



1715 North Westshore Boulevard, Suite 875
Tampa, Florida 33607
tel: 813 281-2900
fax: 813 288-8787

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OCT 01 2002

BUREAU OF AIR REGULATION

September 30, 2002

Mr. Scott Sheplak, P.E.
Title V program Administrator
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Subject: Application for Title V Permit Revision
Hillsborough County Resource Recovery Facility

Project No. : 0570261-005-AV

Dear Mr. Sheplak:

Enclosed, please find five copies of completed Form No. 62-210.900(1), entitled "Application for Air Permit - Title V Source." This application is intended to incorporate the recently constructed dolomitic lime storage silo into the facility's Title V Operating Permit No. 0570261-001-AV. In addition, Hillsborough County is requesting an administrative change to the permit as the result of a recent USEPA action amending the underlying regulations found at 40 CFR 60.58b (Subpart Eb).

On November 16, 2001, EPA published, in the Federal Register, a direct final rule amending the standards of performance for large municipal waste combustors by extending the time during which such units will be excused from compliance with the emission limits for carbon monoxide due to certain types of malfunctions. Units 1, 2, and 3 (Emissions Unit Nos. 001, 002, and 003) are such units and are affected by the rule amendment. Accordingly, we are requesting the following revision to Specific Condition C.34 of the existing permit:

Existing Language

C.34. Startup, Shutdown, and Malfunction - The standards under 40 CFR 60, Subpart Cb apply at all times except during periods of startup, shutdown, or malfunction. Duration of startup or shutdown periods are limited to 3 hours per occurrence.

- (i) The startup period commences when the affected facility begins the continuous burning of municipal solid waste and does not include any warm-up period when the affected facility is combusting fossil fuel or other nonmunicipal solid waste fuel, and no municipal solid waste is being fed to the combustor.



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- (ii) Continuous burning is the continuous, semi continuous, or batch feeding of municipal solid waste for the purposes of waste disposal, energy production, or providing heat to the combustion system in preparation for waste disposal or energy production. The use of municipal solid waste solely to provide thermal protection of the grate or hearth during the startup period when municipal solid waste is not being fed to the grate is not considered to be continuous burning.
[40 CFR 60.38b and 40 CFR 60.58b(a)]

C.35. Excess emissions resulting from malfunction shall be permitted provided that best operational practices to minimize emissions are adhered to and the duration of excess emissions shall be minimized but in no case exceed three hours per occurrence. A malfunction means any sudden and unavoidable failure of air pollution control equipment or process equipment to operate in a normal or usual manner.
[Rule 62-210.700(1), F.A.C.; and, PSD-FL-121(C)]

Requested Revised Language

C.34. Startup, Shutdown, and Malfunction - The standards under 40 CFR 60, Subpart Cb apply at all times except during periods of startup, shutdown, or malfunction. Duration of startup or shutdown periods are limited to 3 hours per occurrence except as provided in paragraph (iii) below:

- (i) The startup period commences when the affected facility begins the continuous burning of municipal solid waste and does not include any warm-up period when the affected facility is combusting fossil fuel or other nonmunicipal solid waste fuel, and no municipal solid waste is being fed to the combustor.
- (ii) Continuous burning is the continuous, semi continuous, or batch feeding of municipal solid waste for the purposes of waste disposal, energy production, or providing heat to the combustion system in preparation for waste disposal or energy production. The use of municipal solid waste solely to provide thermal protection of the grate or hearth during the startup period when municipal solid waste is not being fed to the grate is not considered to be continuous burning.
- (iii) For the purpose of compliance with the carbon monoxide emission limits in Specific Condition No. C.27, if a loss of boiler water level control (e.g., boiler waterwall tube failure) or a loss of combustion air control (e.g., loss of combustion air fan, induced draft fan,



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combustion grate bar failure) is determined to be the malfunction, the duration of the malfunction period is limited to 15 hours per occurrence.

[40 CFR 60.38b and 40 CFR 60.58b(a)]

C.35. Excess emissions resulting from malfunction shall be permitted provided that best operational practices to minimize emissions are adhered to and the duration of excess emissions shall be minimized, but in no case exceed three hours per occurrence, except as provided in Specific Condition C.34.(iii). A malfunction means any sudden and unavoidable failure of air pollution control equipment or process equipment to operate in a normal or usual manner.

[Rule 62-210.700(1), F.A.C.; and, PSD-FL-121(C)]

C.35.1 Considering operational variations in types of industrial equipment operations affected by this rule, the Department may adjust maximum and minimum factors to provide reasonable and practical regulatory controls consistent with the public interest.

[Rule 62-210.700(5), F.A.C.]

For your reference, we have provided a copy of the Federal Register notice in Appendix H of the application. Courtesy copies of this application have been forwarded to the Department's Southwest District office. Please do not hesitate to contact either myself, or Mr. Jason Gorrie of my staff at (813) 281-2900 if additional information is necessary.

Very truly yours,

Daniel E. Strobridge, QEP
Vice President
Camp Dresser & McKee Inc.

Enclosures

- c: Tom Smith, Hillsborough County (w/Enclosure)
- Glenn Hoag, Covanta Hillsborough (w/Enclosure)
- Hamilton "Buck" Oven, FDEP (w/Enclosure)
- Gerald Kissell, FDEP (w/Enclosure)
- Jason Gorrie, CDM (w/o Enclosure)



Department of Environmental Protection

Division of Air Resources Management

APPLICATION FOR AIR PERMIT - TITLE V SOURCE

See Instructions for Form No. 62-210.900(1)

I. APPLICATION INFORMATION

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BUREAU OF AIR REGULATION

Identification of Facility

1. Facility Owner/Company Name: Hillsborough County	
2. Site Name: Hillsborough County Resource Recovery Facility	
3. Facility Identification Number: 0570261 [] Unknown	
4. Facility Location: Street Address or Other Locator: 350 Falkenburg Road City: Tampa County: Hillsborough Zip Code: 33617	
5. Relocatable Facility? [] Yes [✓] No	6. Existing Permitted Facility? [✓] Yes [] No

Application Contact

1. Name and Title of Application Contact: Jason Gorrie, Project Manager	
2. Application Contact Mailing Address: Organization/Firm: Camp Dresser & McKee Street Address: 1715 N. Westshore Blvd., Suite 875 City: Tampa State: Florida Zip Code: 33607	
3. Application Contact Telephone Numbers: Telephone: (813) 281-2900 Fax: (813) 288-8787	

Application Processing Information (DEP Use)

1. Date of Receipt of Application:	
2. Permit Number:	
3. PSD Number (if applicable):	
4. Siting Number (if applicable):	

Purpose of Application

Air Operation Permit Application

This Application for Air Permit is submitted to obtain: (Check one)

- Initial Title V air operation permit for an existing facility which is classified as a Title V source.
- Initial Title V air operation permit for a facility which, upon start up of one or more newly constructed or modified emissions units addressed in this application, would become classified as a Title V source.

Current construction permit number: _____

- Title V air operation permit revision to address one or more newly constructed or modified emissions units addressed in this application.

Current construction permit number: 0570261-004-AC

Operation permit number to be revised: 0570261-001-AV

- Title V air operation permit revision or administrative correction to address one or more proposed new or modified emissions units and to be processed concurrently with the air construction permit application. (Also check Air Construction Permit Application below.)

Operation permit number to be revised/corrected: _____

- Title V air operation permit revision for reasons other than construction or modification of an emissions unit. Give reason for the revision; e.g., to comply with a new applicable requirement or to request approval of an "Early Reductions" proposal.

Operation permit number to be revised: _____

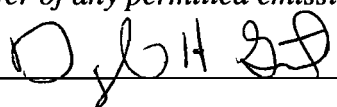
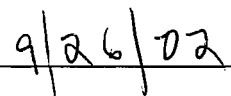
Reason for revision: _____

Air Construction Permit Application

This Application for Air Permit is submitted to obtain: (Check one)

- Air construction permit to construct or modify one or more emissions units.
- Air construction permit to make federally enforceable an assumed restriction on the potential emissions of one or more existing, permitted emissions units.
- Air construction permit for one or more existing, but unpermitted, emissions units.

Owner/Authorized Representative or Responsible Official

1. Name and Title of Owner/Authorized Representative or Responsible Official: <u>Daryl Smith, Director</u>
2. Owner/Authorized Representative or Responsible Official Mailing Address: Organization/Firm: Hillsborough County Solid Waste Management Dept. Street Address: 601 East Kennedy Blvd. City: Tampa State: Florida Zip Code: 33602
3. Owner/Authorized Representative or Responsible Official Telephone Numbers: Telephone: (813) 276-2900 Fax: () -
4. Owner/Authorized Representative or Responsible Official Statement: <i>I, the undersigned, am the owner or authorized representative*(check here [✓], if so) or the responsible official (check here [], if so) of the Title V source addressed in this application, whichever is applicable. I hereby certify, based on information and belief formed after reasonable inquiry, that the statements made in this application are true, accurate and complete and that, to the best of my knowledge, any estimates of emissions reported in this application are based upon reasonable techniques for calculating emissions. The air pollutant emissions units and air pollution control equipment described in this application will be operated and maintained so as to comply with all applicable standards for control of air pollutant emissions found in the statutes of the State of Florida and rules of the Department of Environmental Protection and revisions thereof. I understand that a permit, if granted by the Department, cannot be transferred without authorization from the Department, and I will promptly notify the Department upon sale or legal transfer of any permitted emissions unit.</i>  _____ Signature  _____ Date

* Attach letter of authorization if not currently on file.

