



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Bob Janes  
District One

A. Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Donald D. Stillwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Trina L. Vielhauer, Chief  
Bureau of Air Regulation  
Florida Department of Environmental Protection  
2600 Blair Stone Road  
MS #5505  
Tallahassee, Florida 32399-2400

**RECEIVED**

JUN 15 2009 June 12, 2009

**BUREAU OF AIR REGULATION**

**RE: Lee County Resource Recovery Facility  
Title V Air Operation Permit Revision, Project No. 0710119-006-AV  
Response to Request for Public Comment**

Dear Permitting Authority:

On May 7, 2009, the Florida Department of Environmental Protection (FDEP) issued emails to the Lee County RRF (Facility) stating that a draft of the Facility's revised Title V permit was available for review and comment. On May 20, 2009, the draft revised Title V permit was public noticed in the Ft. Meyers News Press newspaper. The purpose of this letter is to submit Facility comments regarding the draft revised Title V permit to the FDEP for consideration during the official public comment period.

***Title V Air Operation Permit Revision – Main Body***

Page 30, Condition A.50, Page 58, Condition C.4.1, paragraph (4), and Page 71, Condition D.11  
On May 10, 2006, the United States Environmental Protection Agency (EPA) issued final rules that revised a number of items in 40 CFR Part 60, Subparts Cb and Eb. Included in these revisions was increased flexibility on the frequency of annual performance tests required by the rules. An item of great concern to the Facility is the fact that the May 10, 2006 federal rulemaking failed to include the 9 month to 15 month annual performance test window for hydrogen chloride and fugitive ash (this performance test window was specified for the other regulated pollutants subject to the annual testing requirement).

The May 10, 2006 final rulemaking was originally proposed on December 19, 2005. The proposed amended testing frequency schedule is discussed in section IV.G of the proposed rulemaking (Federal Register, Vol. 70, No. 242, page 75353). The discussion contains no mention of hydrogen chloride or fugitive ash testing not being included in the proposed amended testing frequency. Following is an excerpt from the discussion, which implies that EPA did not intend to omit hydrogen chloride and fugitive ash testing from the amended schedule.

“To accommodate the need for flexibility while retaining an annual test schedule, EPA proposes to revise the testing schedule to once per calendar year, with no less than 9 months and no more than 15 months between tests.”

Unfortunately, this omission was not identified during the public comment period and the final rule issued contained the omission.

The Facility has discussed this issue with EPA personnel who agree that an error was made in the final rulemaking. This fact is verified by the email exchange between Mr. Scott Sheplak of FDEP and Mr. Walt Stevenson of EPA that is included in the record for this permitting action. However, because of workload and the voluntary remand of the MWC rules requested by and granted to EPA by the United States Court of Appeals District of Columbia Circuit, EPA currently has no plans or timeline to correct the error.

Because the test frequency issue was not resolved in discussions between FDEP and EPA during preparation of the Facility’s draft revised permit, the Facility has decided to submit a policy determination request directly to EPA requesting relief from the publication error. Assuming a favorable determination by EPA, the Facility requests the following minor language changes (in italics) to allow for the immediate incorporation of the determination upon its issuance:

Condition A.50, Item (7)

“Following the date that the initial performance test for hydrogen chloride is completed or is required to be completed under 40 CFR 60.8, the owner or operator of an affected facility shall conduct a performance test for hydrogen chloride emissions on an annual basis (no more than 12 calendar months, *or alternate period as delineated in written EPA guidance*, following the previous performance test).  
[40 CFR 60.38b and 40 CFR 60.58b(f)]”

Condition C.4.1, Item (4)

“Following the date that the initial performance test for fugitive ash emissions is completed or is required to be completed under Sec. 60.8 for an affected facility, the owner or operator shall conduct a performance test for fugitive ash emissions on an annual basis (no more than 12 calendar months, *or alternate period as delineated in written EPA guidance*, following the previous performance test).  
[40 CFR 60.38b and 40 CFR 60.58b(k)]”

Condition D.11., Second Full Paragraph

“Compliance tests for the other pollutants listed in specific condition D.8. shall be performed annually (unless indicated otherwise *by rule or written EPA guidance*) by using the following reference methods as described in 40 CFR 60, Appendix A and/or 40 CFR 61 Appendix B adopted by reference in Chapter 62-204, F.A.C. or any other method as approved by FDEP, in accordance with Chapter 62-297, F.A.C. Stack tests may also require Method 1, 2, 3/3A/3B and 4 tests as appropriate. Testing shall be conducted in accordance with the requirements of 40 CFR 60.58b Compliance and Performance Testing *and/or written EPA guidance*.

[Condition B.10, Permit No. 0710119-005-AC/PSD-FL-151D; Rule 62-204.800(8), F.A.C.; and, Chapter 62-297, F.A.C.]”

These minor language changes are requested now so that the Facility’s Title V permit will not need to be reopened to allow the use of a favorable response from EPA. As a note, neither Conditions A.50 nor C.4.1 references a PSD permit as its regulatory basis. Therefore, each of these permit terms can be changed without modifying an underlying PSD permit. Condition D.11 does reference an underlying PSD permit and, therefore, modification of the PSD permit term may be required prior to making the requested modification. If this is the case, the Facility asserts that the permit term, as written in the draft permit, allows for any amended testing schedule because of the parenthetical statement “unless indicated otherwise”. This otherwise indication could consist of revised rule language (e.g., the May 10, 2006 rulemaking) or written EPA guidance. The Facility requests the FDEP’s express written agreement with this assertion if the language of Condition D.11 is not modified as requested.

Thank you for your consideration of our comments. Should you have any questions, please contact me at (239-533-8933) or Mr. M. Kirk Dunbar of HDR Engineering, Inc. at (763-591-5476).

Sincerely,



Lindsey J. Sampson  
Solid Waste Division Director

cc: D. Castro - HDR Engineering, Inc.  
K. Dunbar - HDR Engineering, Inc.  
M. Halpin, P.E. - DEP-Siting  
A. Satyal - DEP-SD  
G. Ball-Ilovera - Covanta Lee, Inc.  
S. Sheplack - DEP-BAR

xc: Jon Holton - DEP

**Sheplak, Scott**

---

**From:** Stevenson.Walt@epamail.epa.gov  
**Sent:** Thursday, January 22, 2009 11:45 AM  
**To:** Sheplak, Scott  
**Subject:** Re: May 10, 2006 federal amendments for MWCs

**Attachments:** Pasco Response to RAI.pdf; JohnPower1010056-006-AVRAI.pdf



Pasco      JohnPower1  
Response to RAI.pdf; 1010056-006-AVRAI.pdf  
Scott

Yes -- there was a Federal Register error in the HCl testing schedule and fugitive ash testing schedule. It will be corrected in the future. If more detail is needed on this issue, please call.

take care

Walt Stevenson, PE, BCEE  
919-541-5264

)

**Sheplak, Scott**

-file-

---

**From:** Sheplak, Scott  
**Sent:** Thursday, January 22, 2009 9:57 AM  
**To:** 'stevenson.walt@epa.gov'  
**Subject:** May 10, 2006 federal amendments for MWCs  
**Attachments:** Pasco Response to RAI.pdf; JohnPower1010056-006-AVRAI.pdf

Mr. Walt Stevenson  
U.S. Environmental Protection Agency  
Research Triangle Park, North Carolina 27711

Dear Mr. Stevenson:

I understand that there was a scrivener's error in the code of federal regulations (CFR) regarding the performance testing change from the May 10, 2006 federal amendments. A few consultants have brought this to my attention (please see the attached letters regarding the testing change). It seems the intent in the federal register (page 27326) was for the testing change to apply to HCL and fugitive ash emissions as well. I am rolling the May 10, 2006 federal amendment changes into Title V permits here in Florida. Was this in fact an error?

Thank you in advance for your reply.

Sincerely,

Scott M. Sheplak  
State of Florida  
Department of Environmental Protection  
Mail Station #5505  
2600 Blair Stone Road  
Tallahassee, FL 32399

850/921-9532  
[Scott.Sheplak@dep.state.fl.us](mailto:Scott.Sheplak@dep.state.fl.us)

1/22/2009

**Sheplak, Scott**~~file~~

**From:** Dunbar, Kirk [Kirk.Dunbar@hdrinc.com]  
**Sent:** Wednesday, March 25, 2009 3:52 PM  
**To:** Sheplak, Scott  
**Cc:** Holtom, Jonathan; Sampson, Lindsey; Castro, Don  
**Subject:** RE: Lee County Resource Recovery Facility - Title V Permit Revision Request - Project No. 0710119-006-AV

Scott – Last week I spoke with Walt Stevenson of EPA regarding whether or not the reduced testing frequency for dioxins can be applied across Cb and Eb units located at a single facility. His first comment was that no one had ever asked the question. After some discussion, Walt's opinion was that application of the reduced dioxin testing frequency may be able to be approved upon a request to EPA, but that the default is that it does not apply across different classes of units.

Based on this opinion, the language of Special Condition B.10(2), second sentence appears to have been erroneously included in Air Construction Permit 0710119-002-AC, PSD-FL-151C (which is incorporated in Special Condition D.10(2) of the draft revised Title V operating permit).

Please let me know your thoughts on how this should be handled given the fact that the error appears to be in the underlying PSD permit rather than in the Title V revision permit. The language does say that the facility "may" implement the reduced dioxin test frequency (as opposed to requiring it with the word "shall"), but my concern is that the erroneous inclusion of the language could cause issues at some point in the future.

Thanks - Kirk

**M. Kirk Dunbar**  
 Air Quality Engineer

**HDR ONE COMPANY** | *Many Solutions*  
 701 Xenia Avenue South | Suite 600 | Minneapolis, MN | 55416  
 Phone: 763.591.5476 | Fax: 763.591.5413 | Email: kirk.dunbar@hdrinc.com

---

**From:** Sheplak, Scott [mailto:Scott.Sheplak@dep.state.fl.us]  
**Sent:** Friday, March 06, 2009 2:38 PM  
**To:** Dunbar, Kirk  
**Cc:** Holtom, Jonathan  
**Subject:** Lee County Resource Recovery Facility - Title V Permit Revision Request - Project No. 0710119-006-AV

I have reviewed the comments dated 02/12/2009. Several of the requested changes can not be made since the requirements are directly from PSD permits. We can not change PSD permits through the Title V permitting process. Give me a call and we can discuss them further if you would like. I can point out where within the PSD permits I found them.

Sincerely,

Scott M. Sheplak, P.E.

3/25/2009

DEP - Title V Section  
Mail Station #5505  
2600 Blair Stone Road  
Tallahassee, FL 32399

Telephone 850/921-9532  
Fax 850/921-9533

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.*

**Sheplak, Scott**

---

**From:** Sheplak, Scott  
**Sent:** Friday, March 06, 2009 3:38 PM  
**To:** 'Dunbar, Kirk'  
**Cc:** Holtom, Jonathan  
**Subject:** Lee County Resource Recovery Facility - Title V Permit Revision Request - Project No. 0710119-006-AV

I have reviewed the comments dated 02/12/2009. Several of the requested changes can not be made since the requirements are directly from PSD permits. We can not change PSD permits through the Title V permitting process. Give me a call and we can discuss them further if you would like. I can point out where within the PSD permits I found them.

Sincerely,

Scott M. Sheplak, P.E.  
DEP - Title V Section  
Mail Station #5505  
2600 Blair Stone Road  
Tallahassee, FL 32399

Telephone 850/921-9532  
Fax 850/921-9533

7/7/2009





**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Bob Janes  
District One

A. Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Mr. Jonathon K. Holtom, P.E.

Acting Program Administrator  
Title V Section

Bureau of Air Regulation  
Department of Environmental Protection

2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

**RE: Lee County RRF**

**Title V Air Operation Permit Revision, Project No. 0710119-006-AV**

**Comments Regarding Draft Revised Permit Received August 29, 2008**

**RECEIVED**

FEB 13 2009

**BUREAU OF AIR REGULATION**  
February 12, 2009

Dear Mr. Holtom:

On August 29, 2008, the Florida Department of Environmental Protection (FDEP) issued emails to the Lee County RRF (Facility) stating that a draft of the Facility's revised Title V permit was available for review and comment. The purpose of this letter is to submit Facility comments regarding the draft revised Title V permit to the FDEP for consideration prior to the official public comment period. In addition to the comments provided below, the Facility is providing electronic versions (in the track changes mode) of the draft documents showing the Facility's recommended changes.

