



Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

October 18, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Lindsey Sampson, P.E.  
Deputy Director, Solid Waste  
Lee County  
PO Box 398  
Ft. Myers, Florida 33902-0398

Re: PSD-FL-151B  
Lee County Resource Recovery Facility

Dear Mr. Sampson:

Enclosed is one copy of the draft PSD permit modification for the Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County, 33905. The Technical Evaluation and Preliminary Determination, the Department's Intent to Issue PSD Permit Modification and the Public Notice of Intent to Issue PSD Permit Modification are also included.

The Public Notice of Intent to Issue PSD Permit Modification must be published one time only, as soon as possible, in the legal advertisement section of a newspaper of general circulation in the area affected, pursuant to the requirements Chapter 50, Florida Statutes. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within seven days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit.

Please submit any written comments you wish to have considered concerning the Department's proposed action to A. A. Linero, P.E., Administrator, New Source Review Section at the above letterhead address. If you have any other questions, please contact Joseph Kahn at 850/921-9519 or Mr. Linero at 850/488-0114.

Sincerely,

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

CHF/jk

Enclosures

In the Matter of an  
Application for Permit by:

Mr. Lindsey Sampson, P.E., Deputy Director, Solid Waste  
Lee County  
PO Box 398  
Ft. Myers, Florida 33902-0398

PSD-FL-151B  
Lee County Resource Recovery Facility  
Lee County

### INTENT TO ISSUE PSD PERMIT MODIFICATION

The Department of Environmental Protection (Department) gives notice of its intent to issue a PSD permit modification (copy of draft PSD permit modification) for the proposed project, detailed in the application specified above and the enclosed Technical Evaluation and Preliminary Determination, for the reasons stated below.

The applicant applied on August 6, 1999 to the Department for a modification to PSD permits number PSD-FL-151 and PSD-FL-151A for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County, 33905. 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. This permitting action is PSD-FL-151B.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-212. The above actions are not exempt from permitting procedures. The Department has determined that an PSD permit modification is required to modify the PSD permits.

The Department intends to issue this PSD permit modification based on the belief that reasonable assurances have been provided to indicate that operation of these emission units will not adversely impact air quality, and the emission units will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C.

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue PSD Permit Modification. The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, "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. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/ 922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) & (11), F.A.C.

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 the Public Notice of Intent to Issue PSD Permit Modification. Written comments and 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 permit 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 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 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, 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; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) 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; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (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.

Mediation is not available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a

variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Executed in Tallahassee, Florida.

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

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this Intent to Issue PSD Permit Modification (including the Public Notice of Intent to Issue PSD Permit Modification, Technical Evaluation and Preliminary Determination, and the draft PSD permit modification) was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 10-18-99 to the person(s) listed:

Lindsey Sampson, P.E. \*  
David Dee, Landers & Parsons  
Karen Skinner, DEP Siting Coordination Office  
Phil Barbaccia, P.E., DEP SD  
Gregg Worley, EPA  
John Bunyak, NPS

Clerk Stamp

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

Kym Jober      10-18-99  
(Clerk)                      (Date)

**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. 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 applicant's mailing address is: PO Box 398, Ft. Myers, Florida 33902-0398. 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). Potential emissions of air pollutants will not increase as a result of this action.

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.

Mediation 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 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.

NOTICE TO BE PUBLISHED IN THE NEWSPAPER

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, 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; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) 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; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (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

Dept. of Environmental Protection  
South Florida District  
Suite 364, 2295 Victoria Avenue  
Fort Myers, Florida 33901-3381  
Telephone: 941/332-6975

The complete project file includes the application, technical evaluations, draft permit, and the information submitted by the responsible official, exclusive 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 Kahn, P.E., at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

TECHNICAL EVALUATION  
AND  
PRELIMINARY DETERMINATION

Lee County Resource Recovery Facility  
PSD Permit Modification  
Lee County

PSD-FL-151B

Department of Environmental Protection  
Division of Air Resources Management  
Bureau of Air Regulation

