



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(941) 479-8181

Writer's Direct Dial Number: _____

VIA FEDERAL EXPRESS

John E. Manning
District One

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District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

August 21, 2000

Mr. Scott M. Sheplak, P.E.
Department of Environmental Protection
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, FL 32399

RECEIVED

AUG 22 2000

BUREAU OF AIR REGULATION

**SUBJECT: Lee County Resource Recovery Facility
DRAFT Initial Title V Air Operation Permit No. 0710119-001-AV
Written Comments on Revised DRAFT Permit**

Dear Mr. Sheplak:

The following represents Lee County's request for changes and clarification to the Revised DRAFT Initial Title V Air Operation Permit for the Lee County Solid Waste Resource Recovery Facility (Permit No. 0710119-001-AV) as received in the County's office July 26, 2000. Our comments are listed by page number of the DRAFT permit.

1. **Statement of Basis:** Paragraph two should include a reference to PSD-FL-151 B as issued by DEP on 3/21/00.
2. **Intent to Issue:** Permittee's address should be changed to 1500 Monroe Street, Fort Myers, Florida 33901.
3. **Public Notice of Intent to Issue:** Permittee's address should be changed to 1500 Monroe Street, Fort Myers, Florida 33901.
4. **Revised Draft Permit No. 0710119-001-AV:** Permittee's address should be changed to 1500 Monroe Street, Fort Myers, Florida 33901.
5. **Page 8, Specific Condition A.10.1.:** Two new categories have been added to the list of materials that are prohibited. We believe that category (l), "untreated biomedical waste", could very likely result in unnecessary confusion when assessing compliance. Rule 62-210.200(45), F.A.C. defines "biomedical waste" as follows:

"Biomedical Waste" - Any solid or liquid waste which may present a threat of infection to humans, including nonliquid tissue, body parts, blood, blood products, and body fluids from humans and other primates; laboratory and veterinary wastes which contain human disease-causing agents; and discarded sharps. The following are also included:

(a) Used absorbent materials saturated with blood, blood products, body fluids, or excretions or secretions contaminated with visible blood; and absorbent materials saturated with blood or blood products that have dried.

(b) Non-absorbent, disposable devices that have been contaminated with blood, body fluids, or secretions or excretions visibly contaminated with blood, but have not been treated by a method listed in Section 381.0098, F.S., or a method approved pursuant to Rule 64E-16, F.A.C

Lee County has never accepted segregated loads of the materials described above. However, many materials received in normal municipal solid waste could reasonably fall within the above definition, creating a potential non-compliant situation. As an alternative, we request that the condition reads as follows:

(j) untreated biomedical waste from "biomedical waste generators" regulated pursuant to Chapter 64E-16 of the Florida Administrative Code.

6. **Page 10, Specific Condition A.10.1:** Lee County's previous request to add the following sentence: "Waste materials specifically authorized above do not require Department approval" was not incorporated. Our concern is that materials described in (a) through (g) could also fall within the category labeled (h), thus creating confusion, particularly to third parties, as to whether or not prior Department approval was required. We understand that this language has been incorporated into other WTE Title V permits.
7. **Page 19, Specific Condition A.42:** Lee County requests that A.42 be stricken from the Title V permit, since the facility has been specifically authorized by the Department to exceed the 2 hour duration of excess emissions specifically in condition A.15. The permitting note directly after condition A.42 does not clearly indicate that the 2-hour limitation does not apply, and the 3-hour limitation has already been approved as an industry specific allowance for large MWC. For further details please refer to the facility's permitting action, PSD-FL-151(B), that was signed by the Department on 3/21/00.
8. **Page 39, Specific Conditions A.21 through A.36:** The inclusion of "equivalent" lb/MMBtu and lb/hr statements is problematic. The Department has indicated that the underlying compliance limit is the actual limitation and the "equivalent" in various units are placed in the permit for informational purposes. It is requested that clarifying language be added to the permit to emphasize that "equivalents" are not limitations. A permitting note will prevent misunderstandings, and potential compliance questions for

Lee County. We request that the following permitting note be added to each condition, as was done in PSD-FL-121(C):

Permitting Note: These equivalent emissions (lb/hr and lb/MMBtu) are listed for the purposes of providing information, to indicate the potential to emit (TPY) and are not emission compliance standards.

9. **Page 41, A.98:** The requirement for tracking used tires in the waste stream on a weekly basis was replaced with the record keeping requirements outlined in Condition A.10.1 of the Title V permit. Please refer to the permit action described in PSD-FL-151(B) signed on 3/21/00 for further detail. Please strike this weekly record keeping requirement from the Title V permit, since it is not consistent with the underlying facility's PSD permit.
10. **Page 27, A.59:** The Condition indicates that Method 27 (which is inappropriate), shall be used for compliance. The underlying PSD permit does not indicate a specific EPA approved Test Method for Ammonia. Lee County typically uses a modified EPA Method 26 train for Ammonia. It is requested that a specific test method for Ammonia not be listed since EPA Method 27 is not an appropriate test method for Ammonia.
11. **Page 43, Emission Unit Description:** Lee County previously requested to amend the permitting note describing normal operations of the lime silo. Consumption of lime on a real time or daily basis is determined by the inlet concentration of sulfur dioxides measured by the facility's continuous emission monitoring system. The "normal" operation does not require 9.24 tons of lime per day be consumed in order to maintain air pollution control operation. The current language does not correctly describe the existing Facility configuration, and we respectfully request that it be changed accordingly.
12. **Page 48, Brief Description:** The description states the ash handling can handle 15 tons at any one time. We do not understand this statement. The ash handling building storage capacity is based on volume of ash and is not weight dependant.
13. **Page 55, Appendix H-1,** The permit history does not include the recent amendment to PSD-FL-151, namely PSD-FL-151(B), which was issued on March 21, 2000. This permit amendment effected the permit history for the following emission units: MSW Incinerator #1, MSW Incinerator #2, Lime Storage Silo, and Ash Building & Handling System.

