that the Department will impose on this unit. Approximately 7474 dscfm corrected to 50% EA flow through the baghouse and afterburner resulting in an estimated PM emission of 5.1 lbs/hr. As each unit will be restricted to a total of 8736 annual operating hours. The maximum PM emissions per unit will be 22.4 TPY.

The VOC evaporates from the contaminated soil and passes through the baghouse to the afterburner. The applicant estimates that up to 1000 lbs/hr of VOC will enter the afterburner and, after 97.7% destruction, 22.89 lbs/hr of VOC will be discharged to the atmosphere. Based on 8736 hrs/yr operation, this is equivalent to 99.98 TPY VOC emissions.

Propane is the primary fuel. The maximum heat input to the rotary kiln/afterburner system is 34.2 MMBtu/hr (373 GPH) from propane. Maximum emissions from this fuel and the hydrocarbons destroyed in the afterburner are estimated to be 10.0 lbs/hr (43.7 TPY) SO₂, 7.4 lbs/hr (32.2 TPY) NO_x, and 1.8 lbs/hr (8.0 TPY) CO.

Reasonable precautions will be required to control the unconfined emissions from the decontaminated soil. This will involve wetting the dried material, covering storage piles, and hauling of the material in covered trucks.

At the low emission rates proposed, there should be no visible emissions from this source.

II. Rule Applicability

The proposed project, construction and operation of two 25 TPH portable rotary kiln/afterburner units, is subject to preconstruction review under the provisions of Chapter 403, Florida Statutes, and Chapter 17-2, Florida Administrative Code.

The sources may be operated in areas designated nonattainment for particulate matter, ozone, and sulfur dioxide (F.A.C. Rule 17-2.410), unclassifiable for particulate matter and sulfur dioxide (F.A.C. Rule 17-2.430), attainment for all criteria pollutants (F.A.C. Rule 17-2.420), and maintenance for ozone (F.A.C. Rule 17-2.460).

The units are a minor source (F.A.C. Rule 17-2.100) because emissions of any single pollutant are less than 100 TPY. The proposed sources are not subject to the preconstruction review requirements of F.A.C. Rule 17-2.500(5) and F.A.C. Rule 17-2.510(4) because permit restrictions will prohibit each unit from emitting 100 TPY of any pollutant. Should a unit violate this restriction, it could become retroactively subject to other regulations.

The sources are subject to F.A.C. Rule 17-2.520, which pertains to sources not subject to PSD or nonattainment review. The units are classified as incinerators. Allowable particulate matter emissions are limited to 0.08 grains/dscf corrected to 50% excess air (F.A.C. Rule 17-2.600(1)(c)1.) and the emissions cannot cause objectionable odors (F.A.C. Rule 17-2.600(1)(c)2.). Chapter 17-2, F.A.C., does not have an applicable RACT standard for particulate matter, sulfur dioxide, or volatile organic compounds (VOC) that would apply to these sources. Organic (VOC) emissions will be regulated under F.A.C. Rule 17-2.620, General Pollutant Emission Limiting Standards, which restricts emissions to control by systems deemed necessary by the Department. The Department deems 95% destruction of the VOC air pollutants as a minimum standard for these units. The discharge of pollutants shall not cause an exceedance of an acceptable ambient air concentration (AAC) or risk for toxic pollutants.

Prior to issuance of the proposed construction permits, the applicant must provide the Department's Bureau of Air Regulation with a list of all counties that the soil incinerators will be operated in and certified proof of publication of the Notice of Intent from a newspaper of general circulation in each county on the list (F.A.C. Rule 17-2.220).

III. Technical Evaluation

Soil contaminated with petroleum products will be sampled and tested for the presence of PCB's (polychlorobiphenyls), BTEX (benzene, toluene, ethyl benzene, and xylene), and RCRA materials prior to decontamination. The PCB and RCRA tests may be waived if the applicant can provide the Department with reasonable assurance that the soil is contaminated only with "on-spec" and virgin petroleum products. The soil will be decontaminated in a propane fired rotary kiln/afterburner system. Up to 25 TPH of soil will be heated in the rotary kiln to evaporate the petroleum products (VOC). The gases from the rotary kiln will pass through a baghouse that removes over 99.7% of the particulate matter and then through a 97.7% efficient afterburner (0.9 second retention time at 1600°F) to burn the VOC. Higher temperatures and/or residence time than proposed for the afterburner may be needed to achieve this destruction efficiency. Maximum heat input to the rotary kiln/afterburner system is 34.2 MMBtu/hr.

At an allowable particulate matter emission rate of 0.08 gr/dscf corrected to 50% excess air (EA) and a volumetric flow of 7,474 dscfm corrected to 50% EA, the process would emit 5.1 lbs/hr. A 99.7% efficient baghouse will meet this standard.

The guidance used by the Department to determine acceptable ambient concentrations (AAC) of hazardous pollutants is based on the following formula:

$$\text{acceptable ambient concentration (AAC)} = \frac{40}{(\text{hrs per week operation})} \times \frac{1 \times (\text{OEL})}{\text{Safety factor}}$$

The safety factors are 100 for category A substances and 50 for category B substances.

OEL - Occupational Exposure Level such as ACGHI, OSHA, and NIOSH published standards for toxic materials.

TWA-TLV values are published by the American Conference of Governmental Industrial Hygienists (ACGIH). The values for the pollutants expected to be encountered in the proposed operation are as follows:

Pollutant	OEL	AAC (24 hr/day operation)
	mg/m ³	mg/m ³
Benzene	3	0.0071
Toluene	375	1.786
Ethyl Benzene	435	2.071
Xylene	435	2.071

Calculations, using the EPA approved Screen - 1.1 Model (updated PTPLU6 Model) and the stack parameters listed in the application, show that an emission rate of 1 gram/sec will have a maximum ambient air impact of $12.1 \times 10^{-3} \text{ mg/m}^3$ (8 hr. avg.). If tests show the actual stack parameters are different than the design, the impact and allowable VOC emissions will also be different.

The maximum emissions that can occur without exceeding the AAC can be determined by the following relationship:

$$\text{AAC} = \text{Impact of Unit} \times \text{Emissions.}$$

With this relationship and data, the Department can estimate the maximum emissions of a pollutant from the proposed unit that can occur without exceeding the AAC. Also, by knowing the process weight for each unit (25 TPH), assuming all VOC in the contaminated soil is evaporated in the kiln, and that 95% of this VOC is destroyed by the afterburner, the maximum content of the pollutants in the soil that can exist without the potential to exceed the AAC can be determined. The Department has made these calculations for the BTEX compounds. The results are summarized in the following table.

Pollutant	Maximum Emissions		Maximum Soil Concentration PPM
	grams/second	lbs/hr	
Benzene	0.59	4.7	1,880
Toluene	147.6	1170	468,160
Ethyl Benzene	171.2	1357	542,877
Xylene	171.2	1357	542,877

Using a similar procedure, it can be shown that the maximum VOC content of the untreated soil cannot exceed 8,000 PPM when the emissions are 22.89 lbs/hr VOC. The applicant has claimed the VOC destruction efficiency of the afterburner will exceed 97.71%. If tests confirm his estimate, soils containing up to 20,000 PPM VOC may be treated in this unit without exceeding an emission rate of 22.89 lbs/hr VOC.

If the VOC emissions are 100 TPY or greater, the proposed unit will be subject to more restrictive regulations. The VOC emissions in the application (99.98 TPY) are based on the unit running nearly continuously (8736 hrs/yr) at its designed rate (25 TPY of soil containing 2% VOC) while the afterburner destroyed 97.71% of the VOC. This basis is unrealistically liberal. Because of the time required for relocation, set-up, maintenance, etc., the unit will not operate continuously. Because of normal operation problems (wet soil, caking of feed system, etc.), the unit will not be able to process 25 TPH of soil all the time. The afterburner is designed for 99% destruction efficiency. Emission calculations are based on 97.71% destruction. Permit conditions will prohibit operation above 25 TPH anytime, limit VOC content of the soil to 2%, and require a minimum destruction efficiency of 97.71%. Thus, actual VOC emissions will be less than the 99.98 TPY allowed by the permit.

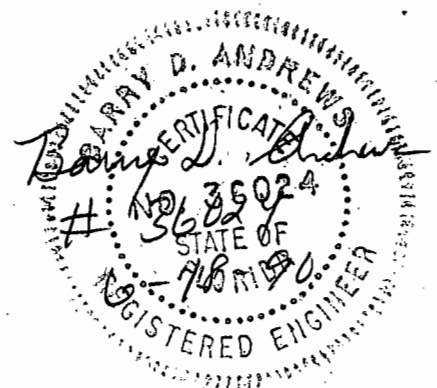
The Department has chosen to regulate benzene and total VOC only for soils contaminated with virgin petroleum products and "on-spec" used oil. For soil contaminated with other petroleum product components and derivatives, the applicant will be required to submit calculations showing the AAC or other concentrations required to protect public health and safety will not be exceeded before the soil can be treated in this unit.