**A. STATEMENT OF BASIS – Overview of Changes Made in This Permit**

*(see electronic file titled "0710119-006-AV SOB with changes made in this permit (version dated 08\_29\_2008) - Requested Edits Tracked.doc" for suggested edits)*

1. Page 2 of 8, first paragraph

The PSD construction permit issued for Unit 3 included authorization to build a new lime silo (EU 007) as part of the project. As indicated in the Statement of Basis, this new pebble lime silo was configured such that it can only exhaust internally. In addition, the previously existing carbon silo, which vented directly to the atmosphere, was replaced with a new carbon silo as part of the Unit 3 project. As with the new pebble lime silo, this new carbon silo (which serves Units 1, 2, and 3) vents internally. Finally, a new internally venting dolomitic lime storage silo was also installed as part of the Unit 3 project.

Per FDEP guidance, internally venting equipment are not considered emission units for permitting purposes. Therefore, construction of the new carbon silo and dolomitic lime silo did not require approval prior to their installation. The Statement of Basis

description of the silos that were installed as part of the Unit 3 project was revised to reflect the project as constructed.

2. Page 3 of 8, Unit 3 – Compliance Assurance Monitoring (CAM) Applicability, Sulfuric Acid Mist (SAM), II. Monitoring Approach, B. Measurement Approach  
The language of A. Indicator states that “[t]he PSD permit limit for sulfur dioxide (SO<sub>2</sub>) shall be used as an indicator. Further, the language of C. Indicator Range states that “[t]he emission limit for SO<sub>2</sub> contained in the gases discharged to the atmosphere is 26 ppm, or 80% reduction, corrected to 7% oxygen (dry basis), whichever is less stringent. This emission limit is based on a 24-hour daily geometric mean.” However, the language of B. Measurement Approach implies that only the concentration option of the SO<sub>2</sub> limit will be used to determine compliance with the SAM limit. This language was revised to reflect that compliance with either the concentration limit or the reduction limit will ensure compliance with the SAM limit.

As a note, review of the current Title V permit indicates that CAM does not apply to the fluoride and SAM emissions from Units 1 and 2.

3. Pages 4 and 5 of 8, Hydrogen Fluoride (HF)  
The same revisions discussed in items B.3 and B.4 above for SAM were made in the corresponding HF portion of the document.

***B. Title V Air Operation Permit Revision – Main Body  
(see electronic file titled “0710119-006-AV permit (part b) – February 09 Changed Tracked.DOC” for suggested edits)***

1. Page 10, Condition A.4  
This permit term, implemented originally to ensure proper combustion efficiency, is effectively rendered obsolete by the carbon monoxide limit imposed by 40 CFR Part 60, Subpart Cb. The Facility requests deletion of this obsolete permit term.
2. Page 14, Condition A.10.2  
Effective June 3, 2007, the requirements of 40 CFR Part 60, Subpart Db are not applicable to any affected facility that is subject to the requirements of 40 CFR Part 60, Subpart Cb (see 40 CFR § 60.40b(k)). Therefore, the annual capacity factor portion of Condition A.10.2 is no longer applicable and, along with the associated regulatory citations was deleted.
3. Pages 18-20, Condition A.16  
The language of paragraph (c) was corrected by adding the word “or” after the phrase “... a fully certified shift supervisor”. This correction is indicated in the electronic version of the document by green highlighting.
4. Page 25, Condition A.44 and Page 73, Condition D.12.3

Although the current Title V permit has a 90 day notification requirement for Units 1 and 2, there is no regulatory basis for this time frame and its length creates scheduling issues for both the Facility and FDEPSD. The notification timeline was set to 30 days, consistent with Conditions B.10 and C.12 and the provisions of 40 CFR §60.8(d). As a note, the underlying FDEP rule requires only a 15 day notification for performance testing.

5. Page 30, Condition A.50 and Page 71, Condition D.10

An item of great concern to the Facility is the fact that the May 10, 2006 federal rulemaking erroneously failed to include the 9 month to 15 month annual performance test window for hydrogen chloride. On April 25, 2007, Ms. Rebecca Macionski of Covanta submitted a comment to the FDEP regarding this issue (see Attachment 1). No feedback on this issue was received and the Facility requests FDEP's assistance in resolving this issue.

6. Page 58, Condition C.4.1, paragraph (4)

An item of great concern to the Facility is the fact that the May 10, 2006 federal rulemaking erroneously failed to include the 9 month to 15 month annual performance test window for fugitive ash emissions. On April 25, 2007, Ms. Rebecca Macionski of Covanta submitted a comment to the FDEP regarding this issue (see Attachment 1). No feedback on this issue was received and the Facility requests FDEP's assistance in resolving this issue.

7. Pages 65-66, Condition D.4 and Page 70, Condition D.8

The Unit 3 initial compliance test was completed on October 23, 2007. Therefore, the NO<sub>x</sub> emission limits applicable during the initial calendar year of operation following initial operation (i.e., calendar year 2008) are obsolete and the limits were deleted.

8. Page 71, Condition D.10, paragraph (1)

The language of Condition D.10, paragraph 1 regarding the required probe and filter holder heating system temperature during the Method 5 compliance testing was revised to reflect the May 10, 2006 federal amendment (i.e., the ±14°C was deleted).

9. Page 72, Condition D.10, paragraph (2)

Based on the definitions of the terms "municipal waste combustor plant" and "designated facility" in 40 CFR Part 60, Subpart Cb and "municipal waste combustor plant" and "affected facility" in 40 CFR Part 60, Subpart Eb, the Facility does not believe that the reduced dioxin/furan test frequency can be applied across a mix of Cb and Eb units. That is, the reduced frequency language applies separately to Facility Units 1 and 2 and Facility Unit 3. Therefore, the second sentence of Condition D.10, paragraph (2) was deleted as being an incorrect interpretation of the underlying rule language. Additional information on this can be provided by the Facility if requested by FDEP.

10. Page 74, Condition D.17

The May 10, 2006 federal amendments revised the language of 40 CFR §60.58b(m)(2) to specify that "[D]uring operation of the affected facility, the carbon injection system operating

parameter(s) that are the indicator(s) of the carbon mass feed rate ... shall be averaged over a block 8-hour period..." This revision was made by FDEP in the draft revised permit for Units 1 and 2 [see Condition A.103(2)]. The same language was inserted into Condition D.17, replacing an obsolete sentence in Condition D.17.

11. Page 75, Condition D.19, paragraph (d) and regulatory citation

As discussed previously, the provisions of 40 CFR Part 60, Subpart Db do not apply to Units 1, 2, or 3. Condition D.19, paragraph (d) is an obsolete Subpart Db requirement. Therefore, Condition D.19, paragraph (d) was deleted, as well as the reference to 40 CFR 60.44b(d) in the regulatory citation.

**C. Title V Air Operation Permit Revision – CAM Plan**

**(see electronic file titled "0710119-006-AV CAM Plan – (version dated 08\_29\_2008) – Changes Tracked.doc" for suggested edits)**

The document was edited consistent with items A.2 and A.3 discussed above.

Thank you for your consideration of our comments. Should you have any questions, please contact me at (239-533-8000) or Mr. M. Kirk Dunbar of HDR Engineering, Inc. at (763-591-5476).

Sincerely,



Lindsey J. Sampson, Director  
Solid Waste Division

Attachments (electronic on enclosed CD)

cc: D. Castro - HDR Engineering, Inc.  
K. Dunbar - HDR Engineering, Inc.  
M. Halpin, P.E. - DEP-Siting  
A. Satyal - DEP-SD  
G. Ball-Ilovera - Covanta Energy of Lee County

**Sheplak, Scott***- file Lee County -*

---

**From:** Sheplak, Scott  
**Sent:** Wednesday, July 30, 2008 10:26 AM  
**To:** Holtom, Jonathan  
**Cc:** Linero, Alvaro; Vielhauer, Trina  
**Subject:** Title V Permitting Improvement - CAM  
**Attachments:** CAM Background - part I..pdf; CAM Table 1. - part II..pdf; EPA CAM Policy Memo dated July 7, 1999.pdf

I understand this is a topic we have been working on for sometime within the Title V Program. I strongly recommend adding a few items to our Permit Writers' page related to CAM, specifically, Appendix CAM and what should be in a CAM Plan.

It has become very evident to me based on permits I have worked on and I have reviewed around the state that permit writers seem to be confused (myself included) as to what needs to be in an approved CAM Plan attached to a Title V permit. Feedback I received from permit writers at last year's Annual Air Meeting also reinforced this point.

Adding this to our Permit Writers' page can improve our Program by helping permit writers with implementing CAM which has been an often cited delay in many Title V permits. I had volunteered under Russell Wider to work on this topic cited in the Bureau's goals, objectives & tasks (Objective 4 and the Permit Reference Tool).

P.S. Fyi, attached is an EPA letter related to CAM for municipal waste combustor (MWC) units regulated under the post-1990 EG 40 CFR 60 Subpart Cb and NSPS 40 CFR 60 Subpart Eb. It turns out this supports how we had handled quite a few MWC CAM actions: Lee County Units 1 & 2 (Cb/Eb units, no CAM), Miami-Dade County RRF (CAM Plan with surrogate pollutants - opacity for PM) and Palm Beach County (CAM Plan with surrogate pollutants - SO<sub>2</sub> for HCL and HF). HDR provided the letter as part of the proposed Lee County CAM Plan for Unit 3 I am working on; I need to add the Table 1.

7/30/2008

MONITORING APPROACH SUBMITTAL

I. Background

A. Emissions Unit

Description: \_\_\_\_\_  
(Type of emission point)

Identification: \_\_\_\_\_  
(Emission point number)

Facility: \_\_\_\_\_  
(Location)

B. Applicable Regulation, Emission Limits, and Monitoring Requirements

Regulation No.:

Pollutant: \_\_\_\_\_  
(Emission limit)

Pollutant: \_\_\_\_\_  
(Emission limit)

Monitoring Requirements:

C. Control Technology  
(Describe control technology)

II. Monitoring Approach

The key elements of the monitoring approach are presented in Table 1.

JUSTIFICATION

(Present justification for selection of monitoring approach and indicator range(s).)

Figure 2-2. Monitoring approach submittal example format.

**TABLE 1. MONITORING APPROACH**

	Indicator No. 1	Indicator No. 2
<b>I. Indicator</b>		
Measurement Approach		
<b>II. Indicator Range</b>		
QIP Threshold (optional)		
<b>III. Performance Criteria</b>		
A. Data Representativeness		
B. Verification of Operational Status		
C. QA/QC Practices and Criteria		
D. Monitoring Frequency		
Data Collection Procedures		
Averaging Period		

Figure 2-2. (continued)

July 7, 1999

Ms. Maria Zannes  
President  
Integrated Waste Services Association  
1401 H Street, NW, Suite 220  
Washington, DC 20005

Re: Applicability of Maximum Achievable Control Technology Standard Monitoring to Satisfy Title V Periodic or Compliance Assurance Monitoring

Dear Ms. Zannes:

This letter is in response to your letter, dated April 22, 1999, in which you seek our views on using monitoring contained in subparts Eb of title 40 of the Code of Federal Regulations (CFR), part 60, and referenced in subpart Cb to satisfy title V periodic monitoring (40 CFR part 70) or compliance assurance monitoring (CAM) (40 CFR part 64) requirements for other applicable requirements under existing air pollution regulations, such as State implementation plans (SIP's). We understand that facility owners are now installing and operating monitoring that satisfies subpart Cb or Eb requirements before those emissions limitations become effective. Your question is whether you can expect that same monitoring to be adequate to show compliance with similar existing emissions limitations and can avoid having to provide additional monitoring to satisfy periodic monitoring or CAM requirements.

The monitoring requirements in subpart Eb are rigorous and specify use of continuous monitoring systems for opacity, for emissions of acid gases, organic gases, and nitrogen oxides, and for operational parameters that serve as surrogates for monitoring compliance particulate matter, dioxins and furans, and metals emissions limits. See generally 40 CFR, sections 60.58b and 60.38b. We expect that in most cases monitoring that complies with the requirements in subpart Eb will also provide the assurance of compliance required by part 70 or part 64 for other emissions limitations or standards for the same or similar pollutants. On the other hand, it is impossible for us to state definitively that monitoring that complies with subpart Eb requirements will provide adequate assurance of compliance for all other emissions limitations or standards. For example, a local or State agency may impose a volatile organic compounds (VOC) emissions limit, an emissions limit not directly addressed in subpart Eb. Whether the monitoring in subpart Eb alone is sufficient to satisfy part 70 or part 64 monitoring requirements for emissions



limitations not addressed in subpart Eb must be evaluated on a case-by-case basis by the permitting authority in the title V permit application review and approval process.