October 15, 1999



# TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

## 1. GENERAL INFORMATION

### 1.1 APPLICANT NAME AND ADDRESS

Lee County  
Lee County Resource Recovery Facility  
PO Box 398  
Fort Myers, Florida 33902-0398

Authorized Representative: Lindsey Sampson, P.E., Deputy Director, Solid Waste

### 1.2 REVIEWING AND PROCESS SCHEDULE

August 6, 1999      Received application for modification of site certification conditions and PSD permit in Bureau of Air Regulation  
August 6, 1999      Application for modification of PSD permit complete

## 2. FACILITY INFORMATION

### 2.1 FACILITY LOCATION

The facility is located at 10500 Buckingham Rd., Fort Myers, Lee County, 33905. The UTM coordinates are Zone 17; 424.0 km E; 2946.0 km N.

### 2.2 STANDARD INDUSTRIAL CLASSIFICATION CODES (SIC)

|                    |      |                                      |
|--------------------|------|--------------------------------------|
| Industry Group No. | 49   | Electric, Gas, and Sanitary Services |
| Industry No.       | 4953 | Refuse Systems                       |

### 2.3 FACILITY CATEGORY

The facility consists of a municipal waste combustion facility with two mass burn municipal waste combustion units. Each unit has a capacity of 275 mmBtu/hour and 660 tons of solid waste per day, based on a heat value for solid waste of 5000 Btu/pound. Each unit is equipped with a slaked lime scrubber followed by a baghouse, an SNCR system for reduction of NO<sub>x</sub> emissions, and a carbon injection system for control of mercury emissions. The units were started up in 1994 and together have the capability of generating 40 MW of electrical power.

This facility is classified as a Major or Title V Source of air pollution because emissions of at least one regulated air pollutant, such as particulate matter (PM/PM<sub>10</sub>), sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), or volatile organic compounds (VOC) exceeds 100 tons per year (TPY).

This facility is within an industry included in the list of the 28 Major Facility Categories per Table 62-212.400-1, F.A.C. Because emissions are greater than 100 TPY for at least one criteria pollutant, the facility is also a Major Facility with respect to Rule 62-212.400, Prevention of Significant Deterioration (PSD).

According to the Title V application submitted by Lee County, this facility is not a major source of hazardous air pollutants (HAPs). It is not subject to the provisions of federal Title IV Acid Rain program.

## 3. PROJECT DESCRIPTION

This project addresses the following emissions unit(s):

| EMISSIONS UNIT NO. | EMISSIONS UNIT DESCRIPTION                  |
|--------------------|---|
| 001                | Mass burn municipal waste combustor unit #1 |
| 002                | Mass burn municipal waste combustor unit #2 |

## TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

Generally, this project is a modification of the existing PSD permits 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, substitute operation requirements for roof temperature monitoring, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels.

Lindsey Sampson, P.E., Deputy Director of Solid Waste for Lee County submitted a request to modify the conditions of certification for the Lee County Resource Recovery Facility (PA90-30) and the PSD permit PSD-FL-151A. Mr. Sampson's letter dated July 21, 1999 was received in the Bureau of Air Regulation on August 6, 1999. PSD-FL-151A was a modification of the original PSD permit, PSD-FL-151, which revised several permit requirements and was issued in the form of a modification letter. This request is being processed as PSD-FL-151B. In the July 21<sup>st</sup> letter, the applicant also proposed to add a yard waste processing operation and a materials recovery facility, and these requests are not part of this permitting action. The applicant's remaining requests and the Department's proposed actions are described below.

The applicant requested to eliminate annual compliance test requirements for arsenic, beryllium, fluoride, sulfuric acid mist, ammonia and VOC. This request is acceptable because the facility will be required to monitor the parameters required by 40 CFR 60 Subpart Cb, which act as surrogates for these pollutants, and test results show that actual emissions have been well below allowable emission limitations. However, Rule 62-297.310(7)(a)3, F.A.C., requires that the facility conduct testing for these parameters prior to obtaining a renewed operation permit, and this will be a requirement of the revised permit.