Professional Engineer Certification

1. Professional Engineer Name: Jason M. Gorrie, P.E. Registration Number: 55341
2. Professional Engineer Mailing Address: Organization/Firm: Camp Dresser & McKee Street Address: 1715 North Westshore Blvd., Suite 875 City: Tampa State: Florida Zip Code: 33607
3. Professional Engineer Telephone Numbers: Telephone: (813) 281-2900 Fax: (813) 288-8787

4. Professional Engineer Statement:

I, the undersigned, hereby certify, except as particularly noted herein, that:*

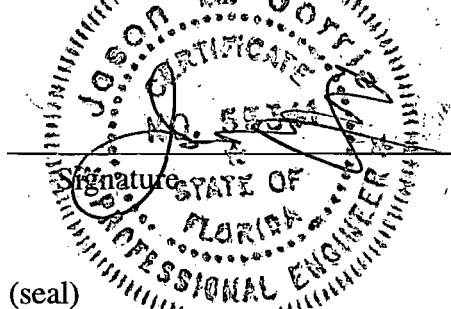
(1) To the best of my knowledge, there is reasonable assurance that the air pollutant emissions unit(s) and the air pollution control equipment described in this Application for Air Permit, when properly operated and maintained, will comply with all applicable standards for control of air pollutant emissions found in the Florida Statutes and rules of the Department of Environmental Protection; and

(2) To the best of my knowledge, any emission estimates reported or relied on in this application are true, accurate, and complete and are either based upon reasonable techniques available for calculating emissions or, for emission estimates of hazardous air pollutants not regulated for an emissions unit addressed in this application, based solely upon the materials, information and calculations submitted with this application.

If the purpose of this application is to obtain a Title V source air operation permit (check here [], if so), I further certify that each emissions unit described in this Application for Air Permit, when properly operated and maintained, will comply with the applicable requirements identified in this application to which the unit is subject, except those emissions units for which a compliance schedule is submitted with this application.

If the purpose of this application is to obtain an air construction permit for one or more proposed new or modified emissions units (check here [], if so), I further certify that the engineering features of each such emissions unit described in this application have been designed or examined by me or individuals under my direct supervision and found to be in conformity with sound engineering principles applicable to the control of emissions of the air pollutants characterized in this application.

If the purpose of this application is to obtain an initial air operation permit or operation permit revision for one or more newly constructed or modified emissions units (check here [], if so), I further certify that, with the exception of any changes detailed as part of this application, each such emissions unit has been constructed or modified in substantial accordance with the information given in the corresponding application for air construction permit and with all provisions contained in such permit.


(seal)

Date 9/26/02

* Attach any exception to certification statement.

Construction/Modification Information

1. Description of Proposed Project or Alterations:

Operation of a 3000 ft³ (approx.) silo for the storage of dolomitic lime. Emissions are limited to the pneumatic loading of the silo, which are controlled by a bin vent filter (baghouse). The dolomitic lime is used as an ash conditioning agent in the waste-to-energy facility.

2. Projected or Actual Date of Commencement of Construction:

3. Projected Date of Completion of Construction:

Application Comment

[Empty box for Application Comment]

Facility Regulatory Classifications

Check all that apply:

1. <input type="checkbox"/> Small Business Stationary Source?	<input type="checkbox"/> Unknown
2. <input checked="" type="checkbox"/> Major Source of Pollutants Other than Hazardous Air Pollutants (HAPs)?	
3. <input type="checkbox"/> Synthetic Minor Source of Pollutants Other than HAPs?	
4. <input checked="" type="checkbox"/> Major Source of Hazardous Air Pollutants (HAPs)?	
5. <input type="checkbox"/> Synthetic Minor Source of HAPs?	
6. <input checked="" type="checkbox"/> One or More Emissions Units Subject to NSPS?	
7. <input type="checkbox"/> One or More Emission Units Subject to NESHAP?	
8. <input checked="" type="checkbox"/> Title V Source by EPA Designation?	
9. Facility Regulatory Classifications Comment (limit to 200 characters):	

List of Applicable Regulations

62-296.320, F.A.C.	

Additional Supplemental Requirements for Title V Air Operation Permit Applications

8. List of Proposed Insignificant Activities: <input type="checkbox"/> Attached, Document ID: _____ <input checked="" type="checkbox"/> Not Applicable
9. List of Equipment/Activities Regulated under Title VI: <input type="checkbox"/> Attached, Document ID: _____ <input type="checkbox"/> Equipment/Activities On site but Not Required to be Individually Listed <input checked="" type="checkbox"/> Not Applicable
10. Alternative Methods of Operation: <input type="checkbox"/> Attached, Document ID: _____ <input checked="" type="checkbox"/> Not Applicable
11. Alternative Modes of Operation (Emissions Trading): <input type="checkbox"/> Attached, Document ID: _____ <input checked="" type="checkbox"/> Not Applicable
12. Identification of Additional Applicable Requirements: <input type="checkbox"/> Attached, Document ID: _____ <input checked="" type="checkbox"/> Not Applicable
13. Risk Management Plan Verification: <input type="checkbox"/> Plan previously submitted to Chemical Emergency Preparedness and Prevention Office (CEPPO). Verification of submittal attached (Document ID: _____) or previously submitted to DEP (Date and DEP Office: _____) <input type="checkbox"/> Plan to be submitted to CEPPO (Date required: _____) <input checked="" type="checkbox"/> Not Applicable
14. Compliance Report and Plan: <input checked="" type="checkbox"/> Attached, Document ID: <u>Appendix E</u> <input type="checkbox"/> Not Applicable
15. Compliance Certification (Hard-copy Required): <input type="checkbox"/> Attached, Document ID: _____ <input type="checkbox"/> Not Applicable

III. EMISSIONS UNIT INFORMATION

A separate Emissions Unit Information Section (including subsections A through J as required) must be completed for each emissions unit addressed in this Application for Air Permit. If submitting the application form in hard copy, indicate, in the space provided at the top of each page, the number of this Emissions Unit Information Section and the total number of Emissions Unit Information Sections submitted as part of this application.

**A. GENERAL EMISSIONS UNIT INFORMATION
(All Emissions Units)**

Emissions Unit Description and Status

<p>1. Type of Emissions Unit Addressed in This Section: (Check one)</p> <p><input checked="" type="checkbox"/> This Emissions Unit Information Section addresses, as a single emissions unit, a single process or production unit, or activity, which produces one or more air pollutants and which has at least one definable emission point (stack or vent).</p> <p><input type="checkbox"/> This Emissions Unit Information Section addresses, as a single emissions unit, a group of process or production units and activities which has at least one definable emission point (stack or vent) but may also produce fugitive emissions.</p> <p><input type="checkbox"/> This Emissions Unit Information Section addresses, as a single emissions unit, one or more process or production units and activities which produce fugitive emissions only.</p>			
<p>2. Regulated or Unregulated Emissions Unit? (Check one)</p> <p><input checked="" type="checkbox"/> The emissions unit addressed in this Emissions Unit Information Section is a regulated emissions unit.</p> <p><input type="checkbox"/> The emissions unit addressed in this Emissions Unit Information Section is an unregulated emissions unit.</p>			
<p>3. Description of Emissions Unit Addressed in This Section (limit to 60 characters): Dolomitic Lime Silo</p>			
<p>4. Emissions Unit Identification Number: <input type="checkbox"/> No ID</p> <p>ID: 016 <input type="checkbox"/> ID Unknown</p>			
<p>5. Emissions Unit Status Code: A</p>	<p>6. Initial Startup Date:</p>	<p>7. Emissions Unit Major Group SIC Code: 49</p>	<p>8. Acid Rain Unit? [NO]</p>
<p>9. Emissions Unit Comment: (Limit to 500 Characters)</p>			

Emissions Unit Control Equipment

1. Control Equipment/Method Description (Limit to 200 characters per device or method):

Emissions are generated only during filling operations. The silo is equipped with a Smoot Model No. 72BV25 bin vent filter to control particulate emissions while the silo is being pneumatically filled.

2. Control Device or Method Code(s): 018

Emissions Unit Details

1. Package Unit:		
Manufacturer:	Smoot Company	Model Number: 72BV25
2. Generator Nameplate Rating: N/A MW		
3. Incinerator Information: N/A		
	Dwell Temperature:	°F
	Dwell Time:	seconds
	Incinerator Afterburner Temperature:	°F

**B. EMISSIONS UNIT CAPACITY INFORMATION
(Regulated Emissions Units Only)**

Emissions Unit Operating Capacity and Schedule

1. Maximum Heat Input Rate:	N/A	mmBtu/hr
2. Maximum Incineration Rate:	N/A lb/hr	tons/day
3. Maximum Process or Throughput Rate: ~20 tons per silo filling		
4. Maximum Production Rate: N/A		
5. Requested Maximum Operating Schedule:		
	24 hours/day	7 days/week
	52 weeks/year	8760 hours/year
6. Operating Capacity/Schedule Comment (limit to 200 characters):		
<p>Bulk deliveries of dolomitic lime are anticipated to occur every 3 days when the facility is consuming the maximum hourly rate of dolomitic lime. At average consumption, deliveries will occur every 5 days.</p>		

D. EMISSION POINT (STACK/VENT) INFORMATION
(Regulated Emissions Units Only)

Emission Point Description and Type

1. Identification of Point on Plot Plan or Flow Diagram?		2. Emission Point Type Code: 1	
3. Descriptions of Emission Points Comprising this Emissions Unit for VE Tracking (limit to 100 characters per point): 8" OD vent discharging horizontally near top of baghouse			
4. ID Numbers or Descriptions of Emission Units with this Emission Point in Common: N/A			
5. Discharge Type Code: H	6. Stack Height: ~ 40 feet	7. Exit Diameter: 0.66 feet (8")	
8. Exit Temperature: ambient °F	9. Actual Volumetric Flow Rate: ~ 5700 acfm	10. Water Vapor: ambient %	
11. Maximum Dry Standard Flow Rate: ~ 5700 dscfm		12. Nonstack Emission Point Height: feet	
13. Emission Point UTM Coordinates: Zone: East (km): North (km):			
14. Emission Point Comment (limit to 200 characters):			

E. SEGMENT (PROCESS/FUEL) INFORMATION
(All Emissions Units)

Segment Description and Rate: Segment 1 of 1

1. Segment Description (Process/Fuel Type) (limit to 500 characters): Dolomitic Lime unloading operation		
2. Source Classification Code (SCC): 30510296		3. SCC Units: tons stored
4. Maximum Hourly Rate: 20	5. Maximum Annual Rate:	6. Estimated Annual Activity Factor:
7. Maximum % Sulfur:	8. Maximum % Ash:	9. Million Btu per SCC Unit:
10. Segment Comment (limit to 200 characters): Assumes that one 20-ton truck will be off-loaded in 1 hr.		