IV. Air Quality Analysis

By restricting the benzene and VOC content of the soil, the Department has reasonable assurance that the operation of the portable rotary kiln/afterburner units will not create a health hazard or cause/contribute to an ambient air quality violation.

V. Conclusion

Based on the information provided by EnviroTech Southeast, Inc., the Department has reasonable assurance that the proposed construction/operation of the 25 TPH portable rotary kiln/afterburner units, as described in this evaluation, and subject to the conditions proposed herein, will not cause or contribute to a violation of any air quality standard, PSD increment, or any other technical provision of Chapter 17-2 of the Florida Administrative Code.





Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Bob Martinez, Governor

Dale Twachtmann, Secretary

John Shearer, Assistant Secretary

PERMITTEE:

EnviroTech Southeast, Inc.
900 University Blvd. N.
Suite 504
Jacksonville, FL 32211

Permit Numbers: AC 16-180823

Expiration Date: January 1, 1991

County: Statewide Operation

Project: 25 TPH Portable Rotary
Kiln/Afterburner Systems

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 17-2 and 17-4. 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:

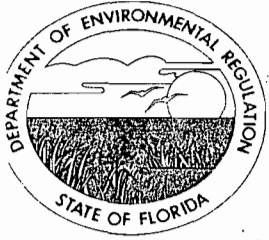
Authorization to construct a portable rotary kiln/afterburner system. The unit consists of a contaminated soil hopper and feed unit, a 25 TPH rotary dryer with a propane gas burner, a 99.7% efficient Astec PBH-10 baghouse, a 99% efficient propane fired Astec STU-430 afterburner (0.9 second retention time at 1600°F) and stack (4' diameter by 30' height) handling approximately 24,000 acfm (7474 dscfm at 50% EA), and associated equipment.

The unit may be used throughout the state (all counties) after receiving Department authorization to operate at a new location.

The source shall be constructed in accordance with the permit application, plans, documents, amendments and drawings, except as otherwise noted in the General and Specific Conditions.

Attachments are listed below:

1. Application received on May 18, 1990.



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Secretary

PERMITTEE:
EnviroTech Southeast, Inc.
900 University Blvd. N.
Suite 504
Jacksonville, FL 32211

Permit Numbers: AC 16-180824
Expiration Date: January 1, 1991
County: Statewide Operation
Project: 25 TPH Portable Rotary
Kiln/Afterburner Systems

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 17-2 and 17-4. 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:

Authorization to construct a portable rotary kiln/afterburner unit. The unit consists of a contaminated soil hopper and feed system, a 25 TPH rotary dryer with a propane gas burner, a 99.7% efficient Astec PBH-10 baghouse, a 99% efficient propane fired Astec STU-430 afterburner (0.9 second retention time at 1600°F) and stack (4' diameter by 30' height) handling approximately 24,000 acfm (7474 dscfm at 50% EA), and associated equipment.

The unit may be used throughout the state (all counties) after receiving Department authorization to operate at a new location.

The source shall be constructed in accordance with the permit application, plans, documents, amendments and drawings, except as otherwise noted in the General and Specific Conditions.

Attachments are listed below:

1. Application received on May 18, 1990.

PERMITTEE:
EnviroTech Southeast, Inc.

Permit Numbers: AC 16-180823
AC 16-180824
Expiration Date: January 1, 1991

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 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. 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), Florida Statutes, 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 the permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
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.

PERMITTEE:
EnviroTech Southeast, Inc.

Permit Numbers: AC 16-180823
AC 16-180824
Expiration Date: January 1, 1991

GENERAL CONDITIONS:

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as 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 a reasonable time, 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 the conditions of the permit;
- 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 reasonably 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 non-compliance; and
- b. the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

PERMITTEE:
EnviroTech Southeast, Inc.

Permit Numbers: AC 16-180823
AC 16-180824
Expiration Date: January 1, 1991

GENERAL CONDITIONS:

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 proscribed by Sections 403.73 and 403.111, Florida Statutes. 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 Florida Administrative Code Rules 17-4.120 and 17-30.300, 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.

13. 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.

PERMITTEE:
EnviroTech Southeast, Inc.

Permit Numbers: AC 16-180823
AC 16-180824
Expiration Date: January 1, 1991

GENERAL CONDITIONS:

- 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:
- the date, exact place, and time of sampling or measurements;
 - the person responsible for performing the sampling or measurements;
 - the dates analyses were performed;
 - the person responsible for performing the analyses;
 - the analytical techniques or methods used; and
 - the results of such analyses.

14. 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 that 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.

SPECIFIC CONDITIONS:

Construction Requirements

1. The construction of this facility shall reasonably conform to the plans and schedule submitted in the application.
2. The stack sampling facilities must comply with F.A.C. Rule 17-2.700(4).
3. The afterburner shall be capable of operating above 1600°F with a 0.94 second retention time and have a minimum VOC destruction efficiency of 97.71%.

PERMITTEE:
EnviroTech Southeast, Inc.

Permit Numbers: AC 16-180823
AC 16-180824
Expiration Date: January 1, 1991

SPECIFIC CONDITIONS:

Emission Restrictions

4. Particulate matter emissions from this process shall neither exceed 0.08 grains/dscf corrected to 50% excess air nor 5.1 lbs/hr. Visible emissions from any part of the process shall not exceed 5% opacity.

5. Benzene emissions shall not exceed 4.7 lbs/hr. Total VOC emissions shall not exceed 22.89 lbs/hr. Compliance shall be determined from soil analysis, production rate, and the afterburner destruction efficiency.

6. The operation of this source shall not result in the emissions of air pollutants which cause or contribute to an objectionable odor pursuant to F.A.C. Rule 17-2.600(c)2.

Operation Requirements

7. The system shall be properly operated and maintained (F.A.C. Rule 17-2.210(2)). No person shall circumvent any pollution control device or allow the emissions of air pollutants without the applicable air pollution control device operating properly (F.A.C. Rule 17-2.240).

8. Reasonable precautions shall be used to minimize unconfined emissions of particulate matter generated by this operation (F.A.C. Rule 17-2.610(3)). This includes hauling the soil in covered trucks and keeping the work areas wet where the soil is being removed and treated.

9. The unit shall not be operated at a location or in a manner that may create a nuisance.

10. Untreated soil removed from the ground shall be stored under waterproof covers and on an impermeable surface.

11. This unit shall be allowed to operate 24 hours per day, 7 days per week, but not more than 8736 hrs/year.

12. Maximum soil charging rate to the unit shall not exceed 25 TPH. The permittee shall have means to determine the feed or production rate on site.

PERMITTEE:
EnviroTech Southeast, Inc.

Permit Numbers: AC 16-180823
AC 16-180824
Expiration Date: January 1, 1991

SPECIFIC CONDITIONS:

13. Only propane gas shall be used as fuel for this unit. Maximum permitted fuel consumption is 34.2 MMBtu/hr (373 GPH propane).

14. Only soils contaminated with virgin (non-recycled) petroleum products and "on-spec" used oil (see Specific Condition No. 15) shall be treated in this unit unless otherwise approved by the Bureau of Air Regulation (BAR). The portable rotary kiln/afterburner system shall neither be used to thermally process materials that are listed in 40 CFR 261.31, 261.32, 261.33 (revised as of July 1, 1988) nor materials that have the hazardous characteristics of corrosivity, reactivity, EP toxicity, and ignitability. Prior to the acceptance of contaminated materials for processing, the permittee shall provide the Department with reasonable assurance that the soil is contaminated with only virgin petroleum products, i.e., certification from the generator that the material is not classified as a hazardous waste pursuant to the federal regulations cited in this specific condition. To obtain approval to treat soils contaminated with other materials, the permittee shall submit soil analysis results and calculations to the BAR which show the impact of the emissions will not exceed the acceptable ambient air concentration (AAC) or violate any permit condition or regulation.

15. The following constituents of the "on-spec" petroleum products that contaminated the soil shall not be exceeded:

<u>Constituent</u>	<u>Allowable Level (max. ppm in oil)</u>
Arsenic	5
Cadmium	2
Chromium	10
Lead	100
<u>Total Halogens</u>	<u>1000</u>

To demonstrate compliance with Specific Condition No. 15, the petroleum product(s) responsible for contamination of the soil shall be tested for the listed contaminants. Test results shall be sent to the BAR at least 15 days prior to any soil remediation. This test may be waived if the owner or operator of the site can demonstrate that only virgin petroleum products are responsible for contamination of the site.