Mr. Scott M. Sheplak
August 21, 2000
Page 4

14. **Page 1 of 3, Table 2-1 Summary of Compliance Requirements:** Sulfur Dioxide Method should allow Method 6, 6A, or 6C in order to be consistent with condition A.49. As stated in Comment 5 above, EPA Method 27 is inappropriate as a test method for Ammonia.
15. **Page 2 of 3, Table 2-1 Summary of Compliance Requirements:** The minimum compliance test duration for EPA Method 9 on the lime silo is incorrectly listed as 60 minutes. The correct minimum duration is 12 minutes.
16. **Page 3 of 3, Table 2-1 Summary of Compliance Requirements:** The testing frequency for Particulate Matter should clearly indicate that the Department has approved a waiver that accepts annually, EPA Method 9 instead of EPA Method 5. The minimum compliance test duration for EPA Method 9 for the ash handling building indicates 60 minutes whereas it should list a 30-minute test run.

We appreciate your favorable consideration of these requests and comments on the Revised DRAFT Initial Title V Air Operation Permit for the Lee County Solid Waste Energy Recovery Facility. Please call me at (941) 851-5696 if you need any clarification, or would like to arrange a meeting or teleconference to discuss these requests/comments.

Very truly yours,

ENVIRONMENTAL SERVICES DEPARTMENT



Lindsey Sampson, P.E.
Director
Solid Waste Division

cc: J. Lavender, Lee County
D. Owen, Lee County
T. Eriksen, Ogden Martin
T. Tyrell, Malcolm Pirnie
D. Dee, Landers and Parsons
B. Bigari, Ogden Martin
II E 105



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

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August 5, 2000

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Mr. Scott Sheplak, P.E.
Florida Department of Environmental Protection
2600 Blair Stone Rd.
Tallahassee, Fl. 32399

RECEIVED

AUG 10 2000

BUREAU OF AIR REGULATION

**SUBJECT: Lee County Waste to Energy Facility
Title V Permit No. 0710119-001-AV**

Dear Mr. Sheplak:

Attached please find a copy of the Affidavit of Publication provided by the 'Ft. Myers News-Press indicating the Public Notice of Intent to Issue a Title V Air Operations Permit was published on August 1, 2000.

If you have any questions, please call me.

Sincerely,

ENVIRONMENTAL SERVICES DEPARTMENT

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

LJS:

W/ Attachment

cc: D. Owen
D. Dee
T. Eriksen
T. Tyrrell
B. Bigari
II E 105

8/14/00 cc: Jonathan Holton

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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 Clerk 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 _____

DEP Title V Air Operation Permit

in the _____ Court

was published in said newspaper in the issues of _____

August 1, 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
1st day of
August, 2000 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-16



Brenda Leighton
MY COMMISSION # CC808705 EXPIRES
February 14, 2003
BONDED THROUGH FARM INSURANCE, INC.

quest 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 (F.A.C.).

A petition that disputes the material facts on which the permitting authority'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; 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 petitioner's substantial rights will be affected by the agency determination;

(c) A statement of how and when the 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 state;

(e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle petitioner to relief;

(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 permitting authority'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, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the permitting authority's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the permitting authority 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 for this proceeding.

In addition to the above, pursuant to the United States Code, (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit.

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION Revised Title V DRAFT Permit No.: 0710119-001-AV Lee County Resource Recovery Facility Lee County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit to Lee County Department of Solid Waste Management for the Lee County Resource Recovery Facility located at 10500 Buckingham Road, Fort Myers, Lee County. The applicant's name and address are: Lee County Department of Solid Waste Management, 2013 Altamont Avenue, Fort Myers, Florida 33902.

The permitting authority will issue the Title V PROPOSED Permit, and subsequent Title V FINAL Permit, in accordance with the conditions of the Title V DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed Title V DRAFT Permit issuance action for a period of 30 (thirty) days from the date of publication of this Notice.

Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit, the permitting authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57 of the Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by any

persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of the notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the permitting authority 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.

Any petition shall be based only on objections to the permit that were raised with reason.

Reasonable, specifically during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section

7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

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:

Permitting Authority: Department of Environmental Protection, Bureau of Air Regulation, 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301 Telephone: 850/488-0114 Fax: 850/922-6979

Affected District/Local Program: Department of Environmental Protection, South District Office, 2295 Victoria Avenue,

Suite 364, Fort Myers, Florida 33901 Telephone: 941/332-6975 Fax: 941/332-6969

The complete project file includes the DRAFT Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Scott A. Sheplak, P.E., at the above address, or call 850/921-9532, for additional information. Aug 1 No. 53755

The failure of any person to file a petition within the applicable time period shall constitute a waiver of that person's right to re-