Segment Description and Rate: Segment _____ of _____

1. Segment Description (Process/Fuel Type) (limit to 500 characters):		
2. Source Classification Code (SCC):		3. SCC Units:
4. Maximum Hourly Rate:	5. Maximum Annual Rate:	6. Estimated Annual Activity Factor:
7. Maximum % Sulfur:	8. Maximum % Ash:	9. Million Btu per SCC Unit:
10. Segment Comment (limit to 200 characters):		

**G. EMISSIONS UNIT POLLUTANT DETAIL INFORMATION
(Regulated Emissions Units -
Emissions-Limited and Preconstruction Review Pollutants Only)**

Potential/Fugitive Emissions

1. Pollutant Emitted: PM		2. Total Percent Efficiency of Control: 99.9%	
3. Potential Emissions: 6.32 lb/hour		0.39 tons/year	4. Synthetically Limited? []
5. Range of Estimated Fugitive Emissions: [] 1 [] 2 [] 3 _____ to _____ tons/year			
6. Emission Factor: Reference:		7. Emissions Method Code:	
8. Calculation of Emissions (limit to 600 characters): See construction permit application			
9. Pollutant Potential/Fugitive Emissions Comment (limit to 200 characters):			

Allowable Emissions Allowable Emissions 1 of 1

1. Basis for Allowable Emissions Code: ESCRACT	2. Future Effective Date of Allowable Emissions:
3. Requested Allowable Emissions and Units: 5% opacity (see Item 5 below)	4. Equivalent Allowable Emissions: lb/hour 1 ton/year
5. Method of Compliance (limit to 60 characters): Annual EPA Method 9 in lieu of particulate compliance test pursuant to 62-297.620(4), F.A.C.	
6. Allowable Emissions Comment (Desc. of Operating Method) (limit to 200 characters): The applicant is requesting an allowable emission of 1 ton/yr in accordance with 62-296.700(2)(c), F.A.C. to avoid the RACT provisions associated with the PM air quality maintenance area which the source is located in.	

**J. EMISSIONS UNIT SUPPLEMENTAL INFORMATION
(Regulated Emissions Units Only)**

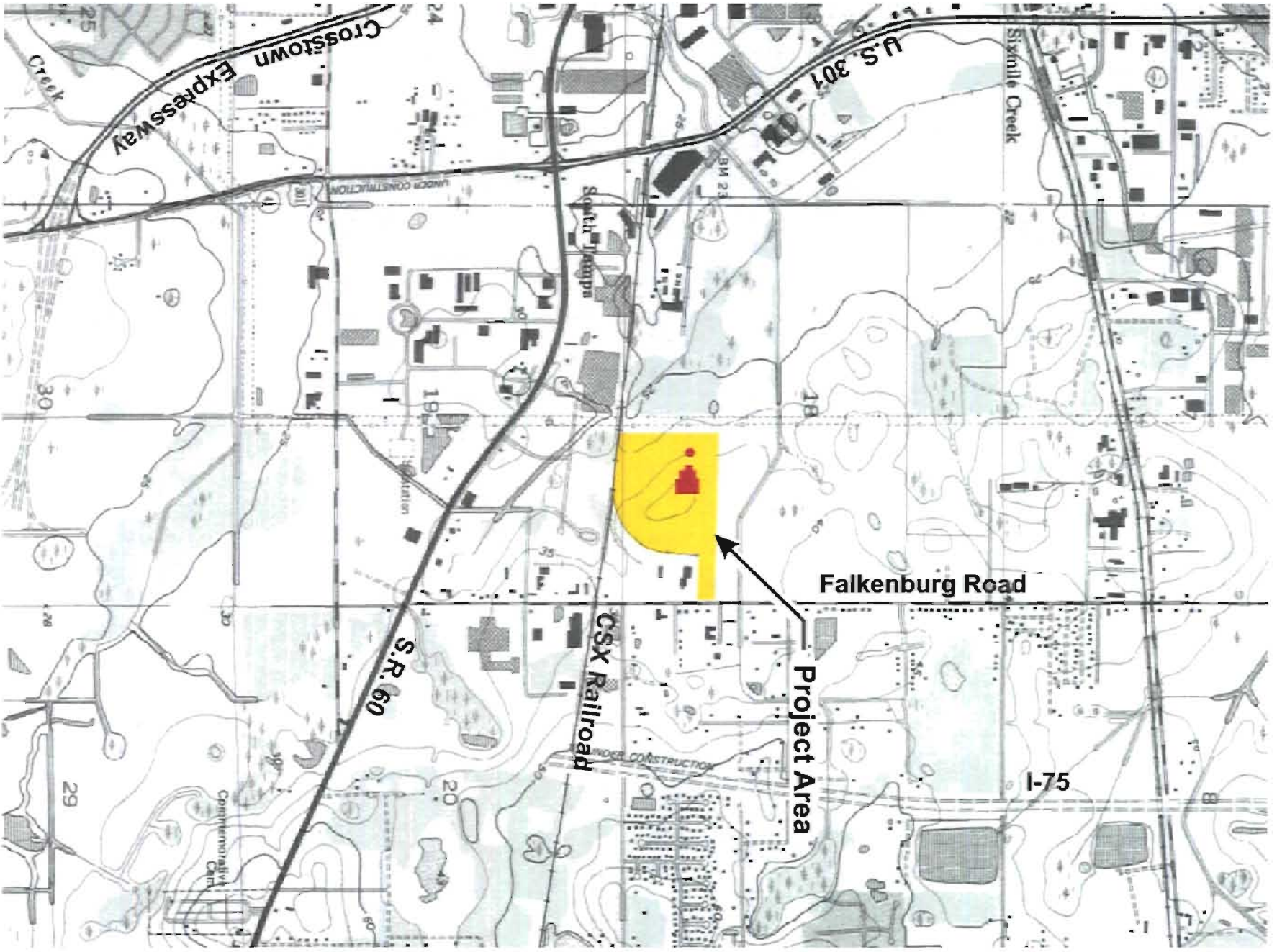
Supplemental Requirements

1. Process Flow Diagram <input checked="" type="checkbox"/> Attached, Document ID: <u>Appendix C</u> <input type="checkbox"/> Not Applicable <input type="checkbox"/> Waiver Requested
2. Fuel Analysis or Specification <input type="checkbox"/> Attached, Document ID: _____ <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Waiver Requested
3. Detailed Description of Control Equipment <input checked="" type="checkbox"/> Attached, Document ID: <u>Appendix F</u> <input type="checkbox"/> Not Applicable <input type="checkbox"/> Waiver Requested
4. Description of Stack Sampling Facilities <input type="checkbox"/> Attached, Document ID: _____ <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Waiver Requested
5. Compliance Test Report <input type="checkbox"/> Attached, Document ID: _____ <input type="checkbox"/> Previously submitted, Date: _____ <input checked="" type="checkbox"/> Not Applicable
6. Procedures for Startup and Shutdown <input type="checkbox"/> Attached, Document ID: _____ <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Waiver Requested
7. Operation and Maintenance Plan <input type="checkbox"/> Attached, Document ID: _____ <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Waiver Requested
8. Supplemental Information for Construction Permit Application <input type="checkbox"/> Attached, Document ID: _____ <input type="checkbox"/> Not Applicable
9. Other Information Required by Rule or Statute <input type="checkbox"/> Attached, Document ID: _____ <input type="checkbox"/> Not Applicable
10. Supplemental Requirements Comment:

Additional Supplemental Requirements for Title V Air Operation Permit Applications

11. Alternative Methods of Operation <input type="checkbox"/> Attached, Document ID: _____ <input checked="" type="checkbox"/> Not Applicable
12. Alternative Modes of Operation (Emissions Trading) <input type="checkbox"/> Attached, Document ID: _____ <input checked="" type="checkbox"/> Not Applicable
13. Identification of Additional Applicable Requirements <input type="checkbox"/> Attached, Document ID: _____ <input checked="" type="checkbox"/> Not Applicable
14. Compliance Assurance Monitoring Plan <input type="checkbox"/> Attached, Document ID: _____ <input checked="" type="checkbox"/> Not Applicable
15. Acid Rain Part Application (Hard-copy Required) <input type="checkbox"/> Acid Rain Part - Phase II (Form No. 62-210.900(1)(a)) Attached, Document ID: _____ <input type="checkbox"/> Repowering Extension Plan (Form No. 62-210.900(1)(a)1.) Attached, Document ID: _____ <input type="checkbox"/> New Unit Exemption (Form No. 62-210.900(1)(a)2.) Attached, Document ID: _____ <input type="checkbox"/> Retired Unit Exemption (Form No. 62-210.900(1)(a)3.) Attached, Document ID: _____ <input type="checkbox"/> Phase II NOx Compliance Plan (Form No. 62-210.900(1)(a)4.) Attached, Document ID: _____ <input type="checkbox"/> Phase NOx Averaging Plan (Form No. 62-210.900(1)(a)5.) Attached, Document ID: _____ <input checked="" type="checkbox"/> Not Applicable