The applicant requested changing from two stack tests for particulate matter each year, one for normal operation and one for sootblowing, to a single test consisting of two runs under normal operation and one run under soot blowing conditions. This change is acceptable. Past actual emissions have been significantly below the emission limits and the emissions are controlled with a baghouse operating downstream of the lime scrubber. Inspection of the test results submitted by the applicant shows that the results for normal operation are not significantly different from the results for soot blowing. In order to provide for consideration of emissions from both modes of operation and considering that the emission limitation is the same for both modes, the applicant's proposal to include one run while soot blowing during an annual particulate matter test is appropriate.

The applicant requested a change to a three hour period for excess emissions from the MWC units pursuant to the requirements of 40 CFR 60 Subpart Cb (which refers to 40 CFR 60.58b). This change is acceptable for startup and shut down. This will provide consistency with the federal rule for this facility for these activities. However, the Department has, for other MWC facilities, during the Title V permitting process for similar facilities, determined that it will not relax the two hour limit on allowable excess emissions for malfunctions, and for consistency that provision will not be changed in this permitting action.

The applicant requested to change from EPA Method 101A to EPA Method 29 for mercury testing pursuant to the requirements of Rule 62-296.416(3)(d)1, F.A.C. This change is acceptable. This will provide consistency with the state rule for this facility and with the requirements of 40 CFR 60 Subpart Cb (which refers to 40 CFR 60.58b). The applicant also requested to change from EPA Method 12 to EPA Method 29 for lead; this is acceptable. This will provide consistency with the requirements of 40 CFR 60 Subpart Cb (which refers to 40 CFR 60.58b). The applicant requested to use EPA Method 29 for cadmium, but the PSD permit already allows this test method for cadmium, so no change will result from this permitting action regarding this request.

## TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

The applicant requested to reduce the mercury emission limit to 70 ug/dscm @ 7% O<sub>2</sub> or 85% reduction by weight pursuant to Rules 62-296.416(3)(a)1 and 62-204.800(8)(b)3.d, F.A.C., is acceptable. This will provide consistency with the state rule requirements for this facility, as well as the requirements of 40 CFR 60.33b(a)(3).

The applicant requested to increase the limit on tires from 3% to 7%. This change is not acceptable. The Department will not authorize more than 3% tires on a monthly basis for this type of facility in accordance with its recent determinations clarifying the allowable fuels at other facilities through recent PSD and Title V permits for similar facilities. This is addressed additionally below.

The applicant requested to delete the minimum roof temperature requirement and substitute operational practices. The Department believes it has sufficient rule authority at Rule 62-4.070, F.A.C., to require roof temperature monitoring, and although another operational requirement may provide reasonable assurance that emissions will be minimized during start-up and shutdown, the applicant's proposal did not provide a sufficient basis for removal of this requirement. For example, the applicant did not propose to monitor another operational parameter to ensure excess emissions are minimized during startup and shut down, or show why such monitoring is not appropriate for its facility. The existing condition specifically addresses operation during startup and shut down, which are modes of operation that the federal rule for MWC facilities provides for excess emissions. It seems clear that the existing permit condition is intended to ensure that excess emissions during these modes of operation are minimized, and the requirement seems reasonable to accomplish this intent. Comments from the South District office were received by the Siting Coordination Office regarding this proposal that objected to the removal of the minimum roof temperature requirement. Accordingly, this permitting action will not delete or revise the minimum roof temperature requirement. The applicant is free to apply again for removal of this permit requirement, but should address the issues noted above. Such an application should also be signed and sealed by a Florida-registered professional engineer; the applicant's current application does not bear an engineer's certification.

