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RECEIVED
SEP 28 1999
BUREAU OF AIR REGULATION
September 16, 1999

Hamilton S. Oven, Jr., Administrator
Siting Coordination Office
Department of Environmental Protection
2600 Blair Stone Road
Twin Towers Office Building
Tallahassee , Florida 32399

DEPARTMENT OF
ENVIRONMENTAL PROTECTION
SEP 22 1999
SITING COORDINATION

Re: Lee County Resource Recovery Facility; Case No. PA 90-30
Redefinition of Municipal Solid Waste

Dear Mr. Oven:

In the letter to you from Linsey Sampson, Deputy Director of Solid Waste for Lee County, he has requested a change in the definition of Municipal Solid Waste, MSW, as reported item 2 of his letter. (Clarify the description of the fuels that may be used at the Facility.) The change requested is to all solid waste from garbage and trash as reported in CLARIFICATION OF THE DESCRIPTION OF FUEL in section 2.0 of Sampson's letter. (see Addendum No.1)

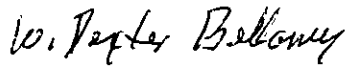
As you know, F. Perry Odom , Hearing Officer, for the State of Florida Department of Environmental Protection ruled in Case No.PA87-23 that Pasco County Board of Directors and Ogden Martin were denied a permit to expand the definition of municipal solid waste,MSW. (see Addendum No.2 Statement...Conclusion)

Although the Facility was licensed as a power plant, its purpose is and was to process MSW; power generation is a secondary concern. Beyond the questionable expansion of the definition of MSW is the concern for capacity of the Facility. At the present rate of growth in volume of MSW the Facility will be adequate for at least five more years but if additional solid waste is included, the Facility will require earlier

expansion at a cost of more than sixty million dollars. It is in the interest of Lee County taxpayers to postpone the expansion as long as possible.

Please add my name to the mailing list any correspondence or reports concerning Case No. PA90-30.

Truly yours



W. Dexter Bellamy

cc Linsey Sampson, Solid Waste Dept.
Ray Judah, Commissioner
Andrew Smith, Esq. LEAF

2.0 CLARIFICATION OF THE DESCRIPTION OF FUEL

Lee County requests DEP to clarify the description of the fuels that may be used in the Facility. Subsection XIV. B. of the Conditions of Certification states:

“The SWERF (Facility) shall utilize refuse such as garbage and trash (as defined in Chapter 17-7, F.A.C.) as its fuel. Use of alternate fuels except for distillate fuel oil or natural gas in the startup burners would necessitate modification of these Conditions of Certification. Refuse as fuel shall not include “hazardous waste” as defined in Chapter 17-30, F.A.C. The alternate fuel, which may be used distillate oil, shall not contain more than 0.3% sulfur by weight and shall not be used more than required during boiler startup or shutdown ”

Subsection E. states that “No suspected or known hazardous, toxic, or infectious wastes as defined by Federal, State, or local statutes, rules, regulations, or ordinances shall be burned or landfilled at the site ”

Subsection A.3.f. states that the following materials are restricted at the Facility:

- biohazardous waste
- sewage sludge
- hazardous waste

The Conditions of Certification are out-of-date and need to be revised, consistent with DEP's current practices and current definition of “fuel” for MWCs. Chapter 17-7 has been replaced. “Garbage and trash” do not adequately describe the fuel accepted at the Facility.

Lee County has accepted and will continue to accept a wide variety of materials that fit within the broad state and federal definitions of MSW. In general, all solid waste will be accepted at the Facility for disposal, except hazardous waste, untreated medical waste, nuclear waste, and those special wastes that are prohibited by law, such as lead acid batteries. These materials may be received either as a mixture or as a single-item stream of household, commercial, institutional, or industrial discards (except industrial process wastes)

The Facility adheres to good combustion operating practices in accordance with 40 CFR Section 60.53b. The Facility operates and maintains continuous emissions monitors (CEMS) for oxygen, carbon monoxide, sulfur dioxide, oxides of nitrogen, opacity, and temperature in accordance with 40 CFR Section 60.58b and records and maintains the CEMS data in accordance with 40 CFR 60.59b. These steps ensure and verify continuous compliance with the emissions limitations in the Conditions of Certification. The Facility minimizes its airborne emissions by using front-end source separation and recycling programs, as well as post-combustion air pollution control systems.