Appendix A Area Map

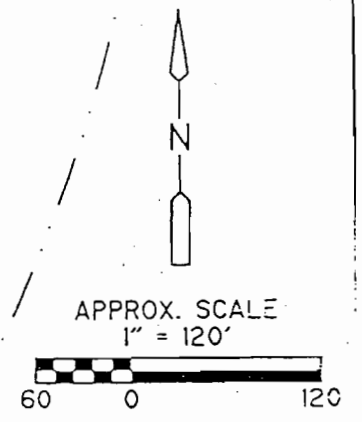
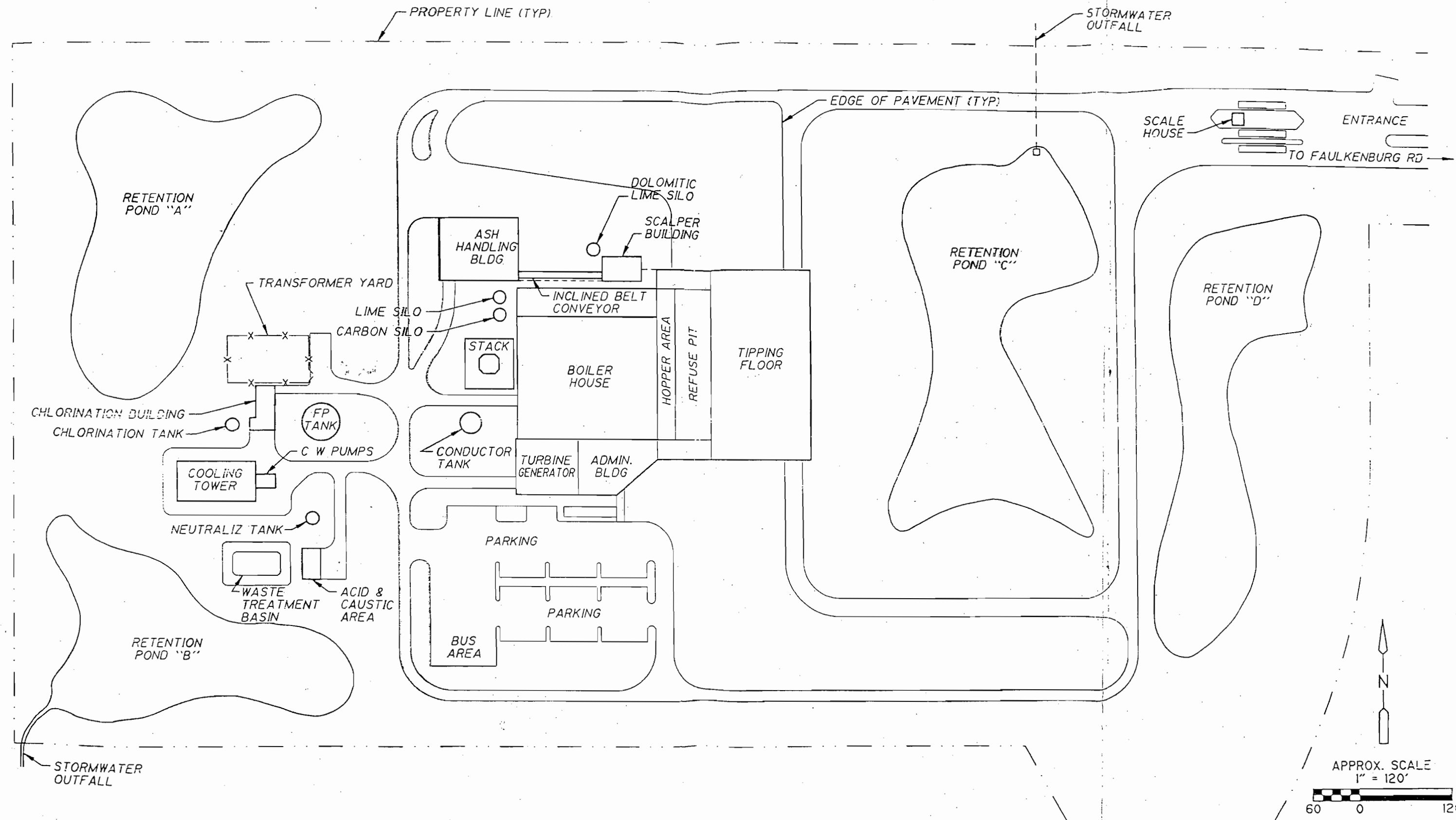


CDM

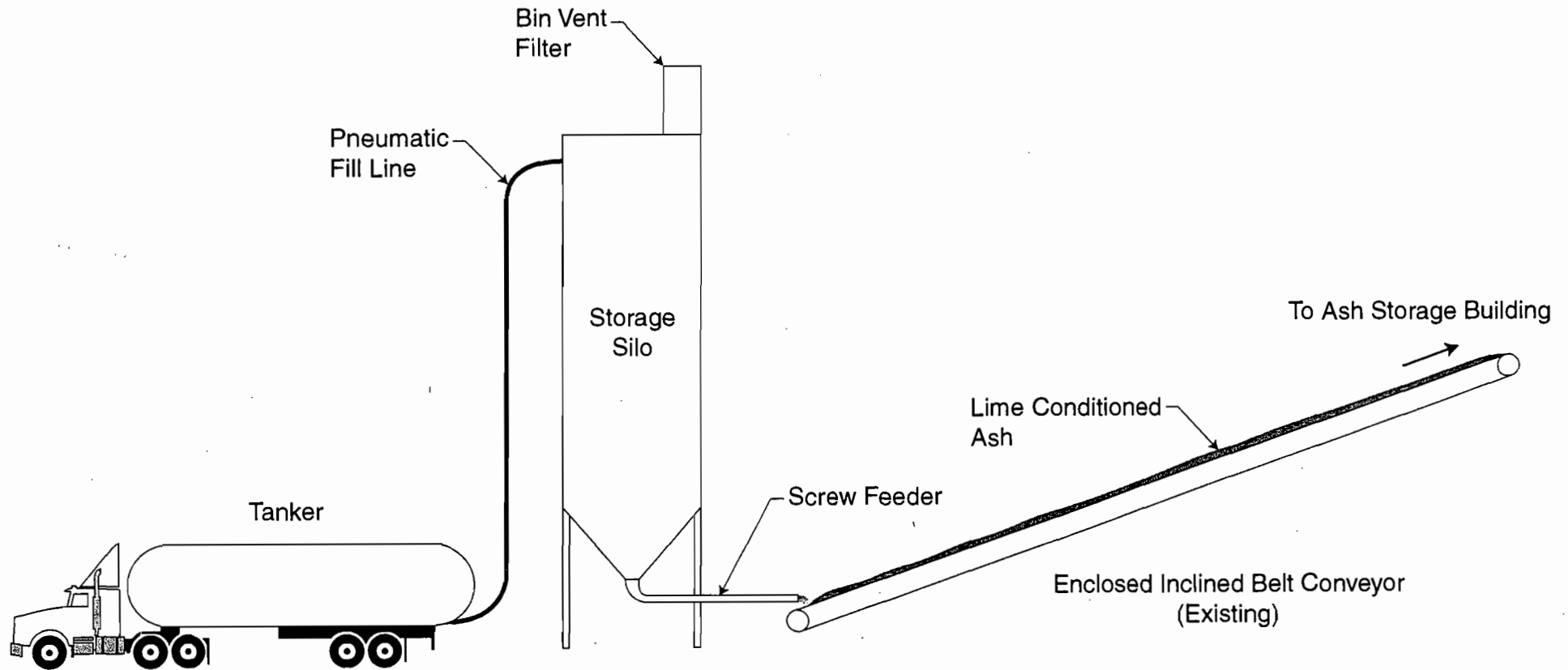
Project Location

Appendix B Facility Plot Plan

SDA
2.3.06.11B
01/22/17 11:31:17
CST/PL 000
D:\HILLSBORO



Appendix C Process Flow Diagram



m:\figure\bw_figure045b_102301_1023\01_petermantr

Appendix D
Precautions to Prevent Emissions of
Unconfined Particulate Matter

PRECAUTIONS TO PREVENT EMISSIONS OF UNCONFINED PARTICULATE MATTER

Precautions include the following:

- a. Roads and parking areas are paved.
- b. A street sweeper equipped with a vacuum system is used to remove particulate matter from roads and other paved areas.
- c. The unpaved areas of the facility are maintained and either are sodded or landscaped.
- d. Hoods, fans, filters, or similar equipment is used to contain, capture, and/or vent particulate matter.
- e. The conveyor systems of the facility are enclosed or covered.
- f. The ash is wetted before being stored in the ash handling building.

**Appendix E
Compliance Report**



Covanta Hillsborough, Inc.
A Covanta Energy Company
350 N. Falkenburg Road
Tampa, FL 33619
Tel 813 684 5688
Fax 813 684 7964

April 24, 2002

Mr. Joe Cox
Air Compliance Engineer
Florida Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619

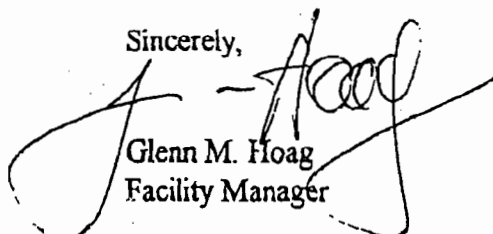
RE: Initial Visible Emission Test

Dear Mr. Cox,

Final Permit Number 05070261-004-AC authorized the construction of a new dolomitic lime silo at the Hillsborough County Resource Recovery Facility (HC-RRF). This letter serves as notification that the HC-RRF anticipates performing the required visible emissions testing during the morning of May 29, 2002. The EPA Method 9 test is scheduled to coincide with a dolomitic lime delivery, and will satisfy the minimum thirty-minute observation period. Air Observations has been contacted to perform the formal compliance test.

If you have any questions regarding this notification, please feel free to contact me. I can be reached during the day at (813) 684-5688.

Sincerely,



Glenn M. Hoag
Facility Manager

cc: T. Smith, HC-SWMD
D. Lee, HC-EPC
D. Strobridge, CDM
J. Gorrie, CDM
J. Heard, Corporate
S. Bass, Regional
J. Howard, COV
File

Lime Silo Notification Letter



Air Observations, Inc.

RECEIVED

JUN 1 2002

COVANTA HILLSBOROUGH, INC.

