

FINAL ORDER DENYING APPLICATION FOR PERMIT

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CERTIFIED MAIL - Return Receipt Requested

In the matter of an  
Application for Permit  
By:

City of Gretna  
City Hall  
Corner of Cedar and Beach  
City of Gretna, FL 32332

DER File No. AC20-212334  
Gadsden County

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FINAL ORDER DENYING APPLICATION FOR PERMIT

The Applicant, City of Gretna, City Hall, Corner of Cedar and Beach, City of Gretna, Florida 32332, applied for an air permit under Chapter 403, Florida Statutes, to construct a waste-to-energy facility to incinerate 244.8 tons per day of processed municipal solid waste and shredded scrap tires.

A Notice of Intent to Deny the above application was issued to the applicant on September 11, 1992, a copy of which is attached hereto and incorporated herein as Exhibit "A". The Notice states the specific grounds on which the intended denial is based. The reasons stated in the Notice of Intent which support a denial of the described application are expressed, adopted, and incorporated herein by reference.

The Applicant was advised in the Notice of Intent to Deny of their right to petition for an administrative hearing concerning this matter within fourteen (14) days of receipt of the notice of intended agency action, pursuant to Section 120.57, Florida Statutes. The Applicant declined or failed to timely exercise its right to an administrative hearing.

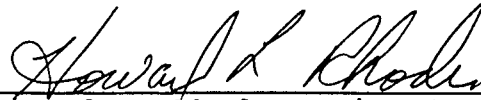
Therefore, for the reasons set forth above, the permit application is hereby denied.

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.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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Howard L. Rhodes, Director  
Division of Air Resources Management  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
(904) 488-0114

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this FINAL ORDER DENYING APPLICATION FOR PERMIT and all copies were mailed before the close of business on 11/5/93 to the listed persons.

Clerk Stamp

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to §120.52(11), Florida Statutes, with the designated Department clerk, receipt of which is hereby acknowledged.

Barbara J. Boutwell 11/4/93  
(Clerk) (date)

Copies furnished to:

Ed Middleswart, NWD  
David Buff, P.E., KBN  
James Carter, Gretna City Manager  
Chairman, Gadsden County Commission  
Senator Pat Thomas  
John Mathews, Florida Reduction Group  
Jewell Harper, EPA  
Chris Shaver, NPS  
James W. Pulliam, Jr., FWS  
Hon. Al Lawson  
Hon. Hurley Rudd  
Doug Beason, OGC  
Jan Rae Clark, Division of Waste Management

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

In the Matter of  
Application for Permit by:

DER File No. AC 20-212334  
Gadsden County

City of Gretna  
City Hall  
Corner of Cedar to Beach  
City of Gretna, FL 32332

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NOTICE OF INTENT TO DENY

The Department of Environmental Regulation gives notice of its Intent to Deny an air construction permit for the proposed project as detailed in the application specified above, for the following reasons.

The applicant, City of Gretna, applied to the Department of Environmental Regulation for a permit to construct a waste-to-energy facility to be located in Gadsden County, Florida to incinerate 244.8 tons per day (TPD) of processed municipal solid waste (MSW), also known as refuse derived fuel (RDF), and shredded scrap tires, also known as tire derived fuel (TDF).

PROJECT DESCRIPTION

The applicant has applied for an air construction permit to construct a resource recovery facility that is capable of receiving 500 TPD of MSW, of which 244.8 TPD of MSW will be incinerated as RDF and TDF and the rest separated and sold as recyclables. The heat generated by this waste-to-energy combustor is proposed to be used for producing steam to power a 7.4 MW generator, as specified in the application and other supporting materials. This facility is to be located in the Gretna Industrial Park, on Highway 12, Gadsden County, Florida. The latitude is 30°35'00"N and the longitude is 84°39'30"W.