PERMITTEE:
EnviroTech Southeast, Inc.

Permit Numbers: AC 16-180823
AC 16-180824
Expiration Date: January 1, 1991

SPECIFIC CONDITIONS:

(TWA-TLV) is the threshold limit value (8 hrs/day, 40 hrs/wk) maximum exposure concentration considered safe for workers by the ACGIH.

Data in the application shows that, for continuous operation, an emission of 1 gram/sec will have a maximum ambient impact of 12.1×10^{-3} mg/m³ (8 hr. avg). If the stack parameters are different than the values listed in the application, the applicant must determine and use the revised impact factor.

$$\text{Maximum Allowable Emissions (g/sec)} = \frac{\text{AAC mg/m}^3}{12.1 \times 10^{-3}}$$

18. Pressure drop across the baghouse and temperature of the afterburner shall be recorded continuously during operations. The instruments used to obtain these measurements shall be properly calibrated, maintained, and in operation any time the unit is in service.

Compliance Requirements

19. This source must be tested at the maximum process weight rate at which the permittee intends to operate. All compliance tests shall meet the requirements listed in F.A.C. Rule 17-2.700. Operation at rates that are more than 10 percent above the tested rate will require the Department to be notified and, within 15 days, the source must be tested for compliance at this higher rate by appropriate test methods. The unit shall not operate above the maximum permitted rate of 25 TPH.

20. When the Department, after investigation, has good reason (such as complaints, increased visible emissions, or questionable maintenance of control equipment) to believe that any applicable emission standard contained in Chapter 17-2, F.A.C., or in this permit is being violated, it may require the owner or operator of the source to conduct compliance tests which identify the nature and quantity of pollutant emissions from the source and to provide a report on the results of said tests to the Department.

21. The exhaust stack for this process must be tested concurrently for particulate matter and visible emissions by EPA Methods 5 and 9 pursuant to 40 CFR 60, Appendix A, revised as of July 1, 1988, within 5 days after placing the unit in commercial

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AC 16-180824
Expiration Date: January 1, 1991

SPECIFIC CONDITIONS:

16. Sampling and analysis of the contaminated soil at each site, based on the procedures prescribed in SW-846, shall be conducted prior to remediation. Minimum number of composite samples for analysis for benzene and volatile organic compounds (VOC) at each site prior to remediation shall be as follows:

<u>Soil Quantity (yards³)</u>	<u>No. of Composite Samples</u>
Less than 100	1
100 to 500	3
500 to 1000	5
Each additional 250 yds	1 additional sample

The degree of treatment of the soil and its disposal must comply with the Bureau of Waste Cleanup policy. Presently, this requires that the soil exiting the dryer be sampled on an hourly basis during operation and an analysis of a daily composite sample made up of the hourly samples shall be performed for benzene, toluene, ethyl benzene, and xylene concentration using EPA Method 5030/8020, and total recoverable petroleum hydrocarbon concentration using EPA Method 418.1.

17. Unless the Department has determined other concentrations are required to protect public health and safety, predicted ambient air impact of any toxic pollutant, as determined by the PTPLU 6 model or other DARM approved models, shall not exceed the concentration calculated by the following formula:

$$AAC = \frac{40}{X} \cdot \frac{1}{\text{safety factor}} \cdot (\text{OEL})$$

where,

AAC = acceptable ambient concentration

Safety Factor = 100 for category A substances and
50 for category B substances

X = 40 or the hours/week or actual operation,
whichever is larger

OEL - Occupational exposure level such as ACGIH, OSHA,
and NIOSH published standards for toxic materials.

PERMITTEE:
EnviroTech Southeast, Inc.

Permit Numbers: AC 16-180823
AC 16-180824
Expiration Date: January 1, 1991

SPECIFIC CONDITIONS:

operation under this permit and annually thereafter. Operation at each subsequent site requires an EPA Method 9 test to be performed within 3 days of placing the unit in service.

22. The afterburner destruction efficiency, benzene, and VOC emissions shall be established by a Method 18, or 25 test (40 CFR 60, Appendix A, revised as of July 1, 1988) or other test method as approved by the Department.

Administrative Requirements

23. The permittee shall furnish the available information listed in Specific Condition No. 24 prior to operating the portable rotary kiln/afterburner system at its initial site. This permit requires compliance with any applicable local (county) regulations. Two units shall not be operated at the same site in an area designated nonattainment for ozone without prior approval of BAR.

24. This unit shall not be operated at any other site until the applicant has requested authorization at the new site. Whenever feasible, the request shall be at least 15 days prior to operation at the new site. The permittee shall notify the BAR by phone (confirm in writing at least 3 days prior to operation) that the unit is being relocated. The confirmation shall provide the permit number of the unit, a copy of the last stack test report, the date of the proposed move, the new site for the unit, and the locations and contamination levels of the soils to be treated. The Department shall notify the permittee of any new conditions the unit must meet within 15 days of the receipt of the relocation notice. This may include requirements for county operation permits and additional restrictions on the operation of this unit.

25. The permittee shall maintain a log that shows the unit's operation time during the preceeding 12 months. All required records must be available for inspection at the job site for the unit within 3 working days of a request by the Department.

26. The BAR shall be notified by phone (confirm in writing) at least 15 days in advance of any compliance test to be conducted on this source.

27. Any analysis required by Specific Condition No. 16 which indicates a potential violation of any condition in this permit shall be reported as soon as feasible to BAR. An average concentration of benzene above 1880 ppm in the soil or total

PERMITTEE:
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AC 16-180824
Expiration Date: January 1, 1991

SPECIFIC CONDITIONS:

hydrocarbons above 20,000 ppm indicate a potential violation of this permit. The soil may be decontaminated provided no condition of this permit is violated. This can be accomplished by operating at less than the 25 TPH production rate, or other means with prior approval of the Department. The permittee must propose the method of compliance with this permit.

28. Records shall be kept on the location, date, time, and number of samples taken for each composite sample. Soil analysis results shall be sent to the BAR within 15 working days of such testing. All soil samples taken at the remediation site and exiting the dryer shall be stored in a sealed glass container immediately upon sampling.

29. All required test reports, except stack tests for PM and VOC, shall be filed with the Department as soon as practical but no later than 15 working days after the last sampling run of each test is completed (F.A.C. Rule 17-2.700 (7)(a), (b) and (c)). Stack test results from PM and VOC shall be submitted within 45 days of the test.

30. The permittee, for good cause, may request that this construction permit be extended. Such a request shall be submitted to the BAR prior to 60 days before the expiration of the permit (F.A.C. Rule 17-4.090).

31. An application for an operation permit must be submitted to the BAR at least 90 days prior to the expiration date of this construction permit or within 45 days after completion of compliance testing, whichever occurs first. To properly apply for an operation permit, the applicant shall submit the appropriate application form, fee, certification that construction was completed noting any deviations from the conditions in the construction permit, and compliance test reports as required by this permit (F.A.C. Rule 17-4.220).

Issued this _____ day
of _____, 1990

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Dale Twachtmann, Secretary

05-21-90
14:53:01

*** SCREEN-1.1 MODEL RUN ***
*** DRAFT VERSION XXXXX ***

enviro tech se

SIMPLE TERRAIN INPUTS:

SOURCE TYPE = POINT
EMISSION RATE (G/S) = 1.000
STACK HEIGHT (M) = 9.14
STK INSIDE DIAM (M) = 1.22
STK EXIT VELOCITY (M/S) = 9.71
STK GAS EXIT TEMP (K) = 1144.00
AMBIENT AIR TEMP (K) = 293.00
RECEPTOR HEIGHT (M) = .00
IOPT (1=URB,2=RUR) = 2
BUILDING HEIGHT (M) = .00
MIN HORIZ BLDG DIM (M) = .00
MAX HORIZ BLDG DIM (M) = .00

BUOY. FLUX = 26.36 M**4/S**3; MOM. FLUX = 8.99 M**4/S**2.

