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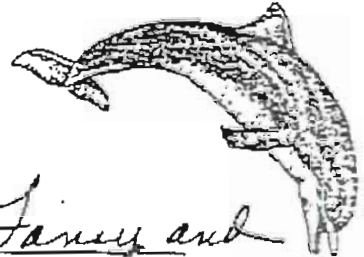
# Department of Environmental Protection

Lawton Chiles  
Governor

Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767

Virginia B. Wehner  
Secretary

## FAX TRANSMITTAL



TO:

*Sylvia -*

NAME:

*Bruce Mitchell, Clair Faney and*

ADDRESS:

*Scott Sheplak*

TELEPHONE NO. (FAX NO.):

*850-922-6979*

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*3*

FROM:

NAME:

*Gene Kozlov*

PROGRAM:

*Air - CD*

(Orlando Fax Telephone No. (407) 897-5963 - SC 342-5963

(Orlando Telephone No. (407) 894-7555

SENDER'S NAME:

*Dina Jones, Adm. Sec.*

COMMENTS:

*I thank you for giving each of these  
men a copy of the attached letter  
from Ogden Martin's Attorney.*



Protect Florida and World Waters

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**RUDEN**  
**MCCLOSKEY**  
**SMITH**  
**SCHUSTER &**  
**RUSSELL, P.A.**



*Blair Fancy  
 At Line 20  
 Teli  
 Alone*

215 SOUTH MONROE STREET  
 SUITE 815  
 TALLAHASSEE, FLORIDA 32301

TELEPHONE: (850) 681-9027  
 FAX: (850) 224-2032

E-MAIL: MFS@RUDEN.COM

March 13, 1998

Douglas Beason, Esquire  
 Office of General Counsel  
 Department of Environmental Protection  
 2600 Blair Stone Road  
 Tallahassee, Florida 32399-2400

Re: Ogdan Martin Systems of Lake, Inc. - Processing of Biohazardous Waste

Dear Doug:

As we discussed at our meeting on February 25, 1998, Ogdan Martin Systems of Lake, Inc. owns and operates a resource recovery facility in Lake County, Florida. At present, that facility processes biohazardous waste at Unit 1 in accordance with the terms of its Prevention of Significant Deterioration (PSD) permit and its air operating permit.

On May 8, 1996, Kurt Rieke, Assistant General Counsel for Ogdan Martin, wrote to you requesting clarification of the status of Unit 2. A copy of that letter is attached to this correspondence. As Mr. Rieke explained, AC 35-115379, PSD-FL-113 was originally issued to allow processing of municipal solid waste and wood chips. In 1990, the Department amended that permit to provide that municipal solid waste "can, by definition, include biohazardous waste." The permit modification required construction of a specially designed conveyor for the biohazardous waste to prevent it from being mixed with other municipal solid waste prior to entering the feed hopper. Unit 2 has been equipped with the conveyor system that would enable it to process biohazardous waste; however, Unit 2 has not yet processed such waste under either regular or test conditions.

Likewise, the air operating permit, AO 35-193817, was amended on June 29, 1992, to provide that the fuel for the facility could include "biohazardous waste" and that the "maximum throughput of biohazardous waste shall not exceed a total of 1.12 tons/hour and 26.88 tons/day for the entire facility." This followed the completion of testing that demonstrated successful compliance with the relevant emission limits for biohazardous waste. In Clair Fancy's letter to Ogdan Martin dated September 2, 1992, attached hereto, Clair stated the Department's interpretation of the term "entire facility" to include both Units 1 and 2. The maximum facility throughput per day, then, is simply 24 times the hourly rate established through the testing of Unit 1.

In May 1993, AO 35-193817 was further amended to provide that the "maximum throughput of biohazardous waste, for Unit 1 only, shall not exceed a total of 2.15 tons/hour and 51.60 tons/day."

Douglas Beason, Esquire  
March 13, 1998  
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This 1993 amendment followed the retesting of Unit 1 while processing biohazardous waste. At that time, Unit 2 was not equipped with the necessary conveyor system to process biohazardous waste. It is our position that this amendment was intended to allow for an increase in the maximum throughput of biohazardous waste at the facility to reflect that Unit 1 had successfully been tested at that rate. It was not intended to restrict subsequent testing of Unit 2. It has always been Ogden Martin's intention to conduct testing of Unit 2 at some point.

Beginning in 1995, Ogden Martin approached the Department requesting approval to test Unit 2 while processing biohazardous waste in accordance with the conditions of the air operating permit and the PSD permit. Apparently, there was some confusion at the Department about whether Unit 2 would be affected by the moratorium on construction of new biohazardous waste incinerators that was in effect at that time. Mr. Risko's letter of May 3, 1996, requested clarification of that matter; however, no formal response was ever received.

As it is my understanding that the moratorium is no longer in effect, that potential obstacle to testing of Unit 2 no longer exists. Accordingly, Ogden Martin would like to proceed immediately in establishing a test protocol for Unit 2 that would allow it to demonstrate the ability to process biohazardous waste at that unit. We would appreciate confirmation from the Department that the permits presently allow Ogden to test both Units 1 and 2 while processing biohazardous waste. We recognize that, following successful testing of Unit 2, it would be necessary to modify the operating permit for the facility to indicate the maximum throughput of biohazardous waste for that unit. This request does not anticipate increasing the maximum throughput for the overall facility of 51.60 tons/day. Your assistance in expediting review of this matter would be greatly appreciated.

Sincerely,

RUDEN, McCLOSKEY, SMITH,  
SCHUSTER & RUSSELL, P.A.

*Christina L. Cornelius*

*for* Mary F. Smallwood

MFS/cc

cc: Kurt Risko  
Jason Gorrie  
L. T. Kozlov