Factors to consider in making this evaluation include whether the other applicable requirements regulate the same or similar pollutants (e.g., metals other than cadmium, mercury, or lead). Other factors include whether different pollutant emission limitations share a common format (e.g., pounds per hour or parts per million) or can be converted easily to a common format (e.g., convert pounds per hour to tons per year). Applying monitoring required in subpart Eb to show compliance with an emission limitation for a pollutant whose emissions are related to those of a regulated pollutant may also be possible (e.g., using the carbon monoxide continuous emissions monitoring system for monitoring for compliance with a VOC emissions limit). Where possible, as determined through the permitting authority on a case-by-case basis, we fully support simplifying monitoring requirements for permits, including through the application of one monitoring approach for multiple emissions limitations of the same pollutant or dissimilar pollutants.

Should you have questions concerning this response, please contact Barrett Parker at (919) 541-5635.

Sincerely,

/s/

Steven J. Hitte  
Group Leader  
Operating Permits Group

cc: Zofia Kosim, OECA  
Barrett Parker, OAQPS  
Walt Stevenson, OAQPS  
Peter Westlin, OAQPS  
Title V Contacts, Regions I-X

Sheplak, Scott

-file-

**From:** Sheplak, Scott  
**Sent:** Wednesday, July 08, 2009 9:58 AM  
**To:** 'Oquendo.Ana@epamail.epa.gov'  
**Cc:** Friday, Barbara  
**Subject:** RE: LEE COUNTY SOLID WASTE RESOURCE RECOVERY FACILITY; 0710119-006-AV

The public notice was published on May 20, 2009.

-----Original Message-----

**From:** Oquendo.Ana@epamail.epa.gov [mailto:Oquendo.Ana@epamail.epa.gov]  
**Sent:** Wednesday, July 08, 2009 9:16 AM  
**To:** Friday, Barbara  
**Cc:** Sheplak, Scott  
**Subject:** Re: LEE COUNTY SOLID WASTE RESOURCE RECOVERY FACILITY; 0710119-006-AV

Hi,

I would like to know if you have the public notice date of publication for this draft/proposed permit. We don't need the proof of publication, just the date. Thanks.

Wishing you a great day!

Ana M. Oquendo  
Air Permits Section  
Air, Pesticides and Toxics Management Division U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, GA 30303

email. oquendo.ana@epa.gov  
phone. 404-562-9781  
fax. 404-562-9019

Please consider the environment before printing this email.

"Friday,  
Barbara"  
<Barbara.Friday@  
dep.state.fl.us> To  
<sampsolj@leegov.com>  
cc  
05/07/2009 02:41 <don.castro@hdrinc.com>,  
PM <Kirk.Dunbar@HDRInc.com>,  
"Halpin, Mike"  
<Mike.Halpin@dep.state.fl.us>,  
"Satyal, Ajaya"  
<Ajaya.Satyal@dep.state.fl.us>,  
Kathleen Forney/R4/USEPA/US@EPA,  
Ana Oquendo/R4/USEPA/US@EPA,

Sheplak, Scott

- file -

---

**From:** Sheplak, Scott  
**Sent:** Friday, April 24, 2009 1:24 PM  
**To:** 'Dunbar, Kirk'  
**Cc:** 'Sampson, Lindsey'; Holtom, Jonathan  
**Subject:** mercury - Lee County RRF Unit Nos. 1 and 2

**Tracking:** **Recipient**            **Read**  
                  'Dunbar, Kirk'  
                  'Sampson, Lindsey'  
                  Holtom, Jonathan    Read: 4/24/2009 1:29 PM

Could you verify the calculated equivalent "lbs/hr" & "TPY" values for the mercury emission limit of 0.050 mg/dscfm @ 7% O2 that applies to Unit Nos. 1 and 2?

I had calculating it to be equivalent to 0.0271 lbs/hr and 0.118 TPY at 100% capacity (72,039 dscfm).

**Sheplak, Scott****-file-**

---

**From:** Sheplak, Scott  
**Sent:** Friday, April 24, 2009 3:46 PM  
**To:** 'Dunbar, Kirk'  
**Cc:** 'Sampson, Lindsey'; Holtom, Jonathan  
**Subject:** LCRRF Comments and Responses on Draft Permit No. 0710119-006-AV  
**Attachments:** LCRRF Comments and Responses on Draft Permit No. 0710119-006-AV.doc

Mr. Kirk Dunbar:

Thank you for your review & comments. This is Florida's 1st incorporation of the Cb/Eb May 10, 2006 federal amendments into a Title V air operation permit. I have finished going through the comments. Attached to this e-mail are my responses.

**Highlighted in red are the changes that will not be made along with the reason(s) why.**

**I highlighted changes that will be made in green.**

My plan is to route the new draft/proposed permit package for review, signature & issuance on Monday, April 27th. Call me asap if you would like to discuss.

Sincerely,

Scott M. Sheplak, P.E.

Telephone 850/921-9532  
Fax 850/921-9533

4/24/2009

Highlighted in red are the changes that can not be made along with the reason(s) why.

Changes that can be made are highlighted in green.

Re: Lee County Resource Recovery Facility (RRF)  
Draft Title V Air Operation Permit Revision, Project No. 0710119-006-AV

On February 13, 2009, the Department received comments dated February 12, 2009 from HDR Engineering, Inc. on behalf of Lee County RRF regarding the subject project. The public notice has not yet been published so these are not official comments.

**A. STATEMENT OF BASIS – Overview of Changes Made in This Permit**  
*(see electronic file titled “0710119-006-AV SOB with changes made in this permit (version dated 08\_29\_2008) - Requested Edits Tracked.doc” for suggested edits)*

1. Page 2 of 8, first paragraph

The PSD construction permit issued for Unit 3 included authorization to build a new lime silo (EU 007) as part of the project. As indicated in the Statement of Basis, this new pebble lime silo was configured such that it can only exhaust internally. In addition, the previously existing carbon silo, which vented directly to the atmosphere, was replaced with a new carbon silo as part of the Unit 3 project. As with the new pebble lime silo, this new carbon silo (which serves Units 1, 2, and 3) vents internally. Finally, a new internally venting dolomitic lime storage silo was also installed as part of the Unit 3 project.

Per FDEP guidance, internally venting equipment are not considered emission units for permitting purposes. Therefore, construction of the new carbon silo and dolomitic lime silo did not require approval prior to their installation. The Statement of Basis description of the silos that were installed as part of the Unit 3 project was revised to reflect the project as constructed.

**Response:** The statement of basis is revised.

2. Page 3 of 8, Unit 3 – Compliance Assurance Monitoring (CAM) Applicability, Sulfuric Acid Mist (SAM), II. Monitoring Approach, B. Measurement Approach

The language of A. Indicator states that “[t]he PSD permit limit for sulfur dioxide (SO<sub>2</sub>) shall be used as an indicator. Further, the language of C. Indicator Range states that “[t]he emission limit for SO<sub>2</sub> contained in the gases discharged to the atmosphere is 26 ppm, or 80% reduction, corrected to 7% oxygen (dry basis), whichever is less stringent. This emission limit is based on a 24-hour daily geometric mean.” However, the language of B. Measurement Approach implies that only the concentration option of the SO<sub>2</sub> limit will be used to determine compliance with the SAM limit. This language was revised to reflect that compliance with either the concentration limit or the reduction limit will ensure compliance with the SAM limit.

As a note, review of the current Title V permit indicates that CAM does not apply to the fluoride and SAM emissions from Units 1 and 2.

**Response:** The proposed CAM Plan attached to the permit revision application was in fact that way for SAM and HF emissions. The CAM Plan proposed is similar to how monitoring is performed for SO<sub>2</sub> emissions under 40 CFR 63 Subpart Eb. Presumably, post-1990 federal standards contain CAM for those pollutants regulated by the standard. The statement of basis and CAM Plan are revised as requested.

As to the applicability of CAM to Units 1 and 2, this will be revisited during the renewal of the permit.

3. Pages 4 and 5 of 8, Hydrogen Fluoride (HF)

The same revisions discussed in items B.3 and B.4 above for SAM were made in the corresponding HF portion of the document.

**Response:** Same response as above in A.2.

**B. Title V Air Operation Permit Revision – Main Body**

*(see electronic file titled “0710119-006-AV permit (part b) – February 09 Changed Tracked.DOC” for suggested edits)*

1. Page 10, Condition A.4

This permit term, implemented originally to ensure proper combustion efficiency, is effectively rendered obsolete by the carbon monoxide limit imposed by 40 CFR Part 60, Subpart Cb. The Facility requests deletion of this obsolete permit term.

**Response:** Specific condition A.4, which requires combustion efficiency to be calculated as verbatim from a PSD permit PSD-FL-151, issued on July 20, 1992 (see PSD-FL-151, specific condition 4.k.). The combustion efficiency is calculated on an 8-hour average. The same PSD permit also contains a CO emissions limit which is the same as the limit imposed by 40 CFR Part 60, Subpart Cb (see PSD-FL-151, specific condition 2.f.). The CO emissions limit is calculated on a 4-hour average. Both of these specific conditions are independent applicable requirements from the PSD permit. They are technically related as CO emissions are an indication of combustion efficiency. The combustion efficiency calculation is an applicable requirement from the PSD permit. Applicable requirements from a PSD permit can not be changed in the Title V air operation permitting process unless they are obsolete. This requirement does not appear to be obsolete. As such, no change is made.

2. Page 14, Condition A.10.2

Effective June 3, 2007, the requirements of 40 CFR Part 60, Subpart Db are not applicable to any affected facility that is subject to the requirements of 40 CFR Part 60, Subpart Cb (see 40 CFR § 60.40b(k)). Therefore, the annual capacity factor portion of Condition A.10.2 is no longer applicable and, along with the associated regulatory citations was deleted.

**Response:** That is correct, the applicability of NSPS 40 CFR 60 Subpart Db to 40 CFR 60 Subpart Cb units was changed in the federal register on June 13, 2007, CFR edition 7-1-2008. The requested change is made.

**BEST AVAILABLE COPY**

3. Pages 18-20, Condition A.16

The language of paragraph (c) was corrected by adding the word “or” after the phrase “... a fully certified shift supervisor”. This correction is indicated in the electronic version of the document by green highlighting.

**Response:** The correction is made.

4. Page 25, Condition A.44 and Page 73, Condition D.12.3

Although the current Title V permit has a 90 day notification requirement for Units 1 and 2, there is no regulatory basis for this time frame and its length creates scheduling issues for both the Facility and FDEPSD. The notification timeline was set to 30 days, consistent with Conditions B.10 and C.12 and the provisions of 40 CFR §60.8(d). As a note, the underlying FDEP rule requires only a 15 day notification for performance testing.

**Response:** The requested changes are made for consistency.

5. Page 30, Condition A.50 and Page 71, Condition D.10

An item of great concern to the Facility is the fact that the May 10, 2006 federal rulemaking erroneously failed to include the 9 month to 15 month annual performance test window for hydrogen chloride. On April 25, 2007, Ms. Rebecca Macionski of Covanta submitted a comment to the FDEP regarding this issue (see Attachment 1). No feedback on this issue was received and the Facility requests FDEP’s assistance in resolving this issue.

**Response:** An e-mail from U.S. EPA on January 22, 2009, confirmed the errors in the Code of Federal Regulations (CFR) regarding the testing schedule for fugitive ash and hydrogen chloride (HCl) emissions. The federal regulation language remains intact until it is changed. However, a note is added to the SOB. No changes are made within the permit.

6. Page 58, Condition C.4.1, paragraph (4)

An item of great concern to the Facility is the fact that the May 10, 2006 federal rulemaking erroneously failed to include the 9 month to 15 month annual performance test window for fugitive ash emissions. On April 25, 2007, Ms. Rebecca Macionski of Covanta submitted a comment to the FDEP regarding this issue (see Attachment 1). No feedback on this issue was received and the Facility requests FDEP’s assistance in resolving this issue.

**Response:** Same response as above in B.5.

7. Pages 65-66, Condition D.4 and Page 70, Condition D.8

The Unit 3 initial compliance test was completed on October 23, 2007. Therefore, the NOx emission limits applicable during the initial calendar year of operation following initial operation (i.e., calendar year 2008) are obsolete and the limits were deleted.

**Response:** A note on when the unit began initial operation was added into the draft permit in the emissions unit description and specific condition nos. D.4. and D.8. It is correct that the initial

**BEST AVAILABLE COPY**

NO<sub>x</sub> emission limit timeframe has elapsed. The requested changes are made. However, not all of the suggested language was used.

The ammonia limit applicable during this timeframe was also removed.

8. Page 71, Condition D.10, paragraph (1)

The language of Condition D.10, paragraph 1 regarding the required probe and filter holder heating system temperature during the Method 5 compliance testing was revised to reflect the May 10, 2006 federal amendment (i.e., the  $\pm 14^{\circ}\text{C}$  was deleted).