May 31, 2002

Ms. Becky Macionski
Covanta Hillsborough, Inc.
350 N. Falkenburg Road
Tampa, Florida 33619

Dear Becky,

Enclosed please find one copy of the completed visible emission compliance test that was recently performed on the lime storage silo at your facility.

This test report has not been submitted to the regulatory agencies.

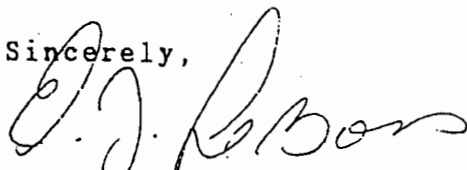
Also enclosed is your Invoice.

Due to the particulate emissions at the end of the truck unloading process, it may be best if you explain what the problem was and how it was corrected.

If you have any questions or if we may be of further service at this time, please give me a call.

Thank you for allowing Air Observations, Inc., to perform your testing.

Sincerely,

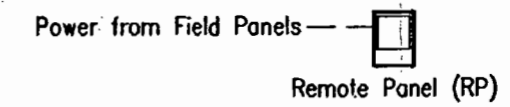
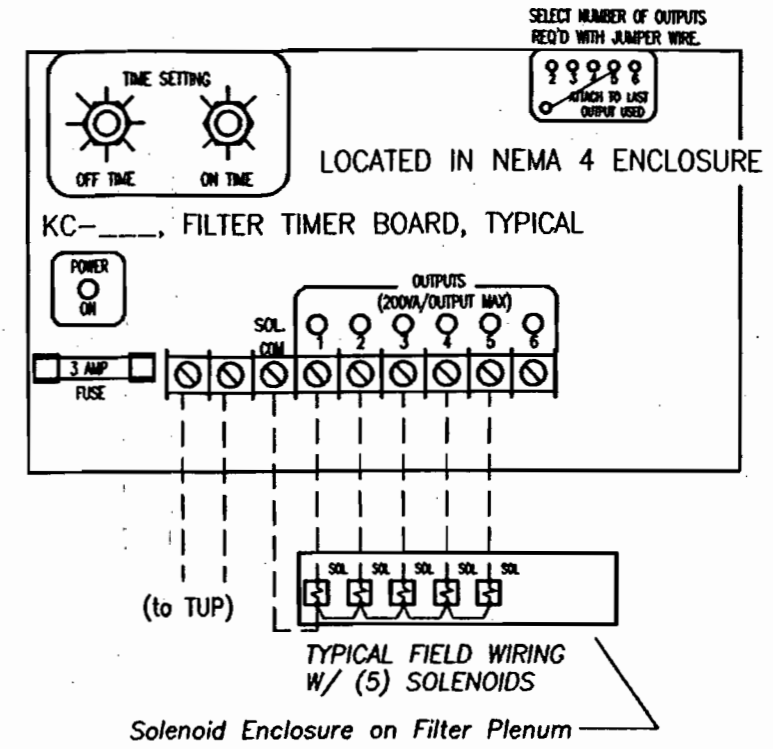
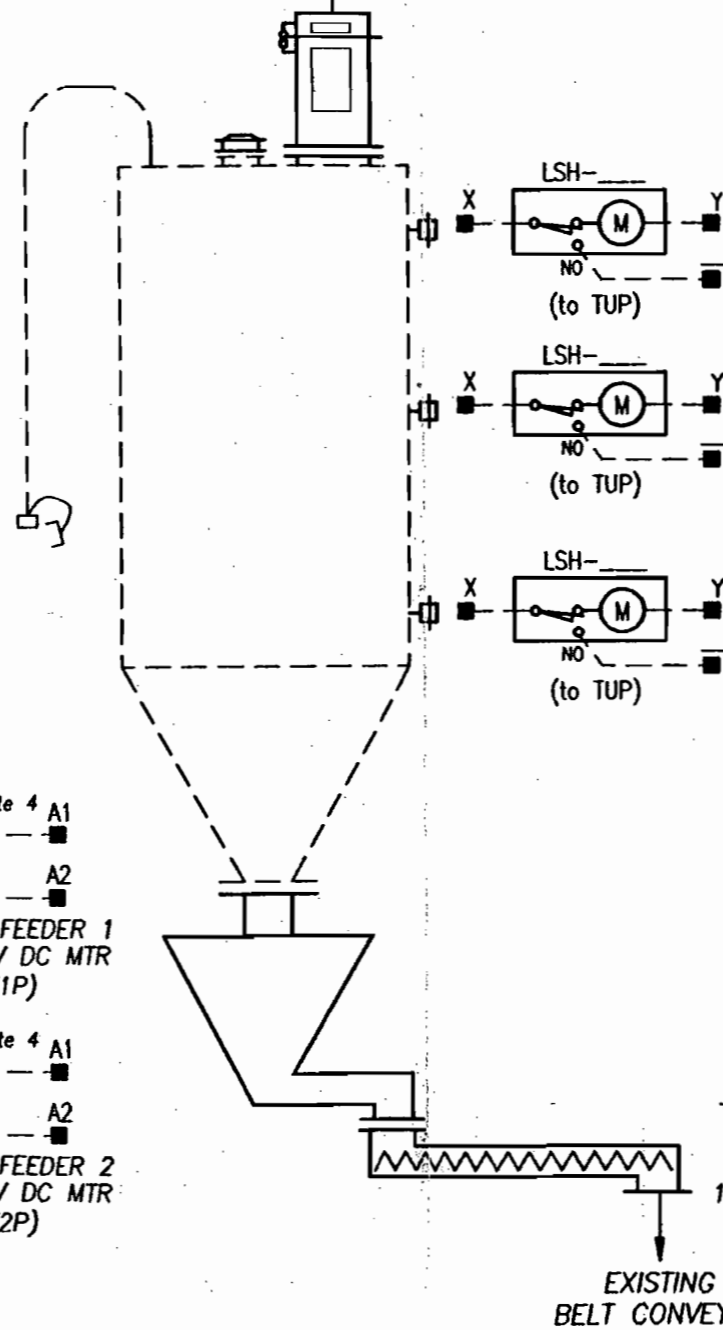
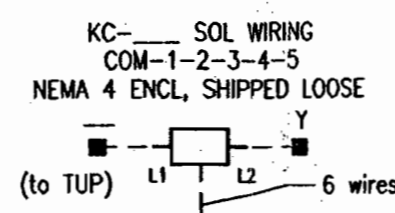
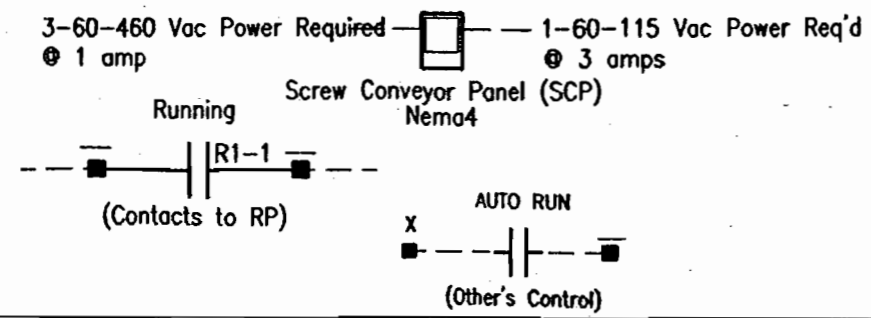
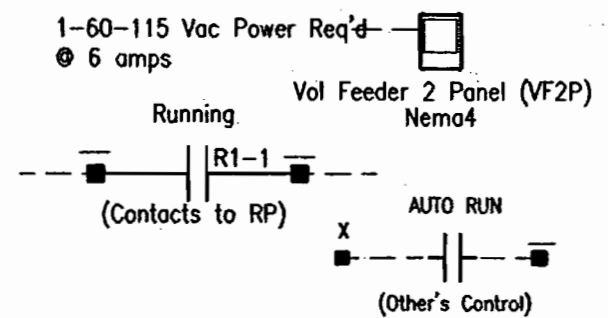
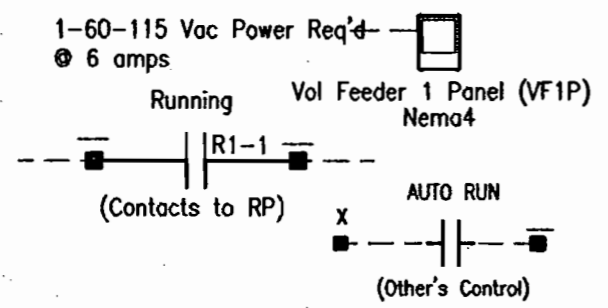
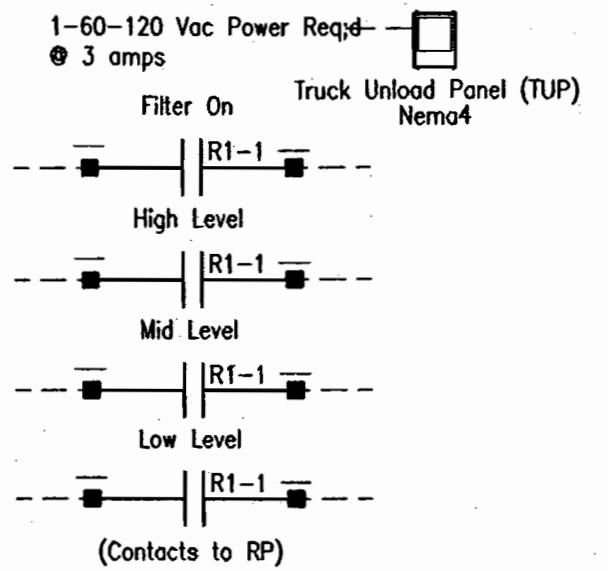