REASONS FOR DENIAL

Rule 17-4.070, Florida Administrative Code, requires all permit applicants to provide the Department with appropriate reasonable assurances that the proposed permittee will comply with applicable regulations and requirements in connection with the proposed project. The applicant has failed to satisfy the Department's following concerns:

6. NO<sub>x</sub> Control System:

The applicant has failed to select a specific Selective Non-Catalytic Reduction (SNCR) process to control the NO<sub>x</sub> emissions. The Department would require assurance from either the NO<sub>x</sub> OUT process or Thermal DeNO<sub>x</sub> vendor that it can guarantee at least a 60% NO<sub>x</sub> removal efficiency. If the control efficiency is less than 60%, the NO<sub>x</sub> emissions will exceed 100 TPY, subjecting the applicant to full PSD review.

7. MSW Weighing Equipment/Vendor Design Information:

The applicant has failed to provide the Department with a specific vendor for the automatic weighing device that feeds the MSW (RDF/TDF) to the combustor along with the manufacturer's guarantee that the weigh scales can be calibrated to within + or - 2.0%. If the weigh scales exceed a 2.0% limitation, the charging rate would exceed the 250 TPD limitation, thus subjecting this facility to a more stringent requirement of 40CFR60, Subpart Ea. The Department requires this information before a permit can be issued.

8. Lack of Mercury Emission Control:

The applicant has failed to provide the Department with information on how mercury or other air toxic pollutant will be controlled. The Department views that a waste-to-energy facility with a process input rate of 245 TPD of RDF/TDF should be equipped with mercury and other air toxic pollutant control devices.

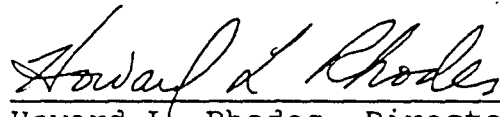
Pursuant to Section 403.815, Florida Statutes and Rule 17-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Deny Permit. The notice shall be published one time only within 30 days in the legal ad section of a newspaper of general circulation 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's Bureau of Air Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, 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.

A person whose substantial interests are affected by the Department's permit denial 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

Any party to this Notice of Permit Denial has the right to seek judicial review 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 with the appropriate District Court of Appeal. Notice of Appeal must be filed within 30 days from the date the Notice of Permit Denial is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION

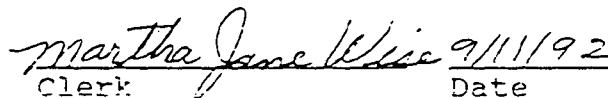


Howard L. Rhodes, Director  
Division of Air Resources Mgmt.  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400  
(904) 488-1344

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this Notice of Permit Denial and all copies were mailed before the close of business on 9/11/92 to the listed persons.

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

 9/11/92  
Clerk Date

Copies furnished to:

Ed Middleswart, NWD  
David Buff, P.E., KBN  
James Carter, Gretna City Manager  
Chairman, Gadsden County Commission  
Sen. Pat Thomas  
John Mathews, Florida Reduction Group  
Jewell Harper, EPA  
Chris Shaver, NPS  
James W. Pulliam, Jr., FWS  
Hon. Al Lawson  
Hon. Hurley Rudd

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  
160 Governmental Center  
Pensacola, Florida 32501-5794

Department of Environmental Regulation  
Northwest District Branch Office  
2815 Remington Green Circle - Suite A  
Tallahassee, Florida 32308-1513

Any person may send written comments on the proposed action to Mr. Preston Lewis at the Department's Tallahassee address. All comments received within 30 days of the publication of this notice will be considered in the Department's final determination.