The applicant proposed a change in the description of allowable wastes to clarify the types of wastes allowed at the facility. The applicant's proposed clarification language is not acceptable. The Department has issued several recent PSD permit modifications for similar facilities with provisions for a more precise definition of allowable waste fuels, and is issuing its Title V permits for MWC facilities with the language from these PSD permits. The Department believes that its recent permitting actions for similar facilities sufficiently clarifies the nature of the wastes that are allowable at MWC facilities, and that the applicant's proposed language is not properly restrictive to meet the Department's intent. Public comments were received by the Siting Coordination Office that the applicant's proposal to change the definition of allowable wastes constitutes an expansion of acceptable wastes, potentially reducing the life of the facility. The Department believes that its recent definition of allowable fuels at similar facilities does not constitute an expansion of the allowable wastes, but simply more precisely defines the solid wastes that are allowable at MWC facilities in Florida. Thus, the Department believes that its proposed definition is consistent with the comments received regarding this issue. The Department will revise the definition of allowable fuels to be consistent with its recent permitting actions, and that language will be included in this permitting action; the applicant's proposed language will not be used.

The applicant proposed that natural gas be allowed as a fuel for the auxiliary burners in the event that a natural gas line is located near the facility. This request acceptable. This permitting action will refer to natural gas and propane as allowable fuels for the auxiliary burners.

# TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

## 4. PROJECT EMISSIONS

There are no emissions increases associated with this project. The revision in the mercury standard may result in a decrease in potential emissions. The applicant's requested changes require modification of the conditions of the previous PSD permit, PSD-FL-151, and a subsequent modification, PSD-FL-151A.

## 5. RULE APPLICABILITY

The proposed project is subject to preconstruction review requirements under the provisions of Chapter 403, Florida Statutes, and Chapters 62-4, 62-204, 62-210, 62-212, 62-214, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.).

This facility is located in an area designated, in accordance with Rule 62-204.340, F.A.C., as attainment for the criteria pollutants ozone, carbon monoxide, and nitrogen dioxide; and designated as unclassifiable for PM<sub>10</sub>, lead and sulfur dioxide.

The proposed project requires a modification of a permit issued pursuant to Rule 62-212.400., F.A.C., Prevention of Significant Deterioration (PSD), and is subject to public notice requirements for PSD permits.

The emissions units affected by this permitting action are specifically subject to regulation under 40 CFR 60 Subpart Cb, Emissions Guidelines and Compliance Schedules for Municipal Waste Combustors, and Rules 62-204.800(8)(b) and 62-296.416, F.A.C., and are subject to the requirements of PSD permits PSD-FL-151 and PSD-FL-151A.

The emission units affected by this permit shall comply with all applicable provisions of the Florida Administrative Code, including applicable portions of the Code of Federal Regulations incorporated therein.

## 6. SOURCE IMPACT ANALYSIS

An impact analysis was not required for this project because there is no associated increase in emissions.

## 7. CONCLUSION

Based on the foregoing technical evaluation of the application and additional information submitted by the applicant and other available information, the Department has made a preliminary determination that the proposed project will comply with all applicable state and federal air pollution regulations. The Department will issue a draft permit modification to the applicant that provides for the changes discussed above.

Joseph Kahn, P.E.  
Mail Station #5505  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
850/921-9519

DRAFT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Lindsey Sampson, P.E.  
Deputy Director, Solid Waste  
Lee County  
PO Box 398  
Ft. Myers, Florida 33902-0398

Re: Modification of Permit No. PSD-FL-151 and PSD-FL-151A  
Lee County Resource Recovery Facility

The applicant applied on August 6, 1999 to the Department for a modification to PSD permits number PSD-FL-151 and PSD-FL-151A for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County, 33905. 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 has reviewed the modification request. The referenced permits are hereby modified as follows:

Specific condition 3.c. Testing Frequency.