*** FULL METEOROLOGY ***

*** SCREEN AUTOMATED DISTANCES ***

*** TERRAIN HEIGHT OF 0. M ABOVE STACK BASE USED FOR FOLLOWING DISTANCES ***

DIST (M)	CONC (UG/M**3)	STAB	U10M (M/S)	USTK (M/S)	MIX HT (M)	PLUME HT (M)	SIGMA Y (M)	SIGMA Z (M)	DWASH
10.	.0000	0	.0	.0	.0	.0	.0	.0	
100.	.3355	6	1.0	1.0	5000.0	82.5	21.4	21.1	NO
200.	10.88	4	20.0	20.0	5000.0	19.1	15.7	8.8	NO
300.	17.25	4	20.0	20.0	5000.0	19.1	22.8	12.5	NO
400.	16.25	4	20.0	20.0	5000.0	19.1	29.7	15.7	NO
500.	14.05	4	15.0	15.0	4800.0	23.7	36.5	18.9	NO
600.	12.55	4	15.0	15.0	4800.0	23.7	43.0	21.7	NO
700.	10.99	4	15.0	15.0	4800.0	23.7	49.4	24.5	NO
800.	10.19	4	10.0	10.0	3200.0	32.8	56.0	27.7	NO
900.	9.396	4	10.0	10.0	3200.0	32.8	62.3	30.3	NO
1000.	8.600	4	10.0	10.0	3200.0	32.8	68.5	32.9	NO

MAXIMUM 1-HR CONCENTRATION AT OR BEYOND 10. M:

318.	17.33	4	20.0	20.0	5000.0	19.1	24.1	13.1	NO
------	-------	---	------	------	--------	------	------	------	----

DWASH= MEANS NO CALC MADE (CONC = 0.0)
DWASH=NO MEANS NO BUILDING DOWNWASH USED
DWASH=HS MEANS HUBER-SNYDER DOWNWASH USED
DWASH=SS MEANS SCHULMAN-SCIRE DOWNWASH USED
DWASH=NA MEANS DOWNWASH NOT APPLICABLE, X<3*LB

$$\frac{17.33}{1000} (0.7) = 12.1 \times 10^{-3} \frac{\text{mg}}{\text{m}^3}$$

*** SUMMARY OF SCREEN MODEL RESULTS ***

Recalculate PPM in soil for 97.71% destruction in afterburner

$$\text{VOC in} = 22.89 \frac{\text{lbs}}{\text{hr}} \cdot \frac{100 \frac{\text{lbs in}}{\text{hr}}}{[100 - 97.71] \frac{\text{hr}}{\text{hr}}} = 999.6 \text{ lbs VOC in}$$

$$\text{PPM soil} = \frac{999.6 \frac{\text{lbs VOC}}{\text{hr}}}{25 \times 2000 \frac{\text{lbs}}{\text{hr}}} \times 10^6 = 19991.3 \text{ PPM}$$



EnviroTech Southeast, Inc.

900 University Blvd. North, Suite 504
Jacksonville, Florida 32211
Telephone: (904) 744-4404 • Fax (904) 745-1326

May 14, 1990

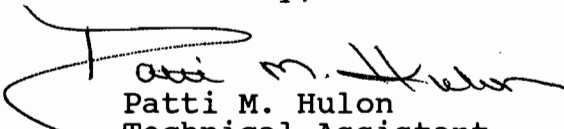
Mr. Willard Hanks
Florida Department of
Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32299-2400

Dear Mr. Hanks:

Please find enclosed Check #010971 for \$2,000.00 which was left out of the package containing construction permits recently mailed to you. Please excuse our inadvertent error in our exuberance to mail your package.

Thank you for your patience, if we can be of any further assistance, feel free to call us.

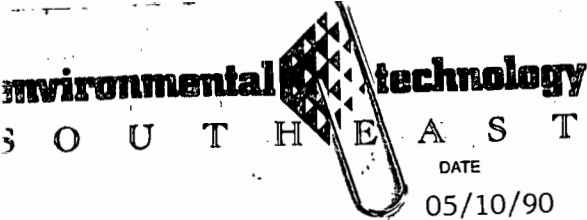
Sincerely,


Patti M. Hulon
Technical Assistant

PMH:ted

001031

RECEIVED
DER-MAIL ROOM
1990 MAY 18 AM 9:01



Best Available Copy

VOUCHER NO.

1819 ALBERT ST., JACKSONVILLE, FL 32202

CHECK NO. 010971

AMOUNT

DATE

05/10/90

\$ ****\$2,000.00*****

\$ ****\$2,000.00*****

PAY TO THE ORDER OF

Florida Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32299-2400

FIRST UNITED BANK OF FLORIDA
JACKSONVILLE, FLORIDA

Barbara S. Cameron

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32299-2400

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Thank you for your patience, if we can be of any further assistance, feel free to call us.

Sincerely,

Patti M. Hulon
Patti M. Hulon
Technical Assistant

PMH:ted

001031

RECEIVED
DEN - MAIL ROOM
1990 MAY 18 AM 9:01



EnviroTech Southeast, Inc.

900 University Blvd. North, Suite 504
Jacksonville, Florida 32211
Telephone: (904) 744-4404 • Fax (904) 745-1326

May 10, 1990

Florida Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
Attn: Mr. Willard Hanks

Dear Mr. Hanks;

Enclosed are four (4) copies of our application for a statewide permit to construct two (2) portable soil remediation units. Also enclosed is our check for two permit fees. (2 @ \$1,000 = \$2,000). Additional technical information follows:

1. The afterburner will have sampling ports and a work platform.
2. Contaminated soil will be moved from the stockpile to the decontamination hopper by a front end loader.
3. Fugitive emissions will be controlled by daily wet down of roads and stockpiles. Dust suppression sprays will be used as needed at the feed hopper, processed material transfer conveyors and the processed material stockpile.
4. We are claiming VOC destruction efficiency of 97.71% based on the manufacturer's experience in other states. Please note the temperature of 1600° F and the retention time of .94 second should assure destruction efficiency above our estimate of 97.71%.
5. Although our airflow will only provide 15% excess air at 100% capacity we are providing you with the following calculation of stack velocity and afterburner retention time based on 50% excess air.

$$\text{Velocity} = 448,417 \text{ dscfh} \div 60 \frac{\text{min}}{\text{hr}} \div 60 \frac{\text{sec}}{\text{min}} \div 12.566 \text{ ft}^2 \text{ stack area} \times 3.886 \text{ temp factor} = 38.52 \text{ fps}$$

Afterburner chamber is 30 feet long

$$\text{Retention Time} = \frac{30}{38.52} = .7788 \text{ second}^*$$

*NOTE: This retention time is based on a theoretical 50% excess air at maximum output. Our actual retention time will be .94 second based on our airflow.

If you have need of additional technical information, please contact C. Lee Daniel (904)731-7760 or myself.

Sincerely,

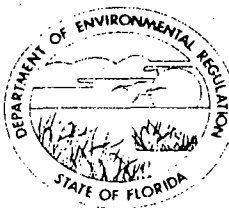
Chris Sleeper

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

#2,000Pd,
5-18-90
Respt. #151124

NORTHEAST DISTRICT

3426 BILLS ROAD
JACKSONVILLE, FLORIDA 32207
904/798-4200



AC 16-180823
AC 16-180824

BOB MARTINEZ
GOVERNOR
DALE TWACHTMANN
SECRETARY
ERNEST E. FREY
DISTRICT MANAGER
GARY L. SHAFFER
ASSISTANT DISTRICT MANAGER

APPLICATION TO OPERATE/CONSTRUCT AIR POLLUTION SOURCES

SOURCE TYPE: _____ ☒ New¹ ☐ Existing¹

APPLICATION TYPE: ☒ Construction ☐ Operation ☐ Modification

COMPANY NAME: EnviroTech Southeast, Inc. COUNTY: Portable

Identify the specific emission point source(s) addressed in this application (i.e. Lime Kiln No. 4 with Venturi Scrubber; Peaking Unit No. 2, Gas Fired) Two (2) Separate Systems Soil Remediation Incinerator

SOURCE LOCATION: Street Portable City _____

UTM: East _____ North _____

Latitude _____ ° _____ ' _____ "N Longitude _____ ° _____ ' _____ "W

APPLICANT NAME AND TITLE: Chris Sleeper

APPLICANT ADDRESS: 900 University Blvd N. Suite 504, Jacksonville, FL 32211

SECTION I: STATEMENTS BY APPLICANT AND ENGINEER

A. APPLICANT

I am the undersigned owner or authorized representative* of EnviroTech Southeast, Inc.

I certify that the statements made in this application for a Construction permit are true, correct and complete to the best of my knowledge and belief. Further, I agree to maintain and operate the pollution control source and pollution control facilities in such a manner as to comply with the provision of Chapter 403, Florida Statutes, and all the rules and regulations of the department and revisions thereof. I also understand that a permit, if granted by the department, will be non-transferable and I will promptly notify the department upon sale or legal transfer of the permitted establishment.