Therefore, the County proposes that the term "fuel" should be clarified as follows:

"All solid waste except: hazardous waste, untreated medical waste, nuclear waste, and those special wastes as prohibited by law, such as lead acid batteries. The waste materials may be received as a mixture or as a single-item stream of household commercial, institutional or industrial discards (except industrial process waste) "

The County believes that the proposed clarifications to the description of "fuel" will have no significant adverse environmental impacts on the air emissions from the Facility or to the environment in general.

Natural Gas

Because it appears that a natural gas transmission pipeline may be constructed within reasonable proximity to the Facility, the County requests that natural gas be approved as an acceptable auxiliary fuel for the Facility.

DEC 12 1997

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PASCO COUNTY BOARD OF
COUNTY COMMISSIONERS, and
OGDEN MARTIN SYSTEMS OF
PASCO, INC.,

Petitioners,

vs.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent,

and

Legal Environmental Assistance Foundation,
Inc., ("LEAF"), and Susan M. Elko and
Nathan Elko,

Intervenors,

Final Order

Pursuant to notice, an informal administrative hearing in accordance with 120.57(2), F.S., (Supp 1996) was conducted in the above-styled proceeding before F. Perry Odom, the assigned Hearing Officer, on July 25, 1997, in Tallahassee, Florida.

APPEARANCES

For the Petitioners:

Mary F. Smallwood, Esq.
215 South Monroe Street
Tallahassee, Florida 32301

For the Respondent: W. Douglas Beason, Esq.
Assistant General Counsel
2600 Blair Stone Road
Tallahassee, Florida 32301

For the Intervenors: Andrew J. Smith, Esq.
1115 North Gadsden Street
Tallahassee, Florida 32303

STATEMENT OF THE ISSUE

The issue is whether the Prevention of Significant Deterioration ("PSD") permit issued to the Pasco County Board of County Commissioners authorizes the County to combust "Additional Solid Waste" as that term is defined in the Amendment to the Service Agreement between the Pasco County Board of County Commissioners and Ogden Martin Systems of Pasco, Inc.,

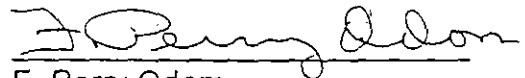
PRELIMINARY STATEMENT

By letter dated December 30, 1996, the Petitioners requested an interpretation from the Department of Environmental Protection ("DEP") regarding the definition of municipal solid waste ("MSW") as that term is utilized in the PSD permit for the Pasco County Resource Recovery Facility (PSD-FL-127). By letter dated February 6, 1997, the Director of DEP's Division of Air Resources Management notified the Petitioners that DEP did not interpret the term municipal solid waste to include "Additional Solid Waste" as that term is defined in the Amendment to the Service Agreement.

On March 13, 1997, the DEP received a Petition for an Informal Administrative Hearing challenging the DEP's interpretation of the term "municipal solid waste" ("MSW"). On May 29, 1997, DEP entered an Order

CONCLUSION

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department hereby DENIES the Petitioners' request for the entry of a Final Order holding that the PSD Permit No. PSD-FL-127 and Conditions of Certification in Case No. PA 87-23 authorized the permittee (County) to burn "Additional Solid Waste" at the Facility except upon prior written approval of the Department.



F. Perry Odom
Hearing Officer
Douglas Building
3900 Commonwealth Boulevard
Mail Station #35
Tallahassee, Florida 32399-3000
Telephone: (850) 488-9314

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was mailed on this 10th day of December, 1997, to Mary F. Smallwood, Esq., 215 South Monroe Street, Tallahassee, Fl. 32301, W. Douglas Beason, Assistant General Counsel, 2600 Blair Stone Road, Tallahassee, Fl. 32301, and Andrew J. Smith, Esq, 1115 North Gadsden Street, Tallahassee, Fl. 32303.