E.J. LeBoss

Enclosures

Source/Process Information				Opacity Readings									
FACILITY NAME Northborough Co. Resource Recovery Facility SOURCE NAME Lime Storage Silo PERMIT NO. 057-0261-004-AC LOCATION ADDRESS 3507 J. J. Sulzberger Rd. CONTACT Steve Macronski PHONE NO. 684-5688 PROCESS/PRODUCTION RATE NA CONTROL EQUIPMENT Bushouse fan OPERATING MODE Continuous FUEL OPERATE None MATERIAL TYPE/RATE Lime 210 PSI PERMITTED RATE 10 PSI DESCRIBE EMISSION POINT Square white bushouse atop blue lime silo located N. of APC building HEIGHT ABOVE GROUND LEVEL 242 ft HEIGHT RELATIVE TO OBSERVER 242 ft				OBSERVATION	START TIME	SIGR		TIME		SEC		MIN	
				5/29/02	0932	1002							
				1	0	0	0	0	31				
				2	0	0	0	0	31				
				3	0	0	0	0	32				
				4	0	0	0	0	34				
				5	0	0	0	0	35				
				6	0	0	0	0	36				
				7	0	0	0	0	37				
				8	0	0	0	0	38				
				9	0	0	0	0	39				
				10	0	0	0	0	40				
				11	0	0	0	0	41				
				12	0	0	0	0	42				
				13	0	0	0	0	43				
				14	0	0	0	0	44				
				15	0	0	0	0	45				
				16	0	0	0	0	46				
				17	0	0	0	0	47				
				18	0	0	0	0	48				
				19	0	0	0	0	49				
				20	0	0	0	0	50				
				21	0	0	0	0	51				
				22	0	0	0	0	52				
				23	0	0	0	0	53				
				24	0	0	0	0	54				
				25	0	0	0	0	55				
				26	0	0	0	0	56				
				27	0	0	0	0	57				
				28	0	0	20	0	58	Unloading			
				29	0	0	0	0	59	Complete			
				30	0	0	0	0	60				
Emissions Description DESCRIBE EMISSIONS none START none END none PLUME COLOR white PLUME TYPE coning WATER DROPLETS PRESENT? YES <input type="checkbox"/> NO <input type="checkbox"/> IF YES IS PLUME ATTACHED <input type="checkbox"/> DETACHED <input type="checkbox"/>													
Meteorological Information BACKGROUND BUILDING Same END Same SKY CONDITION Broken END Same WIND SPEED 1-3 MPH END Same BACKGROUND COLOR Blue END Same AMBIENT TEMP 280°F END 84°F WIND DIRECTION NNW END Same													
Observation Data, Site Diagram 													
Compliance Information RANGE OF OPACITY READINGS MIN 0 MAX 20 AVERAGE OF HIGHEST 24 CONSECUTIVE READINGS 0.83% SHORT TERM AVERAGE DATA AVERAGING PERIOD MINUTES ACTUAL AVERAGE				Certification Data, Signatures OBSERVER'S NAME E. J. DeBoss OBSERVER'S SIGNATURE E. J. DeBoss DATE 5/29/02 CERTIFIED BY E. J. A. DATE 7/02									
Process Rate Data I CERTIFY THE ABOVE PROCESS RATE DATA IS TRUE TO THE BEST OF MY KNOWLEDGE.				Truck Start Time:									

Appendix F
Description of Control Equipment



Soot Co.
KANSAS CITY, KANSAS

FOR APPROVAL:
DRAWING SUBMITTED FOR CUSTOMER APPROVAL
WE CANNOT PROCEED WITH FABRICATION WITHOUT
RETURN OF ONE SET OF SIGNED, APPROVED DRAWING:

APPROVED AS DRAWN PROCEED WITH MANUFACTURE

APPROVED AS NOTED PROCEED WITH MANUFACTURE

NOT APPROVED, RESUBMIT AS NOTED

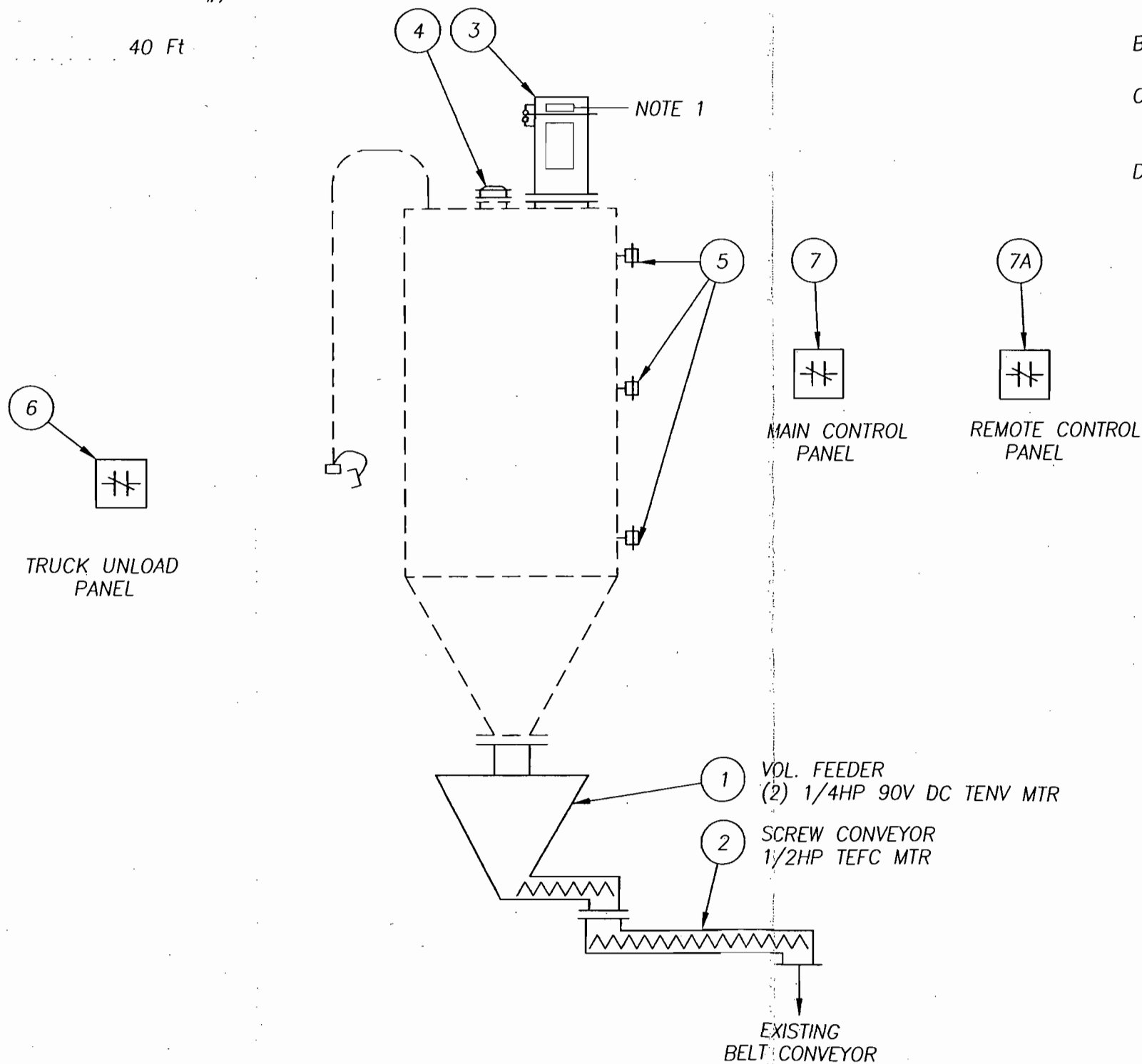
REVISIONS		Soot Co. KANSAS CITY, KANSAS	
		FIELD CONTACT WIRING DIAGRAM COVANTA HILSBOROUGH INC. PO #HIL-0000003558 SPRING HILL, FL	
NO.	BY	DATE	REMARKS
DATE	10/11/01	DWG. NO.	28832-FW
DWN. BY	NRS	APPROVED	
SCALE	NONE		

SYSTEM DESIGN PARAMETERS:

MATERIAL	DOLOMITIC LIME
BULK DENSITY	55#/CuFt
CHARACTERISTICS	
SIZE	70% < -100 MESH
TEMPERATURE	AMBIENT
MOISTURE CONTENT	N/A
TRANSFER RATE	75-600#/HR
CONVEY DISTANCE	
OVER ALL	40 Ft

NOTES:

1. FILTER ASSEMBLY REQUIRES 6.5 SCFM INSTRUMENT QUALITY, FILTERED, OIL FREE, HIGH PRESSURE AIR AT 80 TO 100 PSIG. 1" FNPT CONNECTION ON FILTERHEAD.
2. CONVEY LINE NOTES:
 - A) CONVEY LINE CONNECTIONS MUST BE PROPERLY ALIGNED SUCH TO ELIMINATE INTERNAL EDGES OR GAPS WHICH ADVERSELY AFFECTS CONVEY EFFICIENCY.
 - B) CONVEY LINE MUST BE SUPPORTED TO WITHSTAND REACTIONARY FORCES CAUSED BY NORMAL CONVEYING OPERATIONS.
 - C) CONVEY LINE RUNS MUST BE TRUE VERTICAL AND HORIZONTAL. CONVEY LINE RUNS OTHER THAN TRUE VERTICAL AND HORIZONTAL WILL NEGATIVELY AFFECT CONVEYING PERFORMANCE.
 - D) CONVEY LINE MUST BE SUPPORTED EVERY 20FT HORIZONTALLY AND EVERY 10FT VERTICALLY, AND/OR AT EACH CONNECTION.



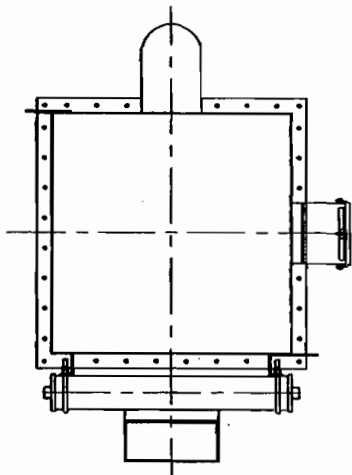
Saoot Co.
KANSAS CITY, KANSAS

FOR APPROVAL:
DRAWING SUBMITTED FOR CUSTOMER APPROVAL
WE CANNOT PROCEED WITH FABRICATION WITHOUT
RETURN OF ONE SET OF SIGNED, APPROVED DRAWINGS.