**Response:** The revision is made.

9. Page 72, Condition D.10, paragraph (2)

Based on the definitions of the terms “municipal waste combustor plant” and “designated facility” in 40 CFR Part 60, Subpart Cb and “municipal waste combustor plant” and “affected facility” in 40 CFR Part 60, Subpart Eb, the Facility does not believe that the reduced dioxin/furan test frequency can be applied across a mix of Cb and Eb units. That is, the reduced frequency language applies separately to Facility Units 1 and 2 and Facility Unit 3. Therefore, the second sentence of Condition D.10, paragraph (2) was deleted as being an incorrect interpretation of the underlying rule language. Additional information on this can be provided by the Facility if requested by FDEP.

**Response:** Specific condition D.10 is verbatim from a PSD permit, PSD-FL-151C, issued on October 13, 2003 (see PSD-FL-151C, specific condition B.10). This condition allows a reduced testing frequency at the new unit, Unit 3 contingent upon the two existing units, Unit Nos. 1 & 2. It may be an incorrect application of the federal Eb and Cb regulations however, it was established as an applicable requirement in a PSD permit. Requirements independent of the federal Eb and Cb regulations can be created and often are created in a PSD permit. As it stands, this specific condition is an applicable requirement from the PSD permit. Applicable requirements from a PSD permit cannot be changed in the Title V air operation permitting process unless they are obsolete. As such, no change is made.

10. Page 74, Condition D.17

The May 10, 2006 federal amendments revised the language of 40 CFR §60.58b(m)(2) to specify that “[D]uring operation of the affected facility, the carbon injection system operating parameter(s) that are the indicator(s) of the carbon mass feed rate ... shall be averaged over a block 8-hour period...” This revision was made by FDEP in the draft revised permit for Units 1 and 2 [see Condition A.103(2)]. The same language was inserted into Condition D.17, replacing an obsolete sentence in Condition D.17.

**Response:** The revision is made.

11. Page 75, Condition D.19, paragraph (d) and regulatory citation

As discussed previously, the provisions of 40 CFR Part 60, Subpart Db do not apply to Units 1, 2, or 3. Condition D.19, paragraph (d) is an obsolete Subpart Db requirement. Therefore,



Condition D.19, paragraph (d) was deleted, as well as the reference to 40 CFR 60.44b(d) in the regulatory citation.

**Response:** This condition is revised as previously indicated by the response in B.2. above.

**C. Title V Air Operation Permit Revision – CAM Plan**  
*(see electronic file titled “0710119-006-AV CAM Plan – (version dated 08\_29\_2008) – Changes Tracked.doc” for suggested edits)*

The document was edited consistent with items A.2 and A.3 discussed above.

**Response:** The CAM Plan is revised as previously indicated by the response in A.2. above.

Miscellaneous format related changes and corrections are being made in the revised draft.

**Sheplak, Scott**

~~file~~

---

**From:** Sheplak, Scott  
**Sent:** Friday, April 17, 2009 5:19 PM  
**To:** 'Dunbar, Kirk'  
**Cc:** Sampson, Lindsey; Holtom, Jonathan  
**Subject:** 0710119-006-AV Table 1-1 revised draft.xls  
**Attachments:** 0710119-006-AV Table 1-1 revised draft.xls

Could you verify the red shaded fields in this table? I could not locate the calculated equivalent "lbs/hr" & "TPY" values from the permit application form.

**Table 1-1, Summary of Air Pollutant Standards and Terms**

Lee County  
Lee County Resource Recovery Facility

Draft/Proposed Permit No. 0710119-006-AV  
Facility ID No. 0710119

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

E.U. ID No.	Brief Description	
-001	Unit 1, 660 Ton Per Day Mass Burn Unit	72,039 dscfm per unit
-002	Unit 2, 660 Ton Per Day Mass Burn Unit	72,039 dscfm per unit

Pollutant Name	Fuel(s)	Hours/Year	Allowable Emissions			Equivalent Emissions*		Regulatory Citation(s)	See permit condition(s)
			Standard(s)	lbs./hour	TPY	lbs./hour	TPY		
Particulate Matter	all	8,760	0.010 gr/DSCF, corrected to 7% O <sub>2</sub>	5.34	21.30			PSD-FL-151	A.21.
Sulfur Dioxide	all	8,760	29 ppm or 80% reduction, at 7% O <sub>2</sub>	41.0		41.0	163.30	PSD-FL-151	A.30.
Nitrogen Oxides	all	8,760	180 ppm, corrected to 7% O <sub>2</sub>	80.0	320.0			PSD-FL-151	A.33.
Volatile Organic Compounds	all	8,760	37 ppm, corrected to 7% O <sub>2</sub>	5.80	23.0			PSD-FL-151	A.29.
Carbon Monoxide	all	8,760	100 ppm, corrected to 7% O <sub>2</sub>	27.2	108			PSD-FL-151	A.34.
<u>Mercury Before April 28, 2009</u>	all	8,760	0.070 mg/dscm, or 85% reduction	0.0379	0.166			40 CFR 60.33b(a)(3)	A.24., A.25.
<u>Mercury On and after April 28, 2009</u>	all	8,760	<u>0.050 mg/dscm, or 85% reduction</u>	<u>0.0271</u>	<u>0.118</u>			<u>40 CFR 60.33b(a)(3)</u>	<u>A.24., A.25.</u>
Beryllium	all	8,760	1.35 x 10 <sup>-7</sup> lb/MMBtu heat input	3.7 x 10 <sup>-5</sup>	1.47 x 10 <sup>-4</sup>			PSD-FL-151	A.28.
Visible Emissions	all	8,760	10 %, 6 minute average					40 CFR 60.33b(a)(1)(iii)	A.22.
<u>Cadmium Before April 28, 2009</u>	all	8,760	0.040 mg/dscm, corrected to 7% O <sub>2</sub>					40 CFR 60.33b(a)(2)(i)	A.23.
<u>Cadmium On and after April 28, 2009</u>	all	8,760	<u>0.035 mg/dscm, corrected to 7% O<sub>2</sub></u>	<u>0.0094</u>	<u>0.041</u>				
<u>Lead Before April 28, 2009</u>	all	8,760	<u>0.440 mg/dscm, corrected to 7% O<sub>2</sub></u>					<u>40 CFR 60.33b(a)(4)</u>	<u>A.26.</u>
<u>Lead On and after April 28, 2009</u>	all	8,760	<u>0.400 mg/dscm, corrected to 7% O<sub>2</sub></u>	<u>0.108</u>	<u>0.473</u>			<u>40 CFR 60.33b(a)(4)</u>	<u>A.26.</u>
<u>Lead</u>	all	8,760	0.0060 lbs/MMBtu	0.165	0.66			PSD-FL-151	A.26.
<u>Hydrogen Chloride</u>	all	8,760	25 ppm or 95% reduction to 7% O <sub>2</sub>	<u>17.7</u>	<u>77.52</u>			PSD-FL-151	A.31.
Dioxin/Furan	all	8,760	30 ng/dscm, corrected to 7% O <sub>2</sub>	7.0 x 10 <sup>-6</sup>	2.8 x 10 <sup>-5</sup>			PSD-FL-151	A.32.
Fluoride	all	8,760	5.0 ppm corrected to 7% O <sub>2</sub>	0.96	3.8			PSD-FL-151	A.27.
Sulfuric Acid Mist	all	8,760	0.036 lb/MMBtu	9.85	39.3			PSD-FL-151	A.35.
Arsenic	all	8,760	9.1 x 10 <sup>-5</sup> lbs/MMBtu	2.5 x 10 <sup>-3</sup>	0.01			PSD-FL-151	A.36.
<u>Ammonia</u>	all	8,760	50 ppm, by volume	<u>12.25</u>	<u>53.98</u>			PSD-FL-151	A.37.
Fugitive Ash	all	8,760	5%					40 CFR 60.36b	A.38.

Notes:

\* The "Equivalent Emissions" listed are for informational purposes only.  
The emissions limits in pounds per hour and tons per year are for each Unit.

**Sheplak, Scott**

---

**From:** Sheplak, Scott  
**Sent:** Friday, April 17, 2009 3:28 PM  
**To:** 'Dunbar, Kirk'  
**Cc:** Sampson, Lindsey; Holtom, Jonathan  
**Subject:** Lee County Resource Recovery Facility - Title V Permit Revision Request - Project No. 0710119-006-AV  
**Attachments:** Guidance Memorandum DARM-PER-41.pdf

**Tracking:**

<b>Recipient</b>	<b>Read</b>
'Dunbar, Kirk'	
Sampson, Lindsey	
Holtom, Jonathan	Read: 4/17/2009 3:30 PM

Per our discussion of this afternoon ...

We have an opportunity to expedite and streamline Title V air operation permits in Florida by doing what is called a "parallel (concurrent) review." We have a guidance memorandum on this (see attached Guidance Memorandum DARM-PER-41).

Based on my review of the subject Title V air operation permit application, this one is a candidate for "parallel review." This process works well where there will be no significant comments. This permit application in my opinion is now not controversial and is routine.

Essentially, this new process saves about one (1) month of time to issue the final permit. The EPA review period is performed with the public comment period. The actual permit being publicly noticed would be a Draft/Proposed permit. The Proposed permit stage is combined with the Draft permit stage hence the reference to a "parallel review." Like before, a final permit is issued after the end of the EPA review period. By using the parallel review process, you can receive the final permit sooner.

-file-

RECEIVED

AUG 06 2008

BUREAU OF AIR REGULATION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

WAIVER OF 90 DAY TIME LIMIT FOR ISSUANCE OF PERMIT  
UNDER SECTIONS 120.60(1) and 403.0876, FLORIDA STATUTES

Applicant: Lee County Solid Waste Division

DEP File No.: 0710119-006-AV  
Title V Air Operation Permit Revision, Lee County RRF

The undersigned has read Sections 120.60(1) and 403.0876, Florida Statutes (F.S.), and fully understands the applicant's rights under those sections.

With regard to the above referenced permit application, the applicant hereby, with full knowledge and understanding of its rights under Sections 120.60(1) and 403.0876, F.S., waives the right under those statutes to have the application for a permit issued or denied by the State of Florida Department of Environmental Protection within the ninety day time period proscribed in those sections. Said waiver is made freely and voluntarily by the applicant, is in its self-interest, and is made without any pressure or coercion by anyone employed by the State of Florida Department of Environmental Protection.

This waiver shall expire on September 1, 2008.

The undersigned is authorized to make this waiver on behalf of the applicant.

*Lindsey J. Sampson*  
Signature/Date 7/31/08

LINDSEY J. SAMPSON, Director  
Name/Title (please print)  
Lee Co. Solid Waste Div.

-file-

**Sheplak, Scott**

---

**From:** Sheplak, Scott  
**Sent:** Tuesday, July 29, 2008 11:57 AM  
**To:** 'sampsolj@leegov.com'  
**Cc:** 'Kirk.Dunbar@HDRInc.com'  
**Subject:** Project Number 0710119-006-AV, Title V Air Operation Permit Revision Application  
**Attachments:** 0710119-006-AV 90 day waiver.doc

Mr. Lindsay J. Sampson:

I left a voice mail message for you on this. The current waiver expires on August 1, this Friday. We could use more time. This seems to be the first such request in Florida to include the May 10, 2006 federal regulation changes for municipal waste combustor units.

I have finished the draft and have passed it onto review by management. I integrated the May 10, 2006 federal regulation changes directly into the sections of the permit for Units 1 & 2. However, due to the structure of the PSD permit for Unit 3, I was unable to fully integrate at this time for Unit 3.

The waiver can be completed (signed & dated) and sent back to my attention. Thank you. Please contact with me with any questions.

Sincerely,

Scott M. Sheplak  
850/921-9532

[Scott.Sheplak@dep.state.fl.us](mailto:Scott.Sheplak@dep.state.fl.us)  
Fax 850/921-9533

8/6/2008

the facility to exceed any major source threshold(s) as defined in subparagraph 62-213.420(3)(c)1., F.A.C., unless it is acknowledged in the permit application that such units or activities would cause the facility to exceed such threshold(s).

- 3. Such unit or activity would neither emit nor have the potential to emit:
  - a. 500 pounds per year or more of lead and lead compounds expressed as lead;
  - b. 1,000 pounds per year or more of any hazardous air pollutant;
  - c. 2,500 pounds per year or more of total hazardous air pollutants; or
  - d. 5.0 tons per year or more of any other regulated pollutant.

*Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872 FS. History—New 11-28-93, Formerly 17-213.430, Amended 11-23-94, 3-20-96, 11-13-97, 2-11-99, 1-3-01, 4-16-01, 6-2-02, 3-16-08.*

**62-213.440 Permit Content**

(1) **Standard Permit Requirements.** Each permit issued under this chapter shall incorporate all applicable requirements for the Title V source and for each method of operation proposed by the applicant and approved by the Department. Each such permit shall include all emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements, with citation to the Department's rule authority for each term or condition, and identification of any difference in form from the applicable requirement upon which the term or condition is based. However, when there are multiple, redundant, or conflicting applicable requirements, these provisions can be reduced to a single streamlined term or condition that is the most stringent of the multiple applicable requirements. In addition, the Department shall label permit terms or conditions "not federally enforceable" consistent with 40 CFR 70.6(b)(2), adopted and incorporated by reference at Rule 62-204.800, F.A.C. Emissions units or pollutant-emitting activities within a Title V source determined to be insignificant pursuant to subsection 62-213.430(6), F.A.C., shall be identified. Whenever any condition or requirement of a Title V permit is added, changed, or deleted during the term of the permit, any such previous condition shall be documented with the permit for the duration of the term and any such new or changed condition shall include a condition effective date.

(a) **Permit Duration.** Permits for sources subject to the Federal Acid Rain Program shall be issued for terms of five years, provided that the initial Acid Rain Part may be issued for a term less than five years where necessary to coordinate the term of such part with the term of a Title V permit to be issued to the source. Operation permits for Title V sources may not be extended as provided in subsection 62-4.080(3), F.A.C., if such extension will result in a permit term greater than five years.

(b) **Monitoring and Related Recordkeeping and Reporting Requirements.**

1. Each permit shall specify the following requirements with respect to monitoring:

a. Emissions monitoring and analysis procedures or test methods specified by applicable requirements including 40 CFR 64, Compliance Assurance Monitoring, adopted and incorporated by reference at subsection 62-204.800, F.A.C.;

b. Periodic monitoring sufficient to yield reliable data from the relevant time period and that are representative of the source's compliance with the permit, as required by 40 CFR 70.6(a)(3)(i)(B), adopted and incorporated by reference at Rule 62-204.800, F.A.C. Periodic monitoring shall assure use of recordkeeping terms, test methods, units, averaging periods, or other statistical conventions consistent with the applicable requirement, as specified in subsection 62-213.440(4), F.A.C.; and

c. Requirements concerning the use, maintenance, and installation of monitoring equipment or methods.

2. The permit shall incorporate all applicable recordkeeping requirements including:

a. Records of monitoring information that specify the date, place, and time of sampling or measurement and the operating conditions at the time of sampling or measurement, the date(s) analyses were performed, the company or entity that performed the analyses, the analytical techniques or methods used, and the results of such analyses;

b. Retention of records of all monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460

OFFICE OF  
THE INSPECTOR GENERAL

March 29, 2002

MEMORANDUM

SUBJECT: Report No. 2002-P-00008  
EPA and State Progress in Issuing Title V Permits

FROM: Kwai-Cheung Chan  
Assistant Inspector General for Evaluation

TO: Jeffrey R. Holmstead  
Assistant Administrator for Air and Radiation

Attached is the final report for our evaluation of EPA and state progress in issuing Title V permits. The objectives of our evaluation were to identify (1) factors delaying the issuance of Title V permits by selected state and local agencies, and (2) practices contributing to more timely issuance of permits by selected state and local agencies. We appreciate the assistance of your staff in completing this report, as well as the assistance of the regional and state staff that participated in the review. We look forward to working with you and your staff in the future.

Action Required

In accordance with EPA Order 2750, your office is required to provide the OIG with a written response to the evaluation report within 90 days of the final report date. Your response should address corrective actions taken or planned, and include milestone dates for any corrective actions not yet completed. Please send your response to Leah Nikaidoh at [www.nikaidoh.leah@epa.gov](mailto:www.nikaidoh.leah@epa.gov). Her mailing address is:

U.S. EPA-Office of Inspector General  
Cincinnati, OH 45268  
MS: Norwood  
Attn: Leah Nikaidoh

We have no objection to the release of this report to the public. If you have any questions, please contact Leah Nikaidoh at (513) 487-2365.

Attachment

cc: Peter Cosier





**Office of Inspector General**  
**Evaluation Report**

---

**AIR**

**EPA and State Progress  
In Issuing Title V Permits**

**Report No. 2002-P-00008**

**March 29, 2002**

## Executive Summary

---

To reduce violations of air pollution laws and improve the enforcement of those laws, Title V of the 1990 Clean Air Act (Act) requires that all major stationary sources of air pollutants obtain a permit to operate.<sup>1</sup> Translating and consolidating the applicable air pollution requirements for major stationary sources into site-specific, legally enforceable permit limits is a complex, time-consuming, and resource intensive process. Nonetheless, in passing Title V, Congress provided the statutory authority, fee collection authority, and expectation that all Title V permits would be issued by November 1997, seven years after it passed the Act. However, over a decade later, only 70 percent of the sources have been issued Title V permits.

### Purpose

The Office of Inspector General (OIG) initiated this evaluation at the request of U.S. Environmental Protection Agency (EPA) Region 5 management because they were concerned about the progress state and local air pollution control agencies (state and local agencies) were making in issuing Title V permits under the Act. In planning the evaluation, we expanded the scope to include other EPA regions and states because problems in issuing Title V permits were not isolated to Region 5. The objectives of our evaluation were to identify:

- Factors delaying the issuance of Title V permits by selected state and local agencies, and
- • Practices contributing to more timely issuance of permits by selected state and local agencies.

### Results in Brief

#### ***Lack of State Resources, Complex EPA Regulations, and Conflicting Priorities Contributed to Permit Delays***

Nationwide, as of December 31, 2001, state and local agencies had issued 70 percent (13,036 of 18,709) of the required Title V permits. Of 112 state and local agencies approved to administer the Title V program, only 4 state and 17 local agencies had issued all of their Title V permits. In the six states we reviewed, key factors delaying the issuance of Title V permits included insufficient state resources, complex EPA regulations, and conflicting state priorities.

---

<sup>1</sup>A major stationary source is any non-mobile source of air pollution that meets one or more criteria as defined in the 1990 Clean Air Act. The criteria for major stationary source determinations is listed in appendix 1.

permits issued, but did not maintain an adequate database on specific delays in issuing individual permits.

- *Act's provisions to take action not used.* Although most state and local programs did not issue their permits within three years of EPA approval, EPA has not used the Act's provisions for issuing notices of deficiency, sanctions, and program withdrawal when state and local agencies have missed the Act's deadline for issuing initial Title V permits.

As a result, EPA oversight had little impact on the delays experienced by state and local agencies. The perspective of senior EPA officials is that they face a dilemma in trying to take more stringent actions, such as sanctions against state and local agencies, while adhering to agency policies to work with state and local agencies as partners in environmental protection to the maximum extent possible. Also, they believe that the Title V program has limited incentives for both states and industries to proactively address the existing permit backlog.

### ***Management Support, Partnerships, and Site Visits Contributed to More Timely Issuance of Title V Permits***

In the six states we reviewed, three practices that contributed to the progress that agencies made in issuing Title V operating permits were:

- State agency management support for the Title V program.
- • State agency and industry partnering.
- Permit writer site visits to facilities.

Each of these practices contributed to the writing and issuance of Title V operating permits on a more timely basis. Employing one or more of these practices, along with sufficient resources, contributed to Florida and Pennsylvania completing most of their permits before other states. However, EPA has not taken a leadership role in collecting and disseminating information on practices that show promise of helping agencies issue permits on a more timely basis.

### **Recommendations**

We recommend that the Assistant Administrator for Air and Radiation:

- Require EPA regions to conduct fee protocol reviews.
- Revive agency efforts to make air toxics standards easier to incorporate into Title V permits.

## Chapter 4

### Management Support, Partnerships, and Site Visits Contributed to More Timely Issuance of Title V Permits

Three practices that contributed to the progress state agencies made in issuing Title V operating permits were:

- Management support for the Title V program.
- • Regulatory agency and industry partnering.
- Site visits to sources.

Each of these practices contributed to the writing and issuance of Title V operating permits in each of the six state agencies we reviewed.

#### Management Support Helped Build Strong Programs

Implementation of effective Title V permitting programs was built upon strong management support and commitment to the issuance of Title V permits. Commitment to and support for the program were communicated to staff, industry, concerned citizens, and environmental groups. Our review identified three principles upon which management built support for a strong and effective Title V program:

- Organizational structure and dedicated resources.
- Accessible reporting system.
- Proactive management.

#### Organizational Structure and Dedicated Resources

An effective organizational structure is one where management has taken action to ensure there are sufficient resources for the Title V program. We identified examples in three of the six state agencies we reviewed where management took deliberate actions to ensure that their Title V programs would have sufficient resources to administer the program in a timely manner. These actions included having the right number of staff and ensuring that the staff were dedicated to issuing Title V permits. For example:

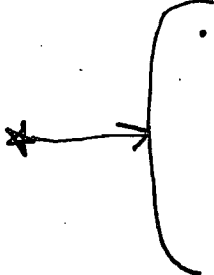
as an appeal board for state decisions. Maintaining an accessible tracking system in order to report to this independent group increased accountability for completing Title V permits.

- Colorado's Department of Public Health and Environment developed a database system for tracking the status of Title V permits, allowing management to know its progress in issuing permits.

*Proactive  
Management*

Proactive oversight helped management be aware of and avert issues that could potentially become impediments to implementing the program and slow the issuance of Title V permits in three agencies we reviewed. For example:

- Pennsylvania's Department of Environmental Protection specifically made an effort to nurture good communications between its own management and staff, as well as between the state agency, EPA, industry, and other concerned parties. Quarterly staff meetings were held that addressed issues and problems dealing with writing permits. Early in developing the Title V program, Pennsylvania identified training of staff, industry, and other concerned parties as a high priority. As a result, Pennsylvania developed its own expertise and in-house training. Also, Pennsylvania worked closely with EPA in developing general permit conditions and language. Consequently, EPA has not objected to any of Pennsylvania's Title V permits.

- 
- Florida's Department of Environmental Protection sponsored numerous workshops for communities and industry designed to answer their concerns and questions regarding the Title V operating permit process. Topics included agency regulations, permit content, and instructions for completing the permit application. Florida was also more timely in issuing Title V permits.

---

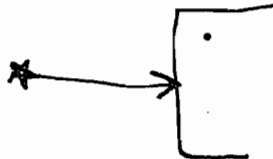
**Agency and Industry Partnering Fostered a Cooperative Program**

State or local agency and industry partnering early in the Title V process built mutual respect, cooperation, and trust, which were essential to the implementation of a technical and complex program. Working closely together, agencies and industry were able to overcome conflicts and problems that could have delayed the permitting process. For example, agency and industry partnering helped in the writing and adoption of:

- Model permit language.
- Monitoring, reporting, and record keeping requirements.
- Legislation affecting the permitting program.

These activities helped in developing effective and comprehensive Title V programs with less delays or problems with permits. For example:

- Pennsylvania's Department of Environmental Protection staff worked closely with facility operators in writing specific monitoring, reporting and record keeping requirements for Title V permits.



- Florida's Department of Environmental Protection worked closely with industry, over a period of three years, initiating and affecting legislative and regulatory changes implementing the state's Title V program.

Partly due to these activities, both Pennsylvania and Florida were more timely in issuing Title V permits.

---

**Visits to Sources Saved Time When Writing Permits**

Each of the six state programs we reviewed benefitted when permit writers made site visits to sources. For example, the site visits:

- Enabled permit writers to meet with source management and establish good working relationships. This helped writers to address source concerns before a final permit was issued and, in general, enhance cooperation and compliance and reduce potential source comments to the draft permit.

-file-

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

WAIVER OF 90 DAY TIME LIMIT FOR ISSUANCE OF PERMIT  
UNDER SECTIONS 120.60(1) and 403.0876, FLORIDA STATUTES

---

Applicant: Lee County Solid Waste Division

DEP File No.: 0710119-006-AV  
Title V Air Operation Permit Revision, Lee County RRF

The undersigned has read Sections 120.60(1) and 403.0876, Florida Statutes (F.S.), and fully understands the applicant's rights under those sections.

With regard to the above referenced permit application, the applicant hereby, with full knowledge and understanding of its rights under Sections 120.60(1) and 403.0876, F.S., waives the right under those statutes to have the application for a permit issued or denied by the State of Florida Department of Environmental Protection within the ninety day time period proscribed in those sections. Said waiver is made freely and voluntarily by the applicant, is in its self-interest, and is made without any pressure or coercion by anyone employed by the State of Florida Department of Environmental Protection.

This waiver shall expire on August 1, 2008.

The undersigned is authorized to make this waiver on behalf of the applicant.