The first through fourth sentences of this condition, starting with "Compliance with emission standards ..." and ending with "... approval of the Bureau of Air Regulation.", shall be replaced entirely by the following:

Compliance with the emission limitations of specific condition 2 of this permit shall be determined by annual emission testing, except that testing for arsenic, beryllium, fluoride, sulfuric acid mist, ammonia and VOC shall be performed prior to renewal of each operation permit. Testing of the MWC units for particulate matter and visible emissions shall be performed using three one-hour test runs so that two one-hour runs are conducted during normal operation and one one-hour run is conducted during soot blowing conditions.

[Rules 62-4.070(3) and 62-297.310(7)(a)3, F.A.C., and request of the applicant]

Specific condition 4.b. Operating Procedures.

The second paragraph of this condition shall be replaced entirely by the following:

The emission limitations for this facility shall apply at all times, except during periods of startup, shut down, or malfunctions, provided that the duration of startup and shut down periods shall not exceed three hours per occurrence, and the duration of excess emissions from malfunctions shall not exceed two hours in any 24 hour period. 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 natural gas or propane, and no municipal solid waste is being fed to the combustor.

Continuous burning is the continuous, semi-continuous, or batch feeding of municipal solid waste for 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. During all periods of startup, shut down and malfunction, the owner or operator shall use best operational practices to minimize air pollutant

emissions. The owner or operator shall maintain a manual that identifies and describes best operational practices that will be used during periods of startup, shut down and malfunction at this facility. [Rules 62-4.070(3), and 62-210.700(1) and (5), F.A.C., 40 CFR 60.38b and 40 CFR 60.58b(a), and request of the applicant]

Specific condition 3.a. Test Methods.

The table entry for Method 101A shall be replaced by Method 29. The table entry for Method 12 shall be replaced by Method 29.

[Rule 62-296.416(3)(d)1, F.A.C., 40 CFR 60.38b and 40 CFR 60.58b, and applicant request]

Specific condition 2.m. Emission Standards.

The paragraph for this condition for mercury shall be replaced entirely by the following.

Hg (Mercury): In no case shall mercury emissions exceed 70 ug/dscm @ 7% O<sub>2</sub> or 85% reduction by weight, whichever is less stringent. Emissions of mercury shall also not exceed 1.38 x 10<sup>-4</sup> lb/mmBtu, 0.0379 lb/hr per unit, and 0.166 tons/year per unit.

[Rules 62-296.416(3)(a)1 and 62-204.800(8)(b)3.d, F.A.C., 40 CFR 60.33b(a)(3) and PSD-FL-151]

Specific condition 4.f. Restriction for Types of Wastes Combusted.

This condition shall be replaced entirely by the following:

4.f. Allowable Fuels. The only fuels allowed to be burned in the MWC units are solid wastes allowed by this permit, and natural gas and propane as auxiliary fuels. Other wastes shall not be burned without written prior approval from the Department. Lee County shall minimize emissions of mercury through front-end source separation and recycling programs. Chromium compounds shall not be used as an additive in the cooling tower water.

The primary fuel for the facility is municipal solid waste (MSW), including the items and materials that fit within the definition of MSW contained in either 40 CFR 60.51b or Section 403.706(5), Florida Statutes (1995).

Subject to the limitations contained in this permit, the authorized fuels for the facility also include the other solid wastes that are not MSW which are described below. However, the facility shall not burn:

- (a) those materials that are prohibited by state or federal law;
- (b) those materials that are prohibited by this permit;
- (c) lead acid batteries;
- (d) hazardous waste;
- (e) nuclear waste;
- (f) radioactive waste;
- (g) sewage sludge;
- (h) explosives.

The fuel may be received either as a mixture or as a single-item stream (segregated load) of discarded materials. If the facility intends to use an authorized fuel that is segregated non-MSW material, the fuel shall be either:

- (a) well mixed with MSW in the refuse pit; or
- (b) alternately charged with MSW in the hopper.

The facility operator shall prepare and maintain records concerning the description and quantities of all segregated loads of non-MSW material which are received and used as fuel at the facility, and subject to percentage weight limitations, below. For the purposes of this permit, a segregated load is defined to

mean a container or truck that is almost completely or exclusively filled with a single item or homogeneous composition of waste material, as determined by visual observation.