*Attach letter of authorization

Signed: Chris Sleeper
Chris Sleeper Director Technical Sales
Name and Title (Please Type)

Date: 5-7-90 Telephone No. (904) 744-4404

B. PROFESSIONAL ENGINEER REGISTERED IN FLORIDA (where required by Chapter 471, F.S.)

This is to certify that the engineering features of this pollution control project have been designed/examined by me and found to be in conformity with modern engineering principles applicable to the treatment and disposal of pollutants characterized in the permit application. There is reasonable assurance, in my professional judgment, that

¹ See Florida Administrative Code Rule 17-2.100(57) and (104)

the pollution control facilities, when properly maintained and operated, will discharge an effluent that complies with all applicable statutes of the State of Florida and the rules and regulations of the department. It is also agreed that the undersigned will furnish, if authorized by the owner, the applicant a set of instructions for the proper maintenance and operation of the pollution control facilities and, if applicable, pollution sources.



Signed

Dole J. Kelley, P.E.

Dole J. Kelley, P.E.

Name (Please Type)

Dole J. Kelley, Consulting Engineer

Company Name (Please Type)

1646 Rogero Road, Jacksonville, FL 32211

Mailing Address (Please Type)

Florida Registration No. 6519 Date: 5-7-90 Telephone No. (904) 743-4700

SECTION II: GENERAL PROJECT INFORMATION

- A. Describe the nature and extent of the project. Refer to pollution control equipment, and expected improvements in source performance as a result of installation. State whether the project will result in full compliance. Attach additional sheet if necessary.

These two portable units are for the decontamination of soil which contains virgin and non-virgin (used) oil which is within specifications. Treatment shall be in a rotary drier 500-700° F followed by a baghouse and an afterburner. This portable system will normally operate 2-3 months at each site. Highly efficient pollution control equipment will result in total compliance with air pollution regulations.

- B. Schedule of project covered in this application (Construction Permit Application Only)

Start of Construction June 15, 1990 Completion of Construction December 30, 1990

- C. Costs of pollution control system(s): (Note: Show breakdown of estimated costs only for individual components/units of the project serving pollution control purposes. Information on actual costs shall be furnished with the application for operation permit.)

Costs are per system. There are two separate systems

Afterburner \$28,000.00

Baghouse \$85,000.00

- D. Indicate any previous DER permits, orders and notices associated with the emission point, including permit issuance and expiration dates.

None

E. Requested permitted equipment operating time: hrs/day 24 ; days/wk 7 ; wks/yr 52 ;
if power plant, hrs/yr 8,736; if seasonal, describe: _____

F. If this is a new source or major modification, answer the following questions.
(Yes or No)

1. Is this source in a non-attainment area for a particular pollutant? YES
 - a. If yes, has "offset" been applied? NO
 - b. If yes, has "Lowest Achievable Emission Rate" been applied? NO
 - c. If yes, list non-attainment pollutants. SO₂, Ozone, Particulate
2. Does best available control technology (BACT) apply to this source?
If yes, see Section VI. NO
3. Does the State "Prevention of Significant Deterioration" (PSD)
requirement apply to this source? If yes, see Sections VI and VII. NO
4. Do "Standards of Performance for New Stationary Sources" (NSPS)
apply to this source? NO
5. Do "National Emission Standards for Hazardous Air Pollutants"
(NESHAP) apply to this source? NO

- H. Do "Reasonably Available Control Technology" (RACT) requirements apply
to this source? YES
- a. If yes, for what pollutants? Particulates
 - b. If yes, in addition to the information required in this form,
any information requested in Rule 17-2.650 must be submitted.

Attach all supportive information related to any answer of "Yes". Attach any justifi-
cation for any answer of "No" that might be considered questionable.

The particulate matter RACT Standard for incinerators of .08 grains/dscf
corrected to 50% excess air will be met. (17-2.600 (1) (C) 1.)

No applicable VOC standards exist

SECTION III: AIR POLLUTION SOURCES & CONTROL DEVICES (Other than Incinerators)

A. Raw Materials and Chemicals Used in your Process, if applicable:

Description	Contaminants		Utilization Rate - lbs/hr	Relate to Flow Diagram
	Type	% Wt		
Petroleum contam- inated soil	Particulates	100%	50,000	A
	VOC	varies		A

B. Process Rate, if applicable: (See Section V, Item 1)

1. Total Process Input Rate (lbs/hr): 50,000

2. Product Weight (lbs/hr): 50,000 depending on moisture content

C. Airborne Contaminants Emitted: (Information in this table must be submitted for each emission point, use additional sheets as necessary)

Name of Contaminant	CONTROLLED Emission ¹ ESTIMATE		Allowed ² Emission Rate per Rule 17-2	Allowable ³ Emission lbs/hr	UNCONTROLLED ⁴ Potential Emission		Relate to Flow Diagram
	Maximum lbs/hr	Actual l/yr			lbs/yr	T/yr	
Particulates	5.1247	22.38	.08 gr/dscf 17-2.600(1)(C)	5.1247 lbs/hr	142.807	623.78	B
CO	1.8409	8.04			1.8409	8.04	B
NO _x	7.3669	32.17			7.3669	32.17	B
SO ₂	10.0141	43.74			10.0141	43.74	B
VOC	22.89	99.98			1000.19	4368.82	B

¹See Section V, Item 2.

²Reference applicable emission standards and units (e.g. Rule 17-2.600(5)(b)2. Table II, E. (1) - 0.1 pounds per million BTU heat input)

³Calculated from operating rate and applicable standard.

⁴Emission, if source operated without control (See Section V, Item 3).

D. Control Devices: (See Section V, Item 4)

Name and Type (Model & Serial No.)	Contaminant	Efficiency	Range of Particles Size Collected (in microns) (If applicable)	Basis for Efficiency (Section V Item 5)
Astec PBH-10 Baghouse*	Particulate	99.7%	0-1000 microns	manufacturer
Astec-STU-430 Afterburner	VOC	99.0%	N.A.	manufacturer
* 9,800 ACFM (inlet) @ 380°F				

E. Fuels

Type (Be Specific)	Consumption*		Maximum Heat Input (MMBTU/hr)
	15 tph avg/hr	25 tph max./hr	
Propane Gas (drier)	112.45 gal/hr	187.43 gal/hr	17.15 MMBTU/hr Req'd @ 25 tph 30.0 MMBTU/hr Burner capacity
Propane Gas (afterburner)	111.47 gal/hr	185.79 gal/hr	17.0 MMBTU/hr

*Units: Natural Gas--MMCF/hr; Fuel Oils--gallons/hr; Coal, wood, refuse, other--lbs/hr.

Fuel Analysis:

Percent Sulfur: <.5% Percent Ash: 0

Density: _____ lbs/gal Typical Percent Nitrogen: _____

Heat Capacity: 91500 BTU/gal BTU/lb _____ BTU/gal

Propane 2523 BTU/ft³

Other Fuel Contaminants (which may cause air pollution): _____

F. If applicable, indicate the percent of fuel used for space heating.

Annual Average NA Maximum _____

G. Indicate liquid or solid wastes generated and method of disposal.

Dust from the baghouse is added to the finished product

Brief description of operating characteristics of control devices: _____

Ultimate disposal of any effluent other than that emitted from the stack (scrubber water, ash, etc.):

NOTE: Items 2, 3, 4, 6, 7, 8, and 10 in Section V must be included where applicable.

SECTION V: SUPPLEMENTAL REQUIREMENTS

Please provide the following supplements where required for this application.

1. Total process input rate and product weight -- show derivation [Rule 17-2.100(127)]
2. To a construction application, attach basis of emission estimate (e.g., design calculations, design drawings, pertinent manufacturer's test data, etc.) and attach proposed methods (e.g., FR Part 60 Methods 1, 2, 3, 4, 5) to show proof of compliance with applicable standards. To an operation application, attach test results or methods used to show proof of compliance. Information provided when applying for an operation permit from a construction permit shall be indicative of the time at which the test was made.
3. Attach basis of potential discharge (e.g., emission factor, that is, AP42 test).
4. With construction permit application, include design details for all air pollution control systems (e.g., for baghouse include cloth to air ratio; for scrubber include cross-section sketch, design pressure drop, etc.)
5. With construction permit application, attach derivation of control device(s) efficiency. Include test or design data. Items 2, 3 and 5 should be consistent: actual emissions = potential (1-efficiency).
6. An 8 1/2" x 11" flow diagram which will, without revealing trade secrets, identify the individual operations and/or processes. Indicate where raw materials enter, where solid and liquid waste exit, where gaseous emissions and/or airborne particles are evolved and where finished products are obtained.
7. An 8 1/2" x 11" plot plan showing the location of the establishment, and points of airborne emissions, in relation to the surrounding area, residences and other permanent structures and roadways (Example: Copy of relevant portion of USGS topographic map).
8. An 8 1/2" x 11" plot plan of facility showing the location of manufacturing processes and outlets for airborne emissions. Relate all flows to the flow diagram.