6/20/2008

---

Signature/Date

Lindsey J. Sampson  
Director, Lee County Solid Waste Division  
Name/Title (please print)



# LEE COUNTY

## S O U T H W E S T F L O R I D A

### DIVISION OF SOLID WASTE

**10550 Buckingham Rd  
Fort Myers, FL 33905**

*PHONE NUMBER (239) 338-3302*

*FAX NUMBERS: (239) 338-3304*

TO:	<u>Scott M. Sheplak</u>	FAX NO.:	<u>850-921-9533</u>
FROM:	<u>Lindsey J. Sampson</u>	PHONE NUMBER:	<u>239-533-8000</u>
DATE:	<u>6/20/2008</u>	NO. OF PAGES:	<u>2</u> INCLUDING THIS ONE
SUBJECT:	<u>90-Day Waiver</u>		

SPECIAL INSTRUCTIONS/MESSAGE:

---



---



---



---

PLEASE CONTACT THIS OFFICE IMMEDIATELY IF TRANSMITTAL IS NOT RECEIVED PROPERLY. THANK YOU.



- file -

**Sheplak, Scott**

---

**From:** Sheplak, Scott  
**Sent:** Wednesday, June 18, 2008 2:15 PM  
**To:** 'sampsolj@leegov.com'  
**Cc:** 'Kirk.Dunbar@HDRInc.com'  
**Subject:** Project Number 0710119-006-AV, Title V Air Operation Permit Revision Application  
**Attachments:** 0710119-006-AV 90 day waiver.doc

Mr. Lindsay J. Sampson:

The attached time waiver provides me more time to process the subject application. I had started to draft this permit in mid-May but, have been busy with a reorg. & other projects like Clean Air Interstate Rule (CAIR) part permit application processing, etc.

I plan to begin drafting this one soon and having it to you by mid-July. My preference is to integrate the May 10, 2006 federal regulation changes directly into the appropriate sections of the permit; this seems to be the first such request in Florida. With what Mr. Dunbar provided this project will be easier.

The waiver can be completed (signed & dated) and sent back to my attention. Thank you. Please contact with me with any questions.

Sincerely,

Scott M. Sheplak  
State of Florida, Department of Environmental Protection  
Mail Station #5505  
2600 Blair Stone Road  
Tallahassee, FL 32399

850/921-9532  
[Scott.Sheplak@dep.state.fl.us](mailto:Scott.Sheplak@dep.state.fl.us)  
Fax 850/921-9533

8/6/2008

**Sheplak, Scott**

-file-

**From:** Sheplak, Scott  
**Sent:** Wednesday, June 18, 2008 4:14 PM  
**To:** 'Dunbar, Kirk'  
**Cc:** Sampson, Lindsey J.; Macionski,Becky  
**Subject:** RE: Lee County Resource Recovery Facility, Lime Silo Constructed with Unit 3

That is correct.

My plans are to reflect the new lime silo and existing carbon silo in the description of the Title V permit only. We include units into Title V permits as being 'regulated,' 'unregulated' or 'insignificant.' Not being sources of air pollution they do not even need to be mentioned in the permit. For reference purposes it will help for them to be in a description in my opinion.

---

**From:** Dunbar, Kirk [mailto:Kirk.Dunbar@hdrinc.com]  
**Sent:** Wednesday, June 18, 2008 2:29 PM  
**To:** Sheplak, Scott  
**Cc:** Sampson, Lindsey J.; Macionski,Becky  
**Subject:** Lee County Resource Recovery Facility, Lime Silo Constructed with Unit 3

Scott - Lee County is currently operating Unit 3 (EU 006) and a new lime silo (EU 007) under Air Construction Permit 0710119-005-AC, PSD-FL-151D, which incorporates the requirements of Air Construction Permit 0710119-002-AC, PSD-FL-151C. Section III.C.3 of that permit requires annual compliance testing of the new lime silo (EU 007), as well as the existing carbon silo. Both of these emission units vent internally to the building (i.e., neither has a stack that discharges to the atmosphere). Based on past conversations we have had, my understanding is that emission units that vent internally to building air are not considered emission units for FDEP permitting purposes and, therefore, faculties are not required to conduct performance tests on such equipment. Please confirm that, based on the fact the the new lime silo and the carbon silo both vent internally, Lee County is not required to perform annual compliance testing on the equipment.

Thanks in advance for your assistance regarding this matter. If you have any questions, please feel free to call me.

Kirk.

**M. Kirk Dunbar**  
 Air Quality Engineer

**HDR ONE COMPANY | *Many Solutions***  
 701 Xenia Avenue South | Suite 600 | Minneapolis, MN | 55416  
 Phone: 763.591.5476 | Fax: 763.591.5413 | Email: kirk.dunbar@hdrinc.com

6/23/2008

-9-  
original



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Bob Janes  
District One

A. Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

April 10, 2008

Mr. Scott Sheplak  
Bureau of Air Regulation  
Department of Environmental Protection  
2600 Blair Stone Rd., Mail Station 5505  
Tallahassee, Florida 32399

**RECEIVED**

APR 11 2008

**BUREAU OF AIR REGULATION**


**Subject: Lee County RRF, Title V Air Operation Permit Revision  
Project No. 0710119-006-AV, Additional Information Response**

Dear Mr. Sheplak:

Attached is an additional "Responsible Official Certification" for the subject application. When the package of Additional Information was provided to you last week I was out of town. I authorized our Department to include the 'Certification' with my electronic signature.

The attached Certification provides the Department with an "Original" document. Please call me at 239-338-3302 if you have any questions.

Sincerely,

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

Cc: D. Castro, HDR  
K. Dunbar, HDR  
B. Macionski, Covanta  
A. Satyal, DEP South District

S:\WTE EXPANSION\DEP CONST SUBMITTALS\TITLE V APP & CORRES\DEP ADDL INFO CERT COVR.DOC


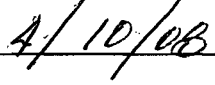
APPLICATION INFORMATION

RECEIVED

APR 11 2008

Application Responsible Official Certification

Complete if applying for an initial, revised, or renewal Title V air operation permit or concurrent processing of an air construction permit and revised or renewal Title V air operation permit. If there are multiple responsible officials, the "application responsible official" need not be the "primary responsible official."

1. Application Responsible Official Name: LINDSEY SAMPSON
2. Application Responsible Official Qualification (Check one or more of the following options, as applicable):  <input type="checkbox"/> For a corporation, the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit under Chapter 62-213, F.A.C. <input type="checkbox"/> For a partnership or sole proprietorship, a general partner or the proprietor, respectively. <input checked="" type="checkbox"/> For a municipality, county, state, federal, or other public agency, either a principal executive officer or ranking elected official. <input type="checkbox"/> The designated representative at an Acid Rain source, CAIR source, or Hg Budget source.
3. Application Responsible Official Mailing Address... Organization/Firm: LEE COUNTY Street Address: 10500 BUCKINGHAM ROAD SUITE 200 City: FORT MEYERS State: FL Zip Code: 33905
4. Application Responsible Official Telephone Numbers... Telephone: (239) 338 - 3302 ext. Fax: (239) 461 - 5871
5. Application Responsible Official E-mail Address: sampsolj@leegov.com
6. Application Responsible Official Certification:  <i>I, the undersigned, am a responsible official of the Title V source addressed in this air permit application. I hereby certify, based on information and belief formed after reasonable inquiry, that the statements made in this application are true, accurate and complete and that, to the best of my knowledge, any estimates of emissions reported in this application are based upon reasonable techniques for calculating emissions. The air pollutant emissions units and air pollution control equipment described in this application will be operated and maintained so as to comply with all applicable standards for control of air pollutant emissions found in the statutes of the State of Florida and rules of the Department of Environmental Protection and revisions thereof and all other applicable requirements identified in this application to which the Title V source is subject. I understand that a permit, if granted by the department, cannot be transferred without authorization from the department, and I will promptly notify the department upon sale or legal transfer of the facility or any permitted emissions unit. Finally, I certify that the facility and each emissions unit are in compliance with all applicable requirements to which they are subject, except as identified in compliance plan(s) submitted with this application.</i>   Signature <span style="float: right;"> Date</span>

**Sheplak, Scott**

-file-

---

**From:** Sheplak, Scott  
**Sent:** Wednesday, March 26, 2008 9:26 AM  
**To:** Satyal, Ajaya  
**Cc:** Lewis, Wayne; Wider, Russell  
**Subject:** RE: Lee County RRF 0710119

The database (ARMS & EPSAP) should show that on December 28, 2007, they applied for a revision to the Title V air operation permit to include this new unit. I am processing that request.

---

**From:** Satyal, Ajaya  
**Sent:** Tuesday, March 25, 2008 4:36 PM  
**To:** Sheplak, Scott  
**Cc:** Lewis, Wayne  
**Subject:** Lee County RRF 0710119

Hi Scott,

Hey, what's the status on their permit ? I understand their AC permit for Unit 3 has expired in December 2007. Have you received a new application?

Ajaya Satyal

~~-file-~~**Sheplak, Scott**

---

**From:** Friday, Barbara  
**Sent:** Tuesday, February 12, 2008 12:03 PM  
**To:** 'sampsolj@leegov.com'; 'don.castro@hdrinc.com'; 'Kirk.Dunbar@HDRInc.com'; Halpin, Mike; Satyal, Ajaya  
**Cc:** Sheplak, Scott  
**Subject:** RequestforAdditionalInformation-0710119-006-AV - Lee County RRF  
**Attachments:** ExcerptofRule62-204.800,F.A.C..pdf; LindsaySampson0710119-006-AVRAI.pdf

Dear Sir/Madam:

Please send a "reply" message verifying receipt of the attached document(s); this may be done by selecting "Reply" on the menu bar of your e-mail software and then selecting "Send". We must receive verification of receipt and your reply will preclude subsequent e-mail transmissions to verify receipt of the document(s).

The document(s) may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible.

The document is in Adobe Portable Document Format (pdf). Adobe Acrobat Reader can be downloaded for free at the following internet site: <http://www.adobe.com/products/acrobat/readstep.html>.

The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering community. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record.

Thank you,

DEP, Bureau of Air Regulation

2/12/2008



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

February 12, 2008

*Sent via Electronic Mail - Received Receipt Requested*

[sampsolj@leegov.com](mailto:sampsolj@leegov.com)

Mr. Lindsay J. Sampson  
Director  
Lee County Solid Waste Division  
10500 Buckingham Road, Suite 200  
Fort Myers, Florida 33905

Re: Request for Additional Information  
Project Number 0710119-006-AV, Title V Air Operation Permit Revision Application  
Lee County RRF

Dear Mr. Sampson:

The Department received the subject application for a Title V air operation permit revision via Electronic Permit Submittal and Processing System (EPSAP) on December 28, 2007. The Lee County Resource Recovery Facility is located in Lee County at 10500 Buckingham Road, Fort Myers.

In order to continue processing your application, the Department will need the additional information items requested below. Should your response to any of the below items require new calculations, please submit the new calculations, assumptions, reference material and appropriate revisions to the application.

## **Additional Information Items**

### A. Initial Compliance Tests, Initial Performance Testing & Construction Permit Requirements.

1. Provide an executive summary (cover letter & summary) of the recent test results for Unit 3 as submitted to the compliance authority, the South District Office.
2. Was the information from 40 CFR 60.59b(f) provided in the test report as required by Condition B.11. of PSD-FL-151C? What were the values?
3. Did Unit 3 demonstrate compliance with the air pollutant emission standards and limitations from PSD-FL-151D?

4. Condition B.4. of the PSD-FL-151C permit required the permittee to submit manufacturer guarantees for the selected air pollution control equipment, e.g., baghouse, spray dryer scrubber, carbon injection system and selective non catalytic reduction system (SNCR) system, to the South District Office. Please provide a copy.
5. Were the design specifications of the MWC Unit 3 selected submitted to the South District Office as required by Condition B.26. of PSD-FL-151C?
6. Condition D.3.(c) of PSD-FL-151C required an Operational Procedures Manual to be submitted to the South District Office.
  - a. Has this been submitted to the South District Office?
  - b. The procedures are also required to be provided with the initial Title V permit application for Unit 3 (see the application form, Emissions Unit Section I. Additional Information item number 4.). In the EPSAP, a previously submitted document was cited as having been submitted on the February 17, 2003. This could not be located on file. Please provide a copy to this office.
7. I found the note in the comment field (page 154) within the EPSAP submission regarding the lime silo. The PSD permit addressed a lime and carbon silo. Do both the lime and carbon silos vent internally?

**B. New Applicable Requirements - Federal Regulation Amendments, Municipal Waste Combustors 40 CFR 60, Subparts Cb & Eb.**

1. U.S. EPA recently filed a motion to remand the recent amendments to 40 CFR 60, Subpart Cb & Eb. The amendments had been promulgated by U.S. EPA on May 10, 2006, and were adopted by reference into the Florida rules on May 31, 2007, at Rule 62-204.800(8)(b)7., F.A.C. and Rule 62-204.800(9)(b), F.A.C. (excerpts of rule adoption are enclosed). Note certain exceptions were made in Florida's adoption of 40 CFR 60, Subpart Cb in Rule 62-204.800(9)(b), F.A.C.