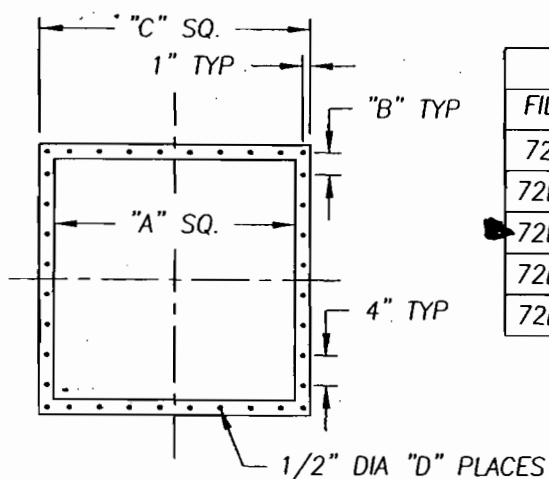
APPROVED AS DRAWN PROCEED WITH MANUFACTURE
 APPROVED AS NOTED PROCEED WITH MANUFACTURE
 NOT APPROVED, RESUBMIT AS NOTED

USE THIS DRAWING IN CONJUNCTION WITH
THE SYSTEM BILL OF MATERIALS

REVISIONS		NO.		BY		DATE		REMARKS	
<p>Saoot Co.TM KANSAS CITY, KANSAS</p> <p>SYSTEM FLOW DIAGRAM COVANTA HILSBOROUGH INC. PO #HIL-0000003558 SPRING HILL, FL</p>									
DATE	10/8/01	DWG. NO.	28832-0						
DWN. BY	JSF	APPROVED							
SCALE	NONE								



PLAN VIEW



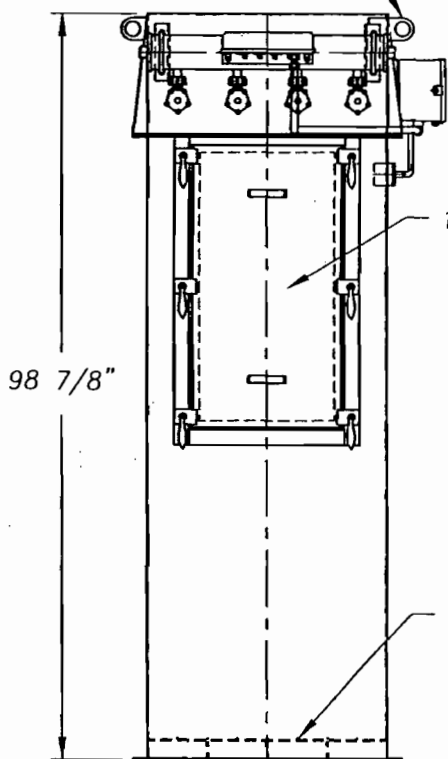
FLANGE PATTERN

DIMENSIONS					
FILTER	A	B	C	D	E
72BV9	24	3	28	28	4.8
72BV16	32	3	36	36	6.0
72BV25	40	3	44	44	6.9
72BV36	48	3	52	52	8.3
72BV49	56	4	62	60	9.8

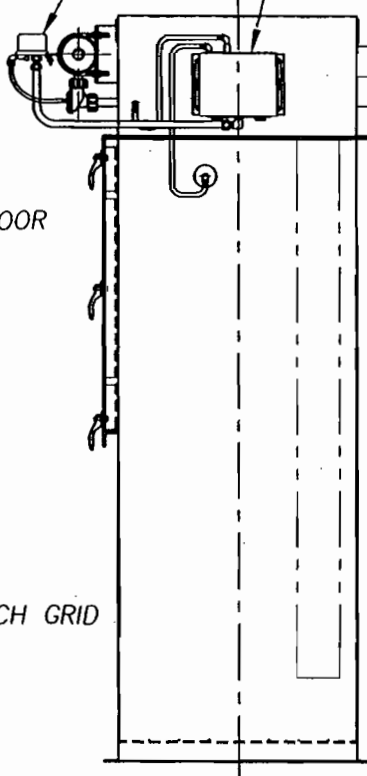
(2) LIFT LUGS
(4) LIFT LUGS ON BV49

NEMA 4X SOLENOID ENCLOSURE

SMART TIMERBOARD W/DP DISPLAY
HIGH/LOW ALARM CONTACTS
4-20mA OUTPUT
NEMA 4X ENCLOSURE MOUNTED ON FILTER



ELEVATION VIEW

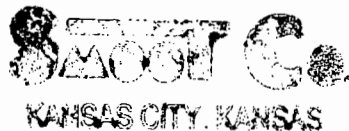


RIGHT SIDE VIEW

8" BIRD SCREEN OUTLET

PROCESS INFORMATION			
FILTER	PROCESS AIR CFM	FT ² MEDIA	INTERSTITIAL AREA FT ²
BV9	400	79	2.38
BV16	700	140	4.22
BV25	1200	219	6.60
BV36	1600	316	9.51
BV49	2200	430	13.42

FILTER INFORMATION:
FILTER IS CONSTRUCTED OF CARBON STEEL
AIR CONSUMPTION IS "E" _____ SCFM
SOLENOIDS ARE PRE-WIRED & PLUMBED
BAG CATCH GRID STANDARD



KANSAS CITY, KANSAS

FOR APPROVAL:

OWNER'S REPRESENTATIVE CUSTOMER APPROVAL

DESIGNED, APPROVED DRAWINGS

APPROVED AS DRAWN PROCEED WITH MANUFACTURE

APPROVED AS NOTED PROCEED WITH MANUFACTURE

NOT APPROVED, RESUBMIT AS NOTED

REV. NO.	DATE	BY	NO.
B	8/9/01	ELB	
A	7/25/01	JSF	

REVISIONS

SMOOT Co.™
KANSAS CITY, KANSAS

STYLE 2 STOCK BIN VENT
(PLENUM & HOUSING)

SMOOT COMPANY
KANSAS CITY, KS.

DATE 6/26/01

DWG. NO. 4-99-2

DWN. BY JSF

APPROVED

SCALE NONE

Appendix G
Federal Register Notice



Federal Register

Friday,
November 16, 2001

Part III

Environmental Protection Agency

40 CFR Part 60

**Standards of Performance for Large
Municipal Waste Combustors; Final Rule
and Proposed Rule**

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-7100-8]

RIN 2060-AJ52

Standards of Performance for Large Municipal Waste Combustors for Which Construction Is Commenced After September 20, 1994 or for Which Modification or Reconstruction Is Commenced After June 19, 1996 and Emission Guidelines and Compliance Times for Large Municipal Waste Combustors That Are Constructed on or Before September 20, 1994

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; amendment.

SUMMARY: We are amending the standards of performance for large municipal waste combustors (MWC) by extending the time during which such units will be excused from compliance with the emission limits for carbon monoxide due to certain types of malfunctions. Since the compliance and performance testing provisions in the emissions guidelines for large MWC reference the compliance and performance testing provisions in the standards of performance, this amendment to the standards has the effect of amending both the standards and the guidelines.

DATES: This direct final rule will be effective on January 15, 2002 without further notice, unless significant adverse comments are received by December 17, 2001.

If significant material adverse comments are received by December 17, 2001, this direct final rule will be withdrawn and the comments addressed in a subsequent final rule based on the proposed rule. If no significant material adverse comments are received, no further action will be taken on the proposal and this direct final rule will become effective on January 15, 2002.

ADDRESSES: By U.S. Postal Service, send comments (in duplicate if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A-90-45, U.S. EPA, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. In person or by courier, deliver comments (in duplicate if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A-90-45, U.S. EPA, 401 M Street, SW, Washington, DC 20460. The EPA requests that a separate copy of each public comment be sent to the contact person listed below.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Porter, Combustion Group, Emission Standards Division (MD-13), U.S. EPA, Research Triangle Park, North Carolina 27711, (919) 541-5251, e-mail: porter.fred@epa.gov.

SUPPLEMENTARY INFORMATION: *Comments.* We are publishing this direct final rule without prior proposal because we view this as a noncontroversial amendment and do not anticipate adverse comments. However, in the Proposed Rules section of this **Federal Register**, we are publishing a separate document that will serve as the proposal in the event that adverse comments are filed.

If we receive any significant adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this direct final rule. Any parties interested in commenting must do so at this time.

Docket. The docket is an organized and complete file of information compiled by EPA in developing this direct final rule. The docket is a dynamic file because material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the docket contains the record in the case of judicial review. The docket number for this rulemaking is A-90-45.

World Wide Web (WWW). In addition to being available in the docket, electronic copies of this action will be posted on the Technology Transfer Network's (TTN) policy and guidance information page: <http://www.epa.gov/ttn/caaa>. The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541-5384.

Regulated Entities. The regulated categories and entities that potentially will be affected by this amendment include the following:

Category	NAICS codes	SIC codes	Regulated entities
Industry, Federal government, and State/local/tribal governments.	562213 92411	4953 9511	Solid waste combustors or incinerators at waste-to-energy facilities that generate electricity or steam from the combustion of garbage (typically municipal waste); and solid waste combustors or incinerators at facilities that combust garbage (typically municipal waste) and do not recover energy from the waste.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that we are now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility, company, business, organization, etc., is regulated by this action, you should carefully examine the applicability criteria in §§ 60.50b and 60.32b of 40 CFR part 60, subparts

Cb and Eb. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Judicial Review. Under section 307(b)(1) of the Clean Air Act (CAA), judicial review of the action taken by this direct final rule is available only on the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by January 15, 2002. Under section 307(b)(2) of the CAA, the requirements that are subject to this

action may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under section 307(d)(7) of the CAA, only an objection to a rule or procedure raised with reasonable specificity during the period for public comment or public hearing may be raised during judicial review.