9. The appropriate application fee in accordance with Rule 17-4.05. The check should be made payable to the Department of Environmental Regulation.
10. With an application for operation permit, attach a Certificate of Completion of Construction indicating that the source was constructed as shown in the construction permit.

SECTION VI: BEST AVAILABLE CONTROL TECHNOLOGY

- A. Are standards of performance for new stationary sources pursuant to 40 C.F.R. Part 60 applicable to the source?

☐ Yes ☐ No

Contaminant

Rate or Concentration

_____	_____
_____	_____
_____	_____

- B. Has EPA declared the best available control technology for this class of sources (If yes, attach copy)

☐ Yes ☐ No

Contaminant

Rate or Concentration

_____	_____
_____	_____
_____	_____

- C. What emission levels do you propose as best available control technology?

Contaminant

Rate or Concentration

_____	_____
_____	_____
_____	_____

- D. Describe the existing control and treatment technology (if any).

1. Control Device/System:

2. Operating Principles:

3. Efficiency:*

4. Capital Costs:

*Explain method of determining

5. Useful Life:

7. Energy:

9. Emissions:

6. Operating Costs:

8. Maintenance Cost:

Contaminant

Rate or Concentration

10. Stack Parameters

a. Height: ft. b. Diameter: ft.
c. Flow Rate: ACFM d. Temperature: °F.
e. Velocity: FPS

E. Describe the control and treatment technology available (As many types as applicable, use additional pages if necessary).

1.

a. Control Device: b. Operating Principles:
c. Efficiency:¹ d. Capital Cost:
e. Useful Life: f. Operating Cost:
g. Energy:² h. Maintenance Cost:
i. Availability of construction materials and process chemicals:
j. Applicability to manufacturing processes:
k. Ability to construct with control device, install in available space, and operate within proposed levels:

2.

a. Control Device: b. Operating Principles:
c. Efficiency:¹ d. Capital Cost:
e. Useful Life: f. Operating Cost:
g. Energy:² h. Maintenance Cost:
i. Availability of construction materials and process chemicals:

¹Explain method of determining efficiency.

²Energy to be reported in units of electrical power - KWH design rate.

j. Applicability to manufacturing processes:

k. Ability to construct with control device, install in available space, and operate within proposed levels:

3.

a. Control Device:

b. Operating Principles:

c. Efficiency:¹

d. Capital Cost:

e. Useful Life:

f. Operating Cost:

g. Energy:²

h. Maintenance Cost:

i. Availability of construction materials and process chemicals:

j. Applicability to manufacturing processes:

k. Ability to construct with control device, install in available space, and operate within proposed levels:

4.

a. Control Device:

b. Operating Principles:

c. Efficiency:¹

d. Capital Costs:

e. Useful Life:

f. Operating Cost:

g. Energy:²

h. Maintenance Cost:

i. Availability of construction materials and process chemicals:

j. Applicability to manufacturing processes:

k. Ability to construct with control device, install in available space, and operate within proposed levels:

F. Describe the control technology selected:

1. Control Device:

2. Efficiency:¹

3. Capital Cost:

4. Useful Life:

5. Operating Cost:

6. Energy:²

7. Maintenance Cost:

8. Manufacturer:

9. Other locations where employed on similar processes:

a. (1) Company:

(2) Mailing Address:

(3) City:

(4) State:

¹Explain method of determining efficiency.

²Energy to be reported in units of electrical power - KWH design rate.

(5) Environmental Manager:

(6) Telephone No.:

(7) Emissions:¹

Contaminant

Rate or Concentration

(8) Process Rate:¹

b. (1) Company:

(2) Mailing Address:

(3) City:

(4) State:

(5) Environmental Manager:

(6) Telephone No.:

(7) Emissions:¹

Contaminant

Rate or Concentration

(8) Process Rate:¹

10. Reason for selection and description of systems:

¹Applicant must provide this information when available. Should this information not be available, applicant must state the reason(s) why.

SECTION VII - PREVENTION OF SIGNIFICANT DETERIORATION

A. Company Monitored Data Not applicable because we are less than 100 tpy of any pollutant

1. _____ no. sites _____ TSP _____ () SO₂* _____ Wind spd/dir

Period of Monitoring _____ / _____ / _____ to _____ / _____ / _____
month day year month day year

Other data recorded _____

Attach all data or statistical summaries to this application.

*Specify bubbler (B) or continuous (C).

2. Instrumentation, Field and Laboratory

- a. Was instrumentation EPA referenced or its equivalent? ☐ Yes ☐ No
- b. Was instrumentation calibrated in accordance with Department procedures?
☐ Yes ☐ No ☐ Unknown

B. Meteorological Data Used for Air Quality Modeling

1. _____ Year(s) of data from _____ / _____ / _____ to _____ / _____ / _____
month day year month day year
2. Surface data obtained from (location) _____
3. Upper air (mixing height) data obtained from (location) _____
4. Stability wind rose (STAR) data obtained from (location) _____

C. Computer Models Used

1. _____ Modified? If yes, attach description.
2. _____ Modified? If yes, attach description.
3. _____ Modified? If yes, attach description.
4. _____ Modified? If yes, attach description.

Attach copies of all final model runs showing input data, receptor locations, and principle output tables.

D. Applicants Maximum Allowable Emission Data

Pollutant	Emission Rate
TSP	_____ grams/sec
SO ₂	_____ grams/sec

E. Emission Data Used in Modeling

Attach list of emission sources. Emission data required is source name, description of point source (on NEDS point number), UTM coordinates, stack data, allowable emissions, and normal operating time.

F. Attach all other information supportive to the PSD review.

G. Discuss the social and economic impact of the selected technology versus other applicable technologies (i.e., jobs, payroll, production, taxes, energy, etc.). Include assessment of the environmental impact of the sources.

H. Attach scientific, engineering, and technical material, reports, publications, journals, and other competent relevant information describing the theory and application of the requested best available control technology.

EQUIPMENT SPECIFICATIONS

Portable Low Temperature Thermal Desorber

I. Feed System:

- A. One hopper 6.0 ft x 12.0 ft with variable speed belt feeder.
- B. Drum feed belt is equipped with an electronic belt scale.

II. Primary Treatment Unit (PTU)

- A. Rotary Drum 5.0 ft dia x 24 ft lg
- B. AC variable speed drum drive
- C. Counter flow
- D. Burner
 - * 30.0 MM BTU/HR
 - * Manual and Auto controls
 - * Propane gas

III. Baghouse Dust Collector (PBH)

- A. High efficiency pulse jet with 238 Nomex bags (4:1 air to cloth ratio)
- B. Screw conveyor with rotary dust valve discharge

IV. Secondary Treatment Unit (STU)

- A. 4.0 ft dia x 30.0 ft tall
- B. 17.0 MM BTU/HR burner
- C. Propane gas will be our primary fuel but the burner can also be fired with natural gas without any equipment changes.