As part of these amendments, the emission limits for lead (Pb), cadmium (Cd), mercury (Hg) and particulate matter (PM) were lowered. For example, the Cd emission limit for a 'new' (an Eb unit) unit which would apply to Unit 3, was changed from: 20 microgram/dscm to: 10 microgram/dscm {note: the BACT limit is 0.02 mg/dscm}. Another example applying to an 'existing' unit (a Cb unit) like Units 1 and 2, the Hg emission limit was lowered from: 80 microgram/dscm {note: Florida Rule 62-296.416, F.A.C. limits Hg to 70 microgram/dscm} to: 50 microgram/dscm. The amendments also changed test scheduling & frequency and provide an array of options for the use of new continuous emissions monitoring system (CEMs) technology for Hg, dioxin, multi-metal & HCl emissions.

- a. Please prepare a chart(s) showing the current emission limits vs. the new emission limits under these amendments for Units 1, 2 and 3. The new



emission standards and limits are scheduled to take effect April 28, 2009 (compliance deadline) for all of the amendments.

- b. Do the amendments contain any new applicable requirements for Unit 1, 2 and/or 3? Please provide any written materials highlighting the changes as this can be useful in revising the conditions of the permit and useful for the facility in making the transition to the new requirements.
- c. Are any modifications to Unit 1, 2 and/or 3 necessary to come into compliance with the federal amendment changes?
- d. The permits for Unit 3, PSD-FL-151D and PSD-FL-151C do not contain these amendments. The most recent Title V permit number 0710119-004-AV renewed for Unit 1 and 2, effective April 4, 2006, does not contain the amendments. These federal amendments are considered to be applicable requirements until they are removed from the "books."

With the amendments currently on the books, these federal regulation amendments need to be identified as applicable requirements in the application, specifically, the supplemental attachment and any affected pieces of the application form (DEP Form No. 62-210.900(1) - Form, EPSAP version). Please make any necessary changes to the application and resubmit.

Note: If the amendments are removed entirely, they do not need to be included in the permit. We understand that it could take the U.S. EPA two months or more to remand the May 10, 2006, amendments. In addition, the ultimate outcome of the remand is unknown at this time.

The inclusion of Unit 3 can easily be accomplished as requested with or without the federal amendments. If a revised permit were issued today for the inclusion of Unit 3 alone, the federal amendments must be included for this unit. To simplify this permitting action, you could withdraw the request to revise the Title V permit to reflect the amendments for Unit 1 and 2. We can discuss further how to best proceed, keeping this permitting action simplified.

C. New Applicable Requirements - Maximum Available Control Technologies (MACTs).

1. U.S. EPA promulgated the Reciprocating Internal Combustion Engines (RICE) MACT, 40 CFR 63, Subpart ZZZZ on February 26, 2004. The RICE MACT was adopted by reference shortly thereafter into the Florida rules at Rule 62-204.800(11)(b), F.A.C.

Is the diesel generator listed in Appendix I -1, item 17., subject to this MACT? Please provide key information on the applicability like the type of engine, date it was constructed, etc.

D. New Applicable Requirements - Compliance Assurance Monitoring (CAM) Plan.

The U.S. EPA promulgated and the State of Florida adopted the CAM federal regulation, 40 CFR 64, in Rule 62-204.800, F.A.C. CAM may apply to pollutants for which federal standards were promulgated pre-1990 (see the CAM federal regulation, for the complete applicability). CAM does not apply to post-1990 federal standards for certain pollutants.

1. Within the CAM Plan, applicability was addressed for individual air pollutants limited in the PSD permit. Ammonia was not addressed. Ammonia is limited in Condition B.8 of the PSD permit. Please address CAM applicability to ammonia emissions.
2. Mercury (Hg) emissions. You provided an uncontrolled estimate of 0.71 tons per year (TPY) for Hg emissions. The permit limits the TPY to 0.0736 based on no less than 85% reduction. What level of reduction was achieved during the initial compliance test? What were the actual Hg emissions during the test?
3. In the CAM Plan submitted for Unit 3 on page 2, a reference was made to a July 7, 1999, U.S. EPA policy memo as being attached. The attachment was not found. Please provide the attachment.
4. Hydrogen fluoride (HF) & sulfuric acid mist (SAM) emissions. In Section III.C. on pages 5 & 8 of the proposed CAM Plan, SO<sub>2</sub> testing was referenced.
  - a. What were the SO<sub>2</sub> test results? What level of reduction of SO<sub>2</sub> emissions, %, was achieved during compliance testing? Compared to the emission limit of 26 ppm, at what level, %, was the unit operating within the limit?
  - b. Was compliance evaluated on the HF limit in the PSD permit of 3.5 ppm? Actual testing could be used for additional justification in the CAM Plan
5. In the applicable requirements supplemental attachment, CAM is listed as not being applicable to Unit 3 on page 4. However, in the emissions unit information section of the form (page 153) CAM is checked as being applicable and a CAM Plan is attached. It appears that Unit 3 is required to have a CAM Plan. Please correct this supplemental attachment if this is the case.
6. Please provide a Microsoft® Word version of the proposed CAM Plan.

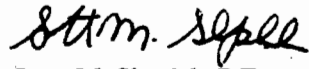
The Department will resume processing your application after receipt of the requested information. Rule 62-4.050(3), F.A.C. requires that all applications for a Department Title V air operation permit must be certified by a professional engineer (P.E.) registered in the State of Florida. This requirement also applies to responses to Department requests for additional information of an engineering nature. The requested items require a P.E. certification. For any

Request for Additional Information  
Project Number 0710119-006-AV, Title V Air Operation Permit Revision Application  
Lee County RRF  
Page 5 of 5

material changes to the application, please include a new certification statement by the responsible official (R.O.).

If you should have any questions, please contact me at 850/921-9532.

Sincerely,



Scott M. Sheplak, P.E.  
Title V Section  
Bureau of Air Regulation  
Mail Station #5505  
[Scott.Sheplak@dep.state.fl.us](mailto:Scott.Sheplak@dep.state.fl.us)

/sms

Enclosures

Excerpts of Rule 62-204.800, F.A.C.

copy to: Mr. Donald J. Castro, P.E., HDR Engineering, Inc.: [Don.Castro@HDRInc.com](mailto:Don.Castro@HDRInc.com)  
Mr. Kirk Dunbar, HDR Engineering, Inc.: [Kirk.Dunbar@HDRInc.com](mailto:Kirk.Dunbar@HDRInc.com)  
Mr. Mike Halpin, P.E., DEP-Siting: [mike.halpin@dep.state.fl.us](mailto:mike.halpin@dep.state.fl.us)  
Mr. A. J. Satyal, DEP-SD: [ajaya.satyal@dep.state.fl.us](mailto:ajaya.satyal@dep.state.fl.us)

## CHAPTER 62-204 AIR POLLUTION CONTROL - GENERAL PROVISIONS

62-204.100	Purpose and Scope. (Effective 3/13/96)
62-204.200	Definitions. (Effective 2/12/06)
62-204.220	Ambient Air Quality Protection. (Effective 3/13/96)
62-204.240	Ambient Air Quality Standards. (Effective 3/13/96)
62-204.260	Prevention of Significant Deterioration Maximum Allowable Increases (PSD Increments). (Effective 2/12/06)
62-204.300	Approved State Implementation Plan. (Repealed)
62-204.320	Procedures for Designation and Redesignation of Areas. (Effective 3/13/96)
62-204.340	Designation of Attainment, Nonattainment, and Maintenance Areas. (Effective 3/13/96)
62-204.360	Designation of Prevention of Significant Deterioration Areas. (Effective 3/13/96)
62-204.400	Public Notice and Hearing Requirements for State Implementation Plan Revisions. (Effective 11/30/94)
62-204.500	Conformity. (Effective 9/1/98)
62-204.600	Transportation Conformity. (Repealed)
62-204.800	Federal Regulations Adopted by Reference. (Effective 2/1/08)

### 62-204.100 Purpose and Scope.

(1) This chapter establishes maximum allowable levels of pollutants in the ambient air, or ambient air quality standards, necessary to protect human health and public welfare. This chapter also establishes maximum allowable increases in ambient concentrations for subject pollutants to prevent significant deterioration of air quality in areas where ambient air quality standards are being met. It further specifies approved air quality monitoring and modeling methods.

(2) In addition, this chapter designates all areas of the state as attainment, nonattainment, or unclassifiable with respect to each pollutant for which ambient air quality standards have been adopted; further designates certain attainment and unclassifiable areas of the state as air quality maintenance areas for particular pollutants; classifies all areas of the state as Class I, Class II, or Class III for determining which set of prevention of significant deterioration (PSD) increments apply; and designates all attainment and unclassifiable areas of the state as one or more PSD areas for determining which pollutant-specific PSD baseline dates apply. This chapter also sets forth procedures for redesignating and reclassifying areas as above.

(3) The Department of Environmental Protection adopts this chapter to identify the Florida State Implementation Plan (SIP) required by the U.S. Environmental Protection Agency pursuant to 40 C.F.R. Part 51; to set forth the public notice and hearing requirements that the Department will adhere to for making SIP revisions; and to set forth the definitions, criteria, and procedures that the Department will use to review a federal agency's general conformity determination, made pursuant to 40 C.F.R. Part 51, Subpart W; and to adopt by reference an interagency memorandum of agreement that the Department will comply with to review any transportation conformity determination, made pursuant to 40 C.F.R. Part 51, Subpart T. The provisions to 40 C.F.R. 51.853 require that a federal agency make a general conformity determination for any federal agency action in a nonattainment or maintenance area, to ensure that such action is consistent with the SIP and that such federal conformity determination be reviewed by the affected state. The provisions of 40 C.F.R. 51.394 require that a transportation conformity determination be made for the adoption, acceptance, approval, or support of certain transportation plans, transportation improvement programs, and transportation projects in nonattainment and maintenance areas for transportation-related criteria pollutants to ensure that such actions are consistent with the SIP.

(4) Finally, this chapter adopts and incorporates by reference federal air pollution control regulations which are referenced in whole or in part throughout the Department's air pollution control rules.

*Specific Authority 403.061, 403.8055 FS. Law Implemented 403.021, 403.031, 403.061, 403.8055 FS. History—New 11-30-94, Amended 3-13-96.*

### 62-204.200 Definitions.

The following words and phrases when used in this chapter, unless content clearly indicates otherwise, have the following meanings:

(1) "Actual Emissions" – The actual rate of emission of a pollutant from an emissions unit as determined in accordance with the following provisions.

**62-204.500 Conformity.**

(1) General Conformity. The provisions of this rule apply to state review of all federal general conformity determinations submitted to the state pursuant to 40 C.F.R. Part 51, Subpart W, adopted and incorporated by reference at Rule 62-204.800, F.A.C. Pursuant to 40 C.F.R. Part 51, Subpart W, federal agencies are required to make conformity determinations to ensure that certain federal actions are consistent with the State Implementation Plan.

(a) Definitions. In addition to the definitions in Rule 62-204.200, F.A.C., the definitions used in reviewing federal general conformity determinations shall be the definitions in 40 C.F.R. 51.852.

(b) Criteria. The criteria for reviewing federal general conformity determinations shall be the criteria in 40 C.F.R. 51.858.

(c) Procedures. The procedures for reviewing federal general conformity determinations shall be the procedures in 40 C.F.R. 51.859.

(d) Mitigation of Air Quality Impacts.

1. A federal general conformity determination submitted to the Department for review must contain, at a minimum, the following before the Department can make a positive finding of conformity in its review.

a. Any measures that are intended to mitigate air quality impacts must be identified, and the process for implementation and enforcement of such measures must be described including an implementation schedule containing explicit timelines for implementation.

b. Written commitments to take any mitigation measures from all persons or agencies committing to such measures.

2. A positive finding of conformity by the Department in any review of a federal general conformity determination is expressly based, in part, on reliance that all written commitments for mitigation measures shall be fulfilled by the timelines set out in such written commitments. Failure to fulfill such mitigation measures by the explicit timelines expressed in the written commitments shall nullify a positive Department review finding of conformity as of midnight of the date of the unfulfilled expressed timeline.

(2) Transportation Conformity. Pursuant to 40 C.F.R. 93.105, adopted and incorporated by reference at Rule 62-204.800, F.A.C., the Department has certain consultation and conflict resolution responsibilities in the transportation conformity process. The Department will carry out these responsibilities for transportation conformity pursuant to the interagency memorandum of agreement as revised in 1998 and hereby adopted and incorporated by reference.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061 FS. History—New 11-30-94, Amended 3-13-96, 3-23-97, 9-1-98.