To ensure that the facility's fuel does not adversely affect the facility's combustion process or emissions, the facility operator shall:

- (a) comply with good combustion operating practices in accordance with 40 CFR 60.53b;
- (b) install, operate and maintain continuous emissions monitors (CEMS) for oxygen, carbon monoxide, sulfur dioxide, oxides of nitrogen and temperature in accordance with 40 CFR 60.58b; and
- (c) record and maintain the CEMS data in accordance with 40 CFR 60.59b.

These steps shall be used to ensure and verify continuous compliance with the emissions limitations in this permit.

Natural gas or propane may be used as fuel during warm-up, startup, shutdown, and malfunction periods, and at other times when necessary and consistent with good combustion practices.

Subject to the conditions and limitations contained in this permit, the following other solid waste may be used as fuel at the facility:

- (a) Confidential, proprietary or special documents (including but not limited to business records, lottery tickets, event tickets, coupons and microfilm);
- (b) Contraband which is being destroyed at the request of appropriately authorized local, state or federal governmental agencies, provided that such material is not an explosive, a propellant, a hazardous waste, or otherwise prohibited at the facility. For the purposes of this section, contraband includes but is not limited to drugs, narcotics, fruits, vegetables, plants, counterfeit money, and counterfeit consumer goods;
- (c) Wood pallets, clean wood, and land clearing debris;
- (d) Packaging materials and containers;
- (e) Clothing, natural and synthetic fibers, fabric remnants, and similar debris, including but not limited to aprons and gloves; or
- (f) Rugs, carpets, and floor coverings, but not asbestos-containing materials or polyethylene or polyurethane vinyl floor coverings.

Subject to the conditions and limitations contained in this permit, waste tires may be used as fuel at the facility. The total quantity of waste tires received as segregated loads and burned at the facility shall not exceed 3%, by weight, of the facility's total fuel. Compliance with this limitation shall be determined by using a rolling 30 day average.

Subject to the conditions and limitations contained in this permit, the following other solid waste materials may be used as fuel at the facility (i.e. the following are authorized fuels that are non-MSW material). The total quantity of the following non-MSW material received as segregated loads and burned at the facility shall not exceed 5%, by weight, of the facility's total fuel. Compliance with this limitation shall be determined by using a rolling 30 day average.

- (a) Construction and demolition debris.
- (b) Oil spill debris from aquatic, coastal, estuarine or river environments. Such items or materials include but are not limited to rags, wipes, and absorbents.
- (c) Items suitable for human, plant or domesticated animal use, consumption or application where the item's shelf-life has expired or the generator wishes to remove the items from the market. Such items or materials include but are not limited to off-specification or expired consumer products, pharmaceuticals, medications, health and personal care products, cosmetics, foodstuffs, nutritional supplements, returned goods, and controlled substances.
- (d) Consumer-packaged products intended for human or domesticated animal use or application but not consumption. Such items or materials include but are not limited to carpet cleaners, household or bathroom cleaners, polishes, waxes and detergents.

- (e) Waste materials that:
  - (i) are generated in the manufacture of items in categories (c) or (d), above and are functionally or commercially useless (expired, rejected or spent); or
  - (ii) are not yet formed or packaged for commercial distribution. Such items or materials must be substantially similar to other items or materials routinely found in MSW.
- (f) Waste materials that contain oil from:
  - (i) the routine cleanup of industrial or commercial establishments and machinery; or
  - (ii) spills of virgin or used petroleum products. Such items or materials include but are not limited to rags, wipes, and absorbents.
- (g) Used oil and used oil filters. Used oil containing a PCB concentration equal or greater than 50 ppm shall not be burned, pursuant to the limitations of 40 CFR 761.20(e).
- (h) Waste materials generated by manufacturing, industrial or agricultural activities, provided that these items or materials are substantially similar to items or materials that are found routinely in MSW, subject to prior approval of the Department.