SOURCE CODE LEGEND

PTU - Primary Treatment Unit

PBH - Primary Baghouse

STU - Secondary Treatment Unit

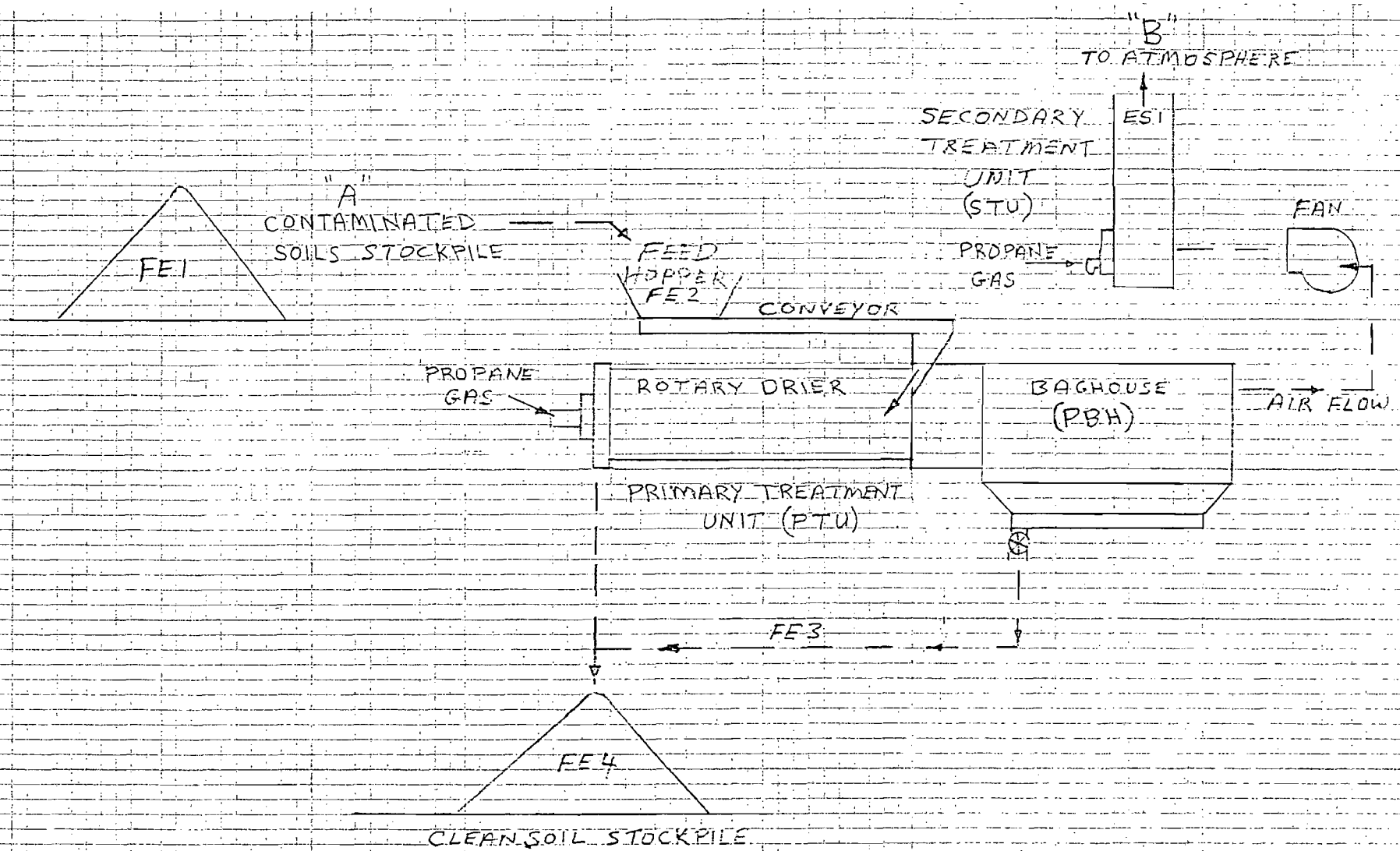
ES1 - Emissions source for entire plant

FE1 - Contaminated soil stockpile

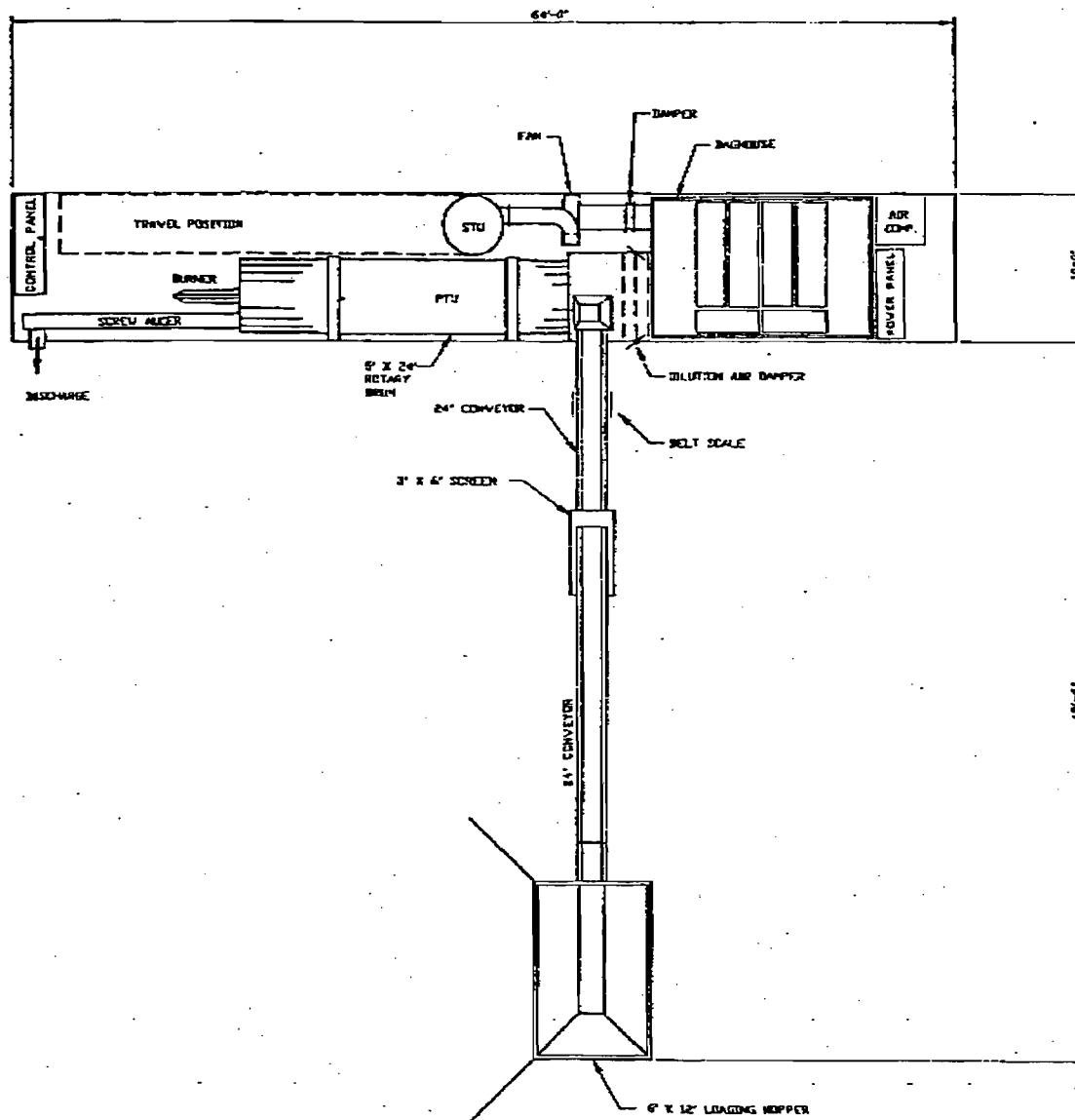
FE2 - Feed hopper to plant

FE3 - Processed material transfer system

FE4 - Clean soil stockpile




ENVIROTECH SOUTHEAST
SOIL REMEDIATION INCINERATOR



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NO.	REVISION	APPR.	BY	DATE
 ASTEC INDUSTRIES, INC. P.O. BOX 2287 • 401 JEROME AVENUE • CHATTANOOGA, TN 37407				
CUSTOMER: ENVIRETECH SYSTEMS INC.				
PROJECT NAME: PLANT LAYOUT				
DRAWN BY: PORTABLE LTD				
DATE: 3/28/2008	BY: [Signature]	APPD:	DATE: 4-18-08	

CALCULATIONS

All calculations are based upon the expected worst case soil conditions and maximum expected operating hours per year.

I. Soil Conditions (for the purpose of this application we have set the soil conditions to be worse than those we encountered in previous work we've done)

- * Ambient temperature = 60
- * Moisture content = 12.0% by wt.
- * Hydrocarbon content = 2.0% by wt.
- * Bulk density = 100 Lb/cu ft

II. Plant Operating Hours

- * 24 Hr/Day
- * 7 Days/Wk
- * 52 Wk/Yr
- * 8,736 Hr/Yr

III. Fuel Consumption

- * Propane gas having 91,500 BTU's/gal, 2523 BTU/ft³
- * PTU Burner (Rotary Drier)
 - Maximum capacity = 30 MM BTU/HR
 - PTU rated capacity = 25 TPH
 - Energy req'd at rated cap = 17.15 MM BTU/HR
 - Fuel consumption = 6797 cfh or 187.43 gal/hr
- * STU Burner (Afterburner)
 - Maximum rated capacity = 17.0 MM BTU/HR
 - Fuel consumption = 6738 cfh or 185.79 gal/hr
- * Total Fuel Consumption
 - (PTU @ 25 TPH) + (STU @ MAX) = 13,535 cfh or 118.24 MM cfy
 - = 373.22 gal/hr or 3,260,450 gal/yr

IV Emissions Factors

- A. Primary Treatment Unit (Rotary Drier)
- * Contaminated soil = raw material
 - * Emissions factor = 40 LB oil/ton of soil based on 2.0% oil by wt.
ref. AP-42 No. 3-05-005-01

B. Soil Contaminate Is No. 2 Fuel Oil (Density 7.3 lbs per gallon which when burned has the following emissions)

- * Particulates uncontrolled = 2.0 lb/1,000 gal
- * Sulfur content of fuel = 0.5% by wt.
- * Sulfur dioxide = 2.0 lb per 1%/100 lbs oil
- * Nitrogen oxide = 20 lb/1,000 gal
- * Carbon monoxide = 5 lb/1,000 gal
- * Hydrocarbons = 0.2 lb/1,000 gal

C. Total Uncontrolled Emissions from Rotary Drier (PTU) Due to Soil and Oil Contaminate

Assumption: The raw material with 10% moisture and 2.0% HC's is processed at 25 TPH. All HC's in the soil are treated like additional fuel in the STU.