**62-204.800 Federal Regulations Adopted by Reference.**

All federal regulations cited throughout the air pollution rules of the Department are adopted and incorporated by reference in this rule. The purpose and effect of each such federal regulation is determined by the context in which it is cited. Procedural and substantive requirements in the incorporated federal regulations are binding as a matter of state law only where the context so provides.

(1) Title 40, Code of Federal Regulations, Part 50, National Primary and Secondary Ambient Air Quality Standards.

(a) The provisions of 40 CFR Part 50, Sections 50.1 through 50.12, revised as of July 1, 2006; Section 50.13, promulgated October 17, 2006, at 71 FR 61143; and Section 50.14, promulgated March 22, 2007, at 72 FR 13559; amended May 22, 2007, at 72 FR 28612; are adopted and incorporated by reference.

(b) The following appendices of 40 CFR Part 50, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 50, Appendix A, Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method).

2. 40 CFR 50, Appendix B, Reference Method for Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method).

3. 40 CFR 50, Appendix C, Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry).

4. 40 CFR 50, Appendix D, Measurement Principle and Calibration Procedure for the Measurement of Ozone in the

(4) Title 40, Code of Federal Regulations, Part 53, Ambient Air Monitoring Reference and Equivalent Methods. The following subparts of 40 CFR Part 53, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

(a) 40 CFR 53, Subpart A, General Provisions; amended October 17, 2006, at 71 FR 61235.

(b) 40 CFR 53, Subpart B, Procedures for Testing Performance Characteristics of Automated Methods for SO<sub>2</sub>, CO, O<sub>3</sub>, and NO<sub>2</sub>.

(c) 40 CFR 53, Subpart C, Procedures for Determining Comparability Between Candidate Methods and Reference Methods; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193.

(d) 40 CFR 53, Subpart D, Procedures for Testing Performance Characteristics of Methods for PM<sub>10</sub>.

(e) 40 CFR 53, Subpart E, Procedures for Testing Physical (Design) and Performance Characteristics of Reference Methods and Class I and Class II Equivalent Methods for PM<sub>2.5</sub> or PM<sub>10-2.5</sub>; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193.

(f) 40 CFR 53, Subpart F, Performance Specifications for PM<sub>2.5</sub> Class II Equivalent Samplers; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193.

(5) Title 40, Code of Federal Regulations, Part 55, Outer Continental Shelf Air Regulations.

(a) The provisions of 40 CFR Part 55, Sections 55.1 through 55.15, revised as of July 1, 2001, are adopted and incorporated by reference.

(b) The following appendices of 40 CFR Part 55, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

Appendix A, Listing of State and Local Requirements Incorporated by Reference into Part 55, by State.

(6) Title 40, Code of Federal Regulations, Part 58, Ambient Air Quality Surveillance.

(a) The following subparts of 40 CFR Part 58, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 58, Subpart A, General Provisions; amended October 17, 2006, at 71 FR 61235.

2. 40 CFR 58, Subpart B, Monitoring Network, amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193.

3. 40 CFR 58, Subpart C, Special Purpose Monitors; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193.

4. 40 CFR 58, Subpart D, Comparability of Ambient Data to NAAQS; amended October 17, 2006, at 71 FR 61235.

5. 40 CFR 58, Subpart F, Air Quality Index Reporting; amended October 17, 2006, at 71 FR 61235.

6. 40 CFR 58, Subpart G, Federal Monitoring; amended October 17, 2006, at 71 FR 61235.

(b) The following appendices of 40 CFR Part 58, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 58, Appendix A, Quality Assurance Requirements for SLAMS, SPMs and PSD Air Monitoring; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193.

2. 40 CFR 58, Appendix C, Ambient Air Quality Monitoring Methodology; amended October 17, 2006, at 71 FR 61235.

3. 40 CFR 58, Appendix D, Network Design Criteria for Ambient Air Quality Monitoring; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193.

4. 40 CFR 58, Appendix E, Probe and Monitoring Path Siting Criteria for Ambient Air Quality Monitoring; amended October 17, 2006, at 71 FR 61235.

5. 40 CFR 58, Appendix G, Uniform Air Quality Index (AQI) and Daily Reporting.

(7) Title 40, Code of Federal Regulations, Part 59, National Volatile Organic Compound Emission Standards For Consumer And Commercial Products. Standards Adopted. The following National Volatile Organic Compound Emission Standards For Consumer And Commercial Products contained in 40 CFR Part 59, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

(a) 40 CFR 59, Subpart B, Automobile Refinish Coatings.

(b) 40 CFR 59, Subpart C, Consumer Products.

(c) 40 CFR 59, Subpart D, Architectural Coatings.

(8) Title 40, Code of Federal Regulations, Part 60, Standards of Performance for New Stationary Sources.

(a) Definitions. For the purposes of subsection 62-204.800(8), F.A.C., the definitions contained in the various provisions of 40 CFR Part 60 adopted herein shall apply, except that the term "Administrator," when used in any provision of 40 CFR Part 60 that is delegated to the Department by the U.S. Environmental Protection Agency, shall mean the Secretary or the Secretary's designee.

(b) Standards Adopted. The following Standards of Performance for New Stationary Sources contained in 40 CFR Part 60, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 60, Subpart D, Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971; amended June 13, 2007, at 72 FR 32709.

2. 40 CFR 60, Subpart Da, Electric Utility Steam Generators for Which Construction Is Commenced After September 18, 1978; amended August 14, 2001, at 66 FR 42608; amended May 18, 2005, at 70 FR 28605; amended August 30, 2005, at 70 FR 51266; amended February 27, 2006, at 71 FR 9865; amended June 13, 2007, at 72 FR 32709; except that the Secretary is not the Administrator for purposes of 40 CFR 60.47a.

3. 40 CFR 60, Subpart Db, Industrial-Commercial-Institutional Steam Generating Units; amended August 14, 2001, at 66 FR 42608; amended October 1, 2001, at 66 FR 49830; amended February 27, 2006, at 71 FR 9865; amended November 16, 2006, at 71 FR 66681; amended June 13, 2007, at 72 FR 32709; except that the Secretary is not the Administrator for purposes of 40 CFR 60.44b(f) and (g) and 40 CFR 60.49b(a)(4).

4. 40 CFR 60, Subpart Dc, Small Industrial-Commercial-Institutional Steam Generating Units; amended February 27, 2006, at 71 FR 9865; amended June 13, 2007, at 72 FR 32709; except that the Secretary is not the Administrator for the purposes of 40 CFR 60.48c(a)(4).

5. 40 CFR 60, Subpart E, Incinerators; amended October 30, 2003, at 68 FR 61759.

6. 40 CFR 60, Subpart Ea, Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989, and on or Before September 20, 1994.

7. 40 CFR 60, Subpart Eb, Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994, or for Which Modification or Reconstruction is Commenced After June 19, 1996; amended July 12, 2001, at 66 FR 36473; amended November 16, 2001, at 66 FR 57824; amended May 10, 2006, at 71 FR 27324. Any municipal waste combustor plant which contains a municipal waste combustor unit subject to 40 CFR 60, Subpart Eb, is subject to the permitting requirements of Chapter 62-213, F.A.C. Any municipal waste combustor plant subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to 40 CFR 60, Subpart Eb, shall file an application for an operation permit under the requirements of Chapter 62-213, F.A.C., ninety days before expiration of the source's construction permit, but no later than 180 days after commencing operation.

8. 40 CFR 60, Subpart Ec, Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996; except that the Secretary is not the Administrator for purposes of 40 CFR 60.56 (c)(i).

9. 40 CFR 60, Subpart F, Portland Cement Plants.

10. 40 CFR 60, Subpart G, Nitric Acid Plants.

11. 40 CFR 60, Subpart H, Sulfuric Acid Plants.

12. 40 CFR 60, Subpart I, Hot Mix Asphalt Facilities.

13. 40 CFR 60, Subpart J, Petroleum Refineries.

14. 40 CFR 60, Subpart K, Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.

15. 40 CFR 60, Subpart Ka, Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984; except that the Secretary is not the Administrator for purposes of 40 CFR 60.114a.

16. 40 CFR 60, Subpart Kb, Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984; amended October 15, 2003, at 68 FR 59328.

17. 40 CFR 60, Subpart L, Secondary Lead Smelters.

18. 40 CFR 60, Subpart M, Secondary Brass & Bronze Production Plants.

19. 40 CFR 60, Subpart N, Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.

which regulates emissions of pollutants or emissions units not regulated by an applicable Standard of Performance, shall apply.

(d) General Provisions Adopted. The general provisions of 40 CFR Part 60, Subpart A, revised as of July 1, 2001; amended August 27, 2001, at 66 FR 44978; amended July 8, 2004, at 69 FR 41346; amended May 18, 2005, at 70 FR 28605; amended December 16, 2005, at 70 FR 74869; amended June 1, 2006, at 71 FR 31100; amended July 6, 2006, at 71 FR 38481; amended July 11, 2006, at 71 FR 39153; amended May 16, 2007, at 72 FR 27437; amended June 13, 2007, at 72 FR 32709; are adopted and incorporated by reference except that the Secretary is not the Administrator for purposes of 40 CFR 60.4, 40 CFR 60.8(b)(2) and (3), 40 CFR 60.11(e)(7) and (8), 40 CFR 60.13(g), (i) and (j)(2), and 40 CFR 60.16.

(e) Appendices Adopted. The following appendices of 40 CFR Part 60, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 60, Appendix A-1, Test Methods 1 through 2F.
2. 40 CFR 60, Appendix A-2, Test Methods 2G through 3C; amended May 15, 2006, at 71 FR 28081; amended September 7, 2007, at 72 FR 51365.
3. 40 CFR 60, Appendix A-3, Test Methods 4 through 5I.
4. 40 CFR 60, Appendix A-4, Test Methods 6 through 10B; amended May 15, 2006, at 71 FR 28081; amended September 7, 2007, at 72 FR 51365.
5. 40 CFR 60, Appendix A-5, Test Methods 11 through 15A.
6. 40 CFR 60, Appendix A-6, Test Methods 16 through 18.
7. 40 CFR 60, Appendix A-7, Test Methods 19 through 25E; amended May 15, 2006, at 71 FR 28081; amended September 21, 2006, at 71 FR 55119; amended September 7, 2007, at 72 FR 51365.
8. 40 CFR 60, Appendix A-8, Test Methods 26 through 30B; amended September 7, 2007, at 72 FR 51493.
9. 40 CFR 60, Appendix B, Performance Specifications, amended January 12, 2004, at 69 FR 1785; amended May 18, 2005, at 70 FR 28605; amended September 21, 2006, at 71 FR 55119; amended June 13, 2007, at 72 FR 32709.
10. 40 CFR 60, Appendix C, Determination of Emission Rate Change.
11. 40 CFR 60, Appendix D, Required Emission Inventory Information.
12. 40 CFR 60, Appendix F, Quality Assurance Procedures, amended January 12, 2004, at 69 FR 1785; amended June 13, 2007, at 72 FR 32709.

(9) Title 40, Code of Federal Regulations, Part 60, Emission Guidelines and Compliance Times.

(a) General Applicability and Definitions.

1. The Emission Guidelines for Existing Sources adopted by reference in this rule shall be controlling over other standards in the air pollution rules of the Department except that any emissions limiting standard contained in or determined pursuant to the air pollution rules of the Department which is more stringent than one contained in an Emission Guideline, or which regulates emissions of pollutants or emissions units not regulated by an applicable Emission Guideline, shall apply.

2. For the purposes of subsection 62-204.800(9), F.A.C., the definitions contained in the various provisions of 40 CFR Part 60 adopted herein shall apply, except that the term "Administrator," when used in any provision of 40 CFR Part 60 that is delegated to the Department by the U.S. Environmental Protection Agency, shall mean the Secretary or the Secretary's designee.

(b) Municipal Waste Combustors. 40 CFR 60, Subpart Cb, Emission Guidelines and Compliance Times for Large Municipal Waste Combustors That Are Constructed on or Before September 20, 1994, revised as of July 1, 2001, amended July 14, 2004, at 69 FR 42117; amended May 10, 2006, at 71 FR 27324; is hereby adopted and incorporated by reference, subject to the following provisions:

1. Applicability. The applicability of paragraph 62-204.800(9)(b), F.A.C., shall be the same as set forth in 40 CFR 60.32b.
2. Definitions. For purposes of paragraph 62-204.800(9)(b), F.A.C., the definitions in 40 CFR 60.31b shall apply.
3. Emission Limiting Standards.
  - a. The emission limit for particulate matter shall be the same as set forth in 40 CFR 60.33b(a)(1)(i).
  - b. The opacity limit shall be the same as set forth in 40 CFR 60.33b(a)(1)(iii).
  - c. The emission limits for cadmium and lead shall be the same as set forth in 40 CFR 60.33b(a)(2)(i) and (a)(4).
  - d. The emission limit for mercury shall be the same as set forth in 40 CFR 60.33b(