



LEE COUNTY
SOUTHWEST FLORIDA

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February 14, 2000

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Mr. C. H. Fancy, Chief
Bureau of Air Regulations
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399

VIA FEDERAL EXPRESS

**SUBJECT: REVISED DRAFT PSD PERMIT MODIFICATION
LEE COUNTY RESOURCE RECOVERY FACILITY**

Dear Mr. Fancy:

Attached please find a copy of the Affidavit of Publication for the public notice announcing the Department's intent to issue a revised PSD permit modification.

If you have any questions, please call me at the above number.

Sincerely,

ENVIRONMENTAL SERVICES DEPARTMENT

Lindsey J. Sampson, P.E., Director
Solid Waste Division

LJS:lsw
Attachments

cc: D. Owen
T. Eriksen, OMSL
D. Dee, Landers & Parsons
T. Tyrrell, MPI
II E 112

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BUREAU OF AIR REGULATION

Writer's Direct Mail Number: (941) 479-8181

RECEIVED
FEB 16 2000

NEWS-PRESS
Published every morning — Daily and Sunday
Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared _____

Kieanna Henry

who on oath says that he/she is the _____

Asst. Legal Coordinator of the News-Press, a

daily newspaper, published at Fort Myers, in Lee County, Florida; that the

attached copy of advertisement, being a _____

legal notice

in the matter of _____

PSD Permit Modification

in the _____ Court

was published in said newspaper in the issues of _____

February 11, 2000

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

Kieanna Henry

Sworn to and subscribed before me this
11th day of _____

February, 20 00 by

Kieanna Henry

who is personally known to me or who has produced

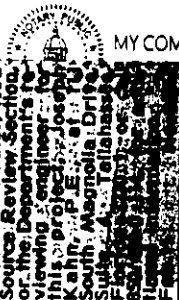
as identification, and who did or did not take an oath.

Notary Public: *Brenda Leighton*

Print Name

My Commission Expires:

CLASS-18



Brenda Leighton
MY COMMISSION # CC808905 EXPIRES
February 14, 2003
THRU TROY FAIN INSURANCE, INC.

Dept. of Environmental Protection, South Florida District Office, 2205 Veterans Avenue, Fort Myers, Florida 33901-3381
Telephone: 941/332-6975
The complete project file includes the applications, technical evaluations, and the information submitted by the applicant. A complete copy of confidential records under Section 403.111, F.S. interested persons may contact the Administrator, New Source Review Section, or the Department's reviewing engineer for this project. Joseph K. South, P.E., at 13 South Magnolia Drive, Suite A, Tallahassee, Florida 32301-1102.

This project is subject to review under Section 403.506 F.S. (Power Plant Siting Act) because the applicant has simultaneously requested a modification of the conditions of site certification.
An impact analysis was not required for this project because there is no associated increase in emissions.
The Department will issue the final PSD permit modification with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.
The Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of this Public Notice of Intent to issue PSD Permit Modification. Written comments requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed PSD permit modification and require, if applicable, another Public Notice.
The Department will issue the PSD permit modification unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.
A petition is not available in this proceeding. A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the 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 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3); however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition

PUBLIC NOTICE OF INTENT TO ISSUE PSD PERMIT MODIFICATION STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION PSD-FL-151B Lee County Resource Recovery Facility Lee County

The Department of Environmental Protection (Department) gives notice of its intent to issue a PSD permit modification to Lee County for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County, A Best Available Control Technology (BACT) determination was not required for any pollutant pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The applicant's mailing address is: PO Box 398, Ft. Myers, Florida 33902-0398. Potential emissions of air pollutants will not increase as a result of this action.
The modification is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels. The Department mailed an initial intent to issue and draft PSD permit modification to the applicant on October 18, 1999, and the applicant published the public notice on November 6, 1999 but subsequently commented on the initial draft. The Department has revised the provisions of the PSD permit modification. Principal changes from the initial draft are a change to allow combustion of up to 5% tires as segregated loads after demonstration, removal of the predominantly combustible fraction of sorted construction and demolition debris from the percentage limitation on wastes fired, deletion of the minimum roof temperature requirement, changes in allowable excess emissions to match federal requirements, and minor changes to testing requirements. Because provisions of the initial draft permit modification are being changed by this action, the Department requires another public notice and public comment period before this PSD permit modification may become final.
Air pollution control equipment will not be changed as a result of this action and consists of: spray dryer absorber and baghouse combination for acid gas emissions and particulate matter; carbon injection for mercury control; combustion controls for volatile organic compounds, carbon monoxide and dioxins/furans; and selective non-catalytic reduction for nitrogen oxides.

within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.
A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; (c) The name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (d) A statement of how and when petitioner received notice of the agency action or proposed action; (e) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (f) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.
A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above as required by rule 28-106.301.
Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding. In accordance with the requirements set forth above.
A complete project file 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:
Dept. of Environmental Protection, Bureau of Air Regulation, Suite 4, 111 S. Magnolia Drive, Tallahassee Florida, 32301
Telephone: 850/488-0114
Fax: 850/922-6979



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

P.E. Certification Statement

Lee County
Lee County Resource Recovery Facility

DEP File No.: PSD-FL-151B
Facility ID No.: 0710119

Project: Revised Draft PSD Permit Modification

I HEREBY CERTIFY that the engineering features described in the above referenced application and related additional information submittals, if any, and subject to the proposed permit conditions, provide reasonable assurance of compliance with applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4 and 62-204 through 62-297. However, I have not evaluated and I do not certify aspects of the proposal outside of my area of expertise (including but not limited to the electrical, mechanical, structural, hydrological, and geological features).

This review was conducted by myself.

(Seal)



Joseph Kahn, P.E.

2/1/00

Date

Permitting Authority:

Florida Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation
New Source Review Section
Mail Station #5505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Telephone: 850/488-0114
Fax: 850/922-6979