1. Particulate emissions from Rotary Drier (PTU) from soil:
(AP-42 says approximately 5.7 lb/ton)
 $(5.7 \text{ lb/ton}) \times (25 \text{ TPH}) = 142.5 \text{ lb/hr}$
2. Hydrocarbon (VOC) emissions from oil in soil:
 - * $\text{VOC} = (2.0\%) \times (25 \text{ TPH}) \times (2,000 \text{ lb/ton}) = 1000 \text{ lb/hr}$
 - * VOC fuel conversion
 $= (1000 \text{ lb/hr}) / (7.3 \text{ lb/gal}) = 136.98 \text{ gal/hr}$
 - * Particulates due to fuel oil
 $= (2 \text{ lb/1000 gal}) \times (136.98 \text{ gal/hr}) = .2739 \text{ lb/hr}$
 - * Sulfur Dioxide
 $= 2.0 \times .5 \times 1000/100 = 10 \text{ lb/hr}$
 - * Nitrogen Oxide
 $= (136.98 \text{ gal/hr}) \times 20 \text{ lb/1000 gal} = 2.739 \text{ lb/hr}$
 - * Carbon Monoxide
 $= (136.98 \text{ gal/hr}) \times (5.0 \text{ lb/1000 gal}) = 0.684 \text{ lb/hr}$
3. Total Solid Uncontrolled Emissions (Particulates) from Rotary Drier (PTU)
(Soil Emissions) + (HC Emissions) = Total
 $142.5 \text{ lb/hr} + 0.2739 \text{ lb/hr} = 142.7739$ (plus .0168 lbs/hr from combustion of propane gas in PTU)
4. Uncontrolled Emissions from combustion of Propane Gas (AP-42 Table 1.5-1)
PTU = 187.43 gal/hr
STU = 185.79 gal/hr
TOTAL = 373.22 gal/hr

Particulate .09 to .44 lbs per 1000 gal	= .0335 lbs/hr to .1642 lbs/hr
SO ₂ .0378 lbs per 1000 gal	= .0141 lbs/hr
NO _x 12.4 lbs per 1000 gal	= 4.6279 lbs/hr
CO 3.1 lbs per 1000 gal	= 1.1569 lbs/hr
VOC .52 lbs per 1000 gal	= .1940 lbs/hr

5. Total Uncontrolled Emissions (Non-Particulate) due to combustion of propane and soil contaminant oil.

$$\begin{aligned}\text{SO}_2 & 10.0 \text{ lbs/hr} + .0141 \text{ lbs/hr} = 10.0141 \text{ lbs/hr} \\ \text{NO}_x & 2.739 \text{ lbs/hr} + 4.6279 \text{ lbs/hr} = 7.3669 \text{ lbs/hr} \\ \text{CO} & 0.684 \text{ lbs/hr} + 1.1569 \text{ lbs/hr} = 1.8409 \text{ lbs/hr} \\ \text{VOC} & 1000 \text{ lbs/hr} + .1940 \text{ lbs/hr} = 1000.1940 \text{ lbs/hr}\end{aligned}$$

- D. Total Controlled Emissions of Solids

1. Exhaust gas conversion to SCFM
Baghouse capacity = 9,800 acfm @ 380 F

$$\text{* Temperature correction factor} = \frac{(70 + 460)}{(380 + 460)} = \frac{530}{840} = 0.631$$

$$\text{* SCFM} = (0.631) \times (9,800 \text{ acfm}) = 6,183 \text{ scfm}$$

2. Baghouse Efficiency

* The following calculations show what the baghouse efficiency would have to be to meet the state regulations allowing maximum particulate emissions from incinerators to be .08 grains per dscf corrected to 50% excess air.

* Air required for combustion

* Total Fuel Consumption (from III above) = 13,535 cfh propane gas

* 23.86 ft³ air required to burn 1 ft³ propane gas (from propane handbook)

* Air required with 50% excess air

$$150\% \times \frac{23.86 \text{ ft}^3 \text{ air}}{\text{ft}^3 \text{ propane gas}} \times \frac{13,535 \text{ ft}^3 \text{ propane gas}}{\text{hour}} = 448,417.6 \frac{\text{ft}^3 \text{ air}}{\text{hour}}$$

* Maximum allowable particulate emissions for incinerators is given by the state as .08 grains per dscf corrected to 50% excess air

$$\frac{448,417.6 \text{ ft}^3 \text{ air}}{\text{hour}} \times \frac{.08 \text{ grains}}{\text{ft}^3 \text{ air}} \times \frac{1 \text{ pound}}{7000 \text{ grains}} = 5.1247 \text{ pounds/hour}$$

* The baghouse dust collector efficiency must be as shown below to achieve regulatory compliance of 5.1247 lbs/hr maximum particulate emission

* Total uncontrolled particulate emissions from IV C3 above = 142.7739 lbs/hr

$$\text{Efficiency} = \frac{(\text{Total Uncontrolled}) - (\text{Total Controlled})}{\text{Total Uncontrolled}}$$

$$\frac{(142.7907 \text{ lb/hr}) - (5.1247 \text{ lb/hr})}{142.7907 \text{ lb/hr}}$$

$$\text{Required \% eff} = 96.41\%$$

* This is the efficiency required to meet .08 gr/dscf corrected to 50% excess air. Actual baghouse efficiency is estimated at 99.7%, so we should have no problem meeting this efficiency requirement.

* Air required for combustion $\frac{23.86 \text{ ft}^3}{\text{ft}^3 \text{ propane}} \times 13,535 \text{ ft}^3 \text{ propane} = 322,945 \text{ scfh}$

* Design airflow is: 6183 scfm or 370,980 scfh
15% Excess air for combustion when PTU and STU are at 25 tph (Max design capacity)

E. Exhaust Gas Volume From Secondary Treatment Unit (Afterburner)

Assumption: Afterburner set @ 1600 F

* Stack gas flow rate = 6,183 SCFM (from D-1 above)

$$\text{Correction factor} = \frac{(1600 + 460)}{(70 + 460)} = 3.886$$

$$(3.886) \times (6183 \text{ SCFM}) = 24,033 \text{ acfm @ 1600 F}$$

* Stack gas velocity
Size of exhaust stack = 4.0 ft diameter
Cross sectional area = 12.566
Exhaust gas velocity = 31.87 fps

* Stack height above grade = 30.0 ft

F. Total Controlled Emissions of VOC's

* Secondary Treatment Unit (afterburner) operates at 1,200 to 1,600 F and field tests of similar units indicate it has a 99.00% destruction efficiency for all VOC's entering unit. However we will only claim a 97.71% efficiency since that will be good enough to keep controlled VOC effluent below 100 ton/year

* Uncontrolled VOC's = 1000.1940 lb/hr

* Permissible VOC effluent = 100 ton/year $\times \frac{2000 \text{ lbs}}{\text{ton}} \div \frac{8736 \text{ hrs}}{\text{year}} = 22.89 \frac{\text{lbs}}{\text{Hr}}$

$$\text{Efficiency} = \frac{(\text{Total Uncontrolled}) - (\text{Total Controlled})}{\text{Total Uncontrolled}}$$

$$\frac{1000.1940 \text{ lbs/hr} - 22.89 \text{ lbs/hr}}{1000.1940 \text{ lbs/hr}} = \% \text{ eff} = 97.71\%$$

- * Controlled VOC's = 22.89 lb/hr based on 97.71% efficiency
- * Exhaust gases in the STU are calculated to be 24,033 acfm @ 1600 F
- * STU I.D. = 4.0 ft
- * Cross sectional area = 12.566 sq. ft
- * STU air velocity = 31.87 fps
- * Length of STU = 30.00 ft
- * Required retention time of gases = 0.5 sec
- * Actual retention time of gases = 0.94 sec

G. Controlled Emissions other than Particulates and VOC's

- * CO < 1.8409 lbs/hr or 8.04 tpy
- * NO_x < 7.3669 lbs/hr or 32.17 tpy
- * SO₂ < 10.0141 lbs/hr or 43.74 tpy

New or used oil contaminating the soil may not contain more than the specified amount of the following, Therefore, the stack discharge may have similar traces.

5 ppm	Arsenic	50 ppm	Lead
2 ppm	Cadmium	1000 ppm	Total Halogens
10 ppm	Chromium	< 2 ppm	PCB