The following records shall be made and kept to demonstrate compliance with the segregated non-MSW percentage limitations of this condition:

Each segregated load of non-MSW materials, that is subject to the percentage weight limitations of this condition, which is received for processing shall be documented as to waste description and weight. The weight of all waste materials received for processing shall be measured using the facility truck scale and recorded.

Each day the total weight of segregated tires received shall be computed, and the daily total shall be added to the sum of the daily totals from the previous 29 days. The resultant 30 day total weight of tires shall be divided by the total weight of all waste materials received in the same 30 day period, and the resultant number shall be multiplied by 100 to express the ratio in percentage terms. The percentage computed shall be compared to the 3% limitation.

Each day the total weight of segregated non-MSW materials received that are subject to the 5% restriction shall be computed, and the daily total shall be added to the sum of the daily totals from the previous 29 days. The resultant 30 day total weight of segregated non-MSW materials shall be divided by the total weight of all waste materials received in the same 30 day period, and the resultant number shall be multiplied by 100 to express the ratio in percentage terms. The percentage computed shall be compared to the 5% limitation.

[Rule 62-4.070(3), F.A.C., PSD-FL-151, request of the applicant]

#### 4.d. Auxiliary Burners.

This condition shall be replaced entirely by the following:

These devices shall be used at startup during the introduction of MSW fuel until design furnace gas temperature is achieved. They shall be fueled only with natural gas or propane. If the annual capacity factor for natural gas is greater than 10%, as determined by 40 CFR 60.41b, the facility shall be subject to 40 CFR 60.44b(d), Standards for Nitrogen Oxides.

[Rules 62-4.070(3), 62-4.160(2) and 62-210.200, F.A.C., and 40 CFR 60.40b(d)]

A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permit modification is issued pursuant to Chapter 403, Florida Statutes.



Any party to this order (permit modification) has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, 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 must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

\_\_\_\_\_  
Howard L. Rhodes, Director  
Division of Air Resources  
Management

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this permit modification was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on \_\_\_\_\_ to the person(s) listed:

Lindsey Sampson, P.E. \*  
David Dee, Landers & Parsons  
Karen Skinner, DEP Siting Coordination Office  
Phil Barbaccia, P.E., DEP SD  
Gregg Worley, EPA  
John Bunyak, NPS

Clerk Stamp

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

\_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
(Date)

**SENDER:**

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

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

1.  Addressee's Address  
 2.  Restricted Delivery  
 Consult postmaster for fee.

3. Article Addressed to:  
*Andresen Sampson, PE  
 Deputy Director, S.W.  
 Lee County  
 PO Box 3980  
 Ft. Myers, FL 33902-0398*

4a. Article Number: *Z 031 391 963*

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

7. Date of Delivery: *10-20-99*

5. Received By: (Print Name)  
*x Ram O. Perez*

6. Signature: (Addressee or agent)  
*x Ram O. Perez*

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

PS Form 3811, December 1994 402595-96-B-0229 Domestic Return Receipt

RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

Z 031 391 963

US Postal Service  
**Receipt for Certified Mail**  
 No Insurance Coverage Provided.  
 Do not use for International Mail (See reverse)

|   |                             |
|---|-----------------------------|
| Sent to   | <i>Andresen Sampson</i>     |
| Street & Number   | <i>Lee County</i>           |
| Post Office, State, & ZIP Code                              | <i>Ft. Myers FL</i>         |
| Postage   | \$                          |
| Certified Fee   |                             |
| Special Delivery Fee  |                             |
| Registered Delivery Fee                                     |                             |
| Return Receipt Showing to Whom & Date Delivered             |                             |
| Return Receipt Showing to Whom, Date, & Addressee's Address |                             |
| TOTAL Postage & Fees  | \$                          |
| Postmark or Date  | <i>PSD-FI-151B 10/15/99</i> |

PS Form 3800, April 1995