I. Background

On December 19, 1995, we promulgated final new source performance standards (60 FR 65382)

and emission guidelines (60 FR 65387) for large MWC. The standards and guidelines contain a provision requiring large MWC to comply with the emission limits in the standards at all times, except during periods of startup, shutdown, and malfunction. Periods of startup, shutdown, and malfunction are limited to 3 hours per occurrence. If it takes longer than 3 hours for startup or shutdown, or if a malfunction continues for longer than 3 hours, a large MWC is required to comply with the emission limits in the standards during those periods of time which exceed 3 hours.

It often takes longer than 3 hours for a large MWC to shutdown. Frequently, it can require 4 to 8 hours and, if complications arise, it can take as long as 10 to 15 hours. Except as noted below, that does not present a problem with respect to compliance with the emission limits since continued operation of the emission control systems permits the MWC to maintain compliance.

Recently, it has been brought to our attention that there are two general types of malfunctions which may occur, during which it is not possible to comply with the emission limit for carbon monoxide (CO). The first is loss of boiler water level control, and the second is loss of combustion air control.

Loss of Boiler Water Level Control

Large MWC boiler tube metal temperatures must be kept below 800° F or so to prevent damage or burn-out. If water levels in the tubes should fall, tube metal temperatures will increase well beyond that point. Consequently, a malfunction resulting from a loss of boiler water level control, as a result of failure of a boiler tube for example, requires shutdown of a large MWC to avoid serious damage to the remaining boiler tubes.

During any shutdown of a large MWC, it is difficult to maintain the proper balance between combustion air and waste to ensure complete combustion. As a result, CO emissions tend to increase.

Normally, the tendency for CO emissions to increase is overcome through the use of auxiliary fuel burners. The burners ensure complete combustion of CO to carbon dioxide (CO₂). Thus, even though the shutdown of a large MWC may take longer than 3 hours and there is a tendency for CO emissions to increase, the use of the auxiliary fuel burners overcomes any problem with respect to compliance with the CO emission limits.

During a malfunction and shutdown of a large MWC resulting from a loss of boiler water level control, however, full

use of auxiliary fuel burners is contrary to the immediate objective. The immediate objective is to lower combustion temperatures to protect the boiler tubes from exposure to high temperatures. In fact, the National Fire Protection Association fire code for boilers does not allow auxiliary fuel burners to be fired when boiler water levels drop too low for that very reason.

Although the immediate objective is to lower combustion temperatures, combustion temperatures must be lowered in a controlled and deliberate manner to prevent damage to the boiler from heat stresses. Without the full use of auxiliary fuel burners, however, it is not possible for a large MWC to comply with the CO emission limits. Consequently, relief from the CO emission limits is appropriate during a malfunction resulting from a loss of boiler water level control.

Loss of Combustion Air Control

As with the loss of boiler water level control, the loss of combustion air control also necessitates shutdown of a large MWC. In addition, as with loss of boiler water level control, this type of malfunction also precludes full use of auxiliary fuel burners during shutdown.

Loss of combustion air control, as a result of loss of a combustion air fan, an induced draft fan, or failure of the grate system, can be very serious in a large MWC. Lack of sufficient air for complete combustion or improper distribution of combustion air (which leads to a lack of sufficient air for combustion within an area of the MWC) can present a significant risk of explosion. As a result, a malfunction resulting from a loss of combustion air control necessitates shutdown of a large MWC.

With a lack of sufficient air for complete combustion, CO emissions increase. As indicated above, during a normal shutdown, the tendency for CO emissions to increase can be overcome through the use of auxiliary fuel burners. However, full use of auxiliary fuel burners can exacerbate the fundamental problem, which is not enough air for complete combustion. In that situation, adding additional fuel through the use of auxiliary fuel burners can make the problem worse and increase, not decrease, the risk of explosion.

As with loss of boiler water level control, the National Fire Protection Association fire code does not allow use of auxiliary fuel burners in such situations. Indeed, in light of the potential increase in the risk of explosion, interlocks are often in place which prevent the use of auxiliary fuel

burners if control of combustion air is lost.

Without full use of auxiliary fuel burners, it is not possible to comply with the CO emission limits as a large MWC is shutdown. Consequently, relief from the CO emission limits is appropriate during a malfunction resulting from a loss of combustion air control.

This amendment, therefore, extends the period of time from 3 hours to 15 hours during which a large MWC is exempt from compliance with the CO emission limits in the standards for the two types of malfunctions. As with all periods of malfunction, the extension in the period of time for the two types of malfunctions does not relieve the owner or operator from the requirement in § 60.11(d) of the General Provisions in 40 CFR part 60 which requires:

At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the maximum extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

As a result, owners and operators of large MWC which may experience the two types of malfunctions must continue to take steps during the malfunctions to minimize emissions, consistent with the proper and safe operation of a large MWC.

In addition, the extension in the period of time during which a large MWC is exempt from compliance with the CO emission limits for the two types of malfunctions does not alter the definition of a malfunction included in § 60.2 of the General Provisions in 40 CFR part 60. A malfunction is defined as:

* * * any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

As a result, owners and operators of large MWC must continue to develop and implement operation and maintenance programs to ensure that any failure, such as a loss of boiler water level control or a loss of combustion air control, which leads to emissions in excess of the emission limits in the standards is solely the result of a sudden and unavoidable occurrence and, thus, qualifies as a malfunction.

The compliance and performance testing provisions included in the guidelines (Subpart Cb—Emission Guidelines and Compliance Times for Large Municipal Waste Combustors

That are Constructed On or Before September 20, 1994) reference the corresponding compliance and performance testing provisions included in the standards (Subpart Eb—Standards of Performance for Large Municipal Waste Combustors for Which Construction Is Commenced After September 20, 1994 or for Which Modification or Reconstruction Is Commenced After June 19, 1996). As a result, this action amending the standards has the effect of amending both the standards and the guidelines.

II. Administrative Requirements

A. Executive Order 12866, Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), we must determine whether the regulatory action is "significant" and, therefore, subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The Executive Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

We have determined that this direct final rule does not qualify as a "significant regulatory action" under the terms of Executive Order 12866 and, therefore, is not subject to review by OMB.

B. Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This direct final rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

C. Executive Order 13132, Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires us to develop an

accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

Under section 6 of Executive Order 13132, we may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or we consult with State and local officials early in the process of developing the proposed regulation. Also, we may not issue a regulation that has federalism implications and that preempts State law, unless we consult with State and local officials early in the process of developing the proposed regulation.

This direct final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Thus, the requirements of section 6 of the Executive Order do not apply to this direct final rule.

D. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 6, 2000), requires us to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes."

This direct final rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and

Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this direct final rule.

E. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives we considered.

We interpret Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Executive Order has the potential to influence the regulation. This direct final rule is not subject to Executive Order 13045 because it is based on technology performance and not on health or safety risks. Also, this direct final rule is not "economically significant."

F. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector. Under section 202 of the UMRA, generally we must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any 1 year. Before promulgating a rule for which a written statement is needed, section 205 of the UMRA generally requires that we identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objective of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows us to adopt an alternative other

than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before we establish any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, we must develop a small government agency plan under section 203 of the UMRA. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of our regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

We have determined that this direct final rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year. Thus, this direct final rule is not subject to the requirements of sections 202 and 205 of the UMRA.

We have also determined that this direct final rule contains no regulatory requirements that might significantly or uniquely affect small governments.

G. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedures Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of this direct final rule on small entities, small entity is defined as (1) A small business in the regulated industry that has a gross annual revenue less than \$6 million; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; or (3) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this direct final rule on small entities, we have concluded that this action will not have a significant economic impact on a substantial

number of small entities. This direct final rule will not impose any requirements on small entities because it does not impose any additional regulatory requirements.

H. Paperwork Reduction Act

The Office of Management and Budget approved the information collection requirements contained in the standards and guidelines for large municipal waste combustors under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, at the time the rules were promulgated on December 19, 1995.

The amendment contained in this direct final rule results in no changes to the information collection requirements of the standards or guidelines and will have no impact on the information collection estimate of project cost and hour burden made and approved by OMB during the development of the standards and guidelines. Therefore, the information collection requests have not been revised.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for our regulations are listed in 40 CFR part 9 and 40 CFR chapter 15.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, § 12(d) (15 U.S.C. 272 note) directs us to use voluntary consensus standards in our regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs us to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

This direct final rule amendment does not involve technical standards. Compliance with the NTTAA was addressed in the preamble of the standards of performance (60 FR 65382) and emissions guidelines (60 FR 65387) promulgated on December 19, 1995.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801, *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides

that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. We will submit a report containing this direct final rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this direct final rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This direct final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: November 1, 2001.

Christine Todd Whitman,
Administrator.

For the reasons stated in the preamble, title 40, chapter I, part 60 of the Code of Federal Regulations is amended to read as follows:

PART 60—[AMENDED]

1. The authority citation for part 60 continues to read as:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart Eb—[Amended]

2. Section 60.58b is amended by revising paragraph (a)(1) introductory text and adding paragraph (a)(1)(iii) to read as follows:

§ 60.58b Compliance and performance testing.

(a) * * *

(1) Except as provided by § 60.56b, the standards under this subpart apply at all times except during periods of startup, shutdown, and malfunction. Duration of startup, shutdown, or malfunction periods are limited to 3 hours per occurrence, except as provided in paragraph (a)(1)(iii) of this section.

* * * * *

(iii) For the purpose of compliance with the carbon monoxide emission limits in § 60.53b(a), if a loss of boiler water level control (e.g., boiler waterwall tube failure) or a loss of combustion air control (e.g., loss of combustion air fan, induced draft fan, combustion grate bar failure) is determined to be a malfunction, the

duration of the malfunction period is
limited to 15 hours per occurrence.

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