May 4, 1993

To: FDER File

By: Jonathan Holtom

Re: Gadsden County - A.P.  
City of Gretna Resource Recovery Facility  
AC 20-212334 (MSW Incinerator)

On March 30, 1993, BAR received a response from David Buff of KBN Engineering to our letter dated November 10, 1992 requesting additional information with regards to our September 11, 1992 Intent to Deny their permit. Although they attempted to answer all of our concerns, their responses were not totally satisfactory. The following items still remain a concern of the Department:

1. Provide either a copy of a solid waste permit application or a response to the solid waste concerns included in the department's Intent to Deny a Permit.
2. Provide a copy of the proposed contract that outlines the reciprocal agreements with the suppliers of municipal solid waste (MSW) that will allow approximately 10 to 15 percent (by weight) of all MSW received by Gretna to be returned to the originating source.
3. Provide us with letters of intent from potential buyers of all (contaminated) recyclables, not just a list of potential buyers of recovered glass materials.
4. Since the maximum 41.6 TPD of tires is not considered to be part of the MSW composition, where will all of these tires come from? Will all of the tires be whole and de-beaded on-site, or will some tires arrive already shredded? If they are whole, what assurance does the Department have that the tires will not be transporting contaminated water? If they are already shredded, what assurance does the Department have that there will be no toxic waste mixed in?
5. If only 60 percent (by weight) of the tire becomes tire derived fuel (TDF), what becomes of the other 40 percent? Of the tires that are de-beaded on-site, is the resulting scrap metal clean or is it encapsulated in waste rubber? Do you have commitments from buyers for this scrap metal? Please provide copies of the proposed contracts and letters of intent from these potential buyers.
6. Upon referral to item number 6 on pages 4 and 5 of the August 5 submittal, an apparent conflict of units was discovered. The heat input from TDF was stated as 15,500 Btu/hr. Is this correct or should it be Btu/lb?



7. Item 6 on pages 4 and 5 of the August 5 submittal showed heat input ratios for a) all RDF (80.2% of maximum) and b) RDF/TDF at a 78%/22% mixture (98.4% of maximum). Both of these mixtures appear to have used average heat input values instead of maximum values.  
If the maximum values for the heat input and the higher 75%/25% RDF/TDF mixture were used, it appears that the maximum hourly heat input rate will be exceeded. If the maximum heat input rate is exceeded, it follows that the stated emission rates will be lower than actual. Any increase in emission rates (especially NOx and CO) will likely push them over the 100 TPY limit, which would trigger the PSD analysis that Gretna is trying to avoid.  
Using the maximum values, which makes sense being this close to the threshold limits, indicates that the amount of whole tires combusted daily must be reduced from 41.6 TPD to 39.7 TPD in order to remain below the maximum heat input rate of 128.9 MMBTU/hr.
8. Since the stated 41.6 TPD of tires is considered to be a supplemental fuel, a composition analysis of TDF is needed.
9. "D" size process flow diagrams showing flow rates was received as requested, however, the legibility is rather poor. Re-submission of these documents with larger and clearer lettering will be required.
10. Process flow diagrams indicate a bypass around the baghouse. How often will this bypass be used? When the bypass is used, what are the pollutant emission concentrations out of the stack? Will they be within the allowable limits?
11. Per Scott Davis, EPA: New NSPS regulations governing incinerators between 40 and 250 TPD are in the works and should be finalized around January 1994. These new regulations will be applicable to all new and existing incinerators. For now, use 40 CFR 60, Subpart E - PM not to exceed 0.08 gr/dscfm.  
Although Gretna has not decided which baghouse they will use, they have assured us that either one will be capable of achieving 0.02 gr/dscfm, which is acceptable for now.
12. The process flow diagrams do not indicate the existence of the proposed generator. Where does it fit in to the flow process? Where is the steam generated and what happens to it after it passes through the generator?

City of Gretna  
Memo to file  
May 4, 1993  
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13. During the October 13, 1992 meeting it was **agreed** that an activated carbon injection system will be installed to control mercury emissions. KBN has now re-stated their opinion that no further control technology is considered necessary and that if, after stack testing is done and shows that mercury levels are too high, then they will install a control device or take other measures (i.e., battery recycling) as necessary.

It is the department's understanding that battery recycling is already expected to be done, regardless. The comments in item number 8 of KBN's March 30, 1993 response are indicative of the uncooperative attitude that has prevailed throughout this project.

The department should require that front end battery recycling be done, as originally stated by the applicant, and that the agreement made on October 13 for activated carbon injection to control mercury emissions be upheld. Waiting until after stack testing is done to implement some sort of mercury control is not acceptable due to the current concerns of the Department about unacceptably high levels of mercury contamination throughout the state.



Lawton Chiles  
Governor

# Florida Department of Environmental Protection

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

Virginia B. Wetherell  
Secretary

November 2, 1993

Honorable Evelyn Rollins, Mayor  
Post Office Box A  
Gretna, Florida 32332-1000

Re: City of Gretna Resource Recovery Facility  
AC20-212334 (Incinerator)


Dear Mayor Rollins:

Enclosed please find the FINAL ORDER DENYING APPLICATION FOR PERMIT for the above referenced facility.

As stated in the attached notice, the application for permit has been denied because the City of Gretna failed to adequately respond to the items listed in the Notice of Intent to Deny. The City of Gretna also failed to request an administrative hearing within the required time period.

Should you have any questions regarding this final order, please contact Mr. Clair Fancy at (904) 488-1344.

Sincerely,

  
Howard L. Rhodes, Director  
Division of Air Resources Management

HLR/CHF/jh



# Florida Department of Environmental Protection

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

October 23, 1993

Honorable Evelyn Rollins, Mayor  
Post Office Box A  
Gretna, Florida 32332-1000

Re: City of Gretna Resource Recovery Facility  
AC20-212334 (Incinerator)

Dear Mayor Rollins:

Enclosed please find the FINAL ORDER DENYING APPLICATION FOR PERMIT for the above referenced facility.

As stated in the attached notice, the application for permit has been denied because the City of Gretna failed to adequately respond to the items listed in the Notice of Intent to Deny. The City of Gretna also failed to request an administrative hearing within the required time period.

Should you have any questions regarding this final order, please contact Jonathan Holtom at (904) 488-1344.

Sincerely,

Howard L. Rhodes, Director  
Division of Air Resources Management

HLR/CHF/jh

CC: Ed Middleswart, NWD  
Senator Pat Thomas  
Chris Shaver, NPS  
Hon. Al Lawson  
Doug Beason, OGC  
James Carter, Gretna City Manager  
Chairman, Gadsden County Commission  
John Mathews, Florida Reduction Group  
Jan Rae Clark, Division of Waste Management  
David Buff, P.E., KBN  
Jewell Harper, EPA  
James W. Pulliam, Jr., FWS  
Hon. Hurley Rudd

Memorandum

Florida Department of  
Environmental Protection

TO: Howard Rhodes  
FROM: Clair Fancy  
RE: City of Gretna Resource Recovery Facility  
DATE: October 21, 1993

The Department issued an "Intent to Deny" to the City of Gretna for their application to construct a municipal waste incinerator on September 11, 1992. The applicant filed a request with OGC for an extension of time to request an administrative hearing. The deadline was further extended two more times, moving the expiration date to June 30, 1993. The final deadline has passed with no action from the City of Gretna, thereby voiding their application.

OGC has recommended that the attached "Notice of Denial" be issued as final agency action.

I recommend that you sign the attached denial.

OK

GR

10/25

OK 10/29

Memorandum

Florida Department of  
Environmental Protection

TO: Howard Rhodes  
FROM: Clair Fancy *CAF*  
RE: City of Gretna Resource Recovery Facility  
DATE: Novemebr 2, 1993

The Department issued an "Intent to Deny" to the City of Gretna for their application to construct a municipal waste incinerator on September 11, 1992. The applicant filed a request with OGC for an extension of time to request an administrative hearing. The deadline was further extended two more times, moving the expiration date to June 30, 1993. The final deadline has passed with no action from the City of Gretna, thereby voiding their application.

OGC has recommended that the attached "Notice of Denial" be issued as final agency action.

I recommend that you sign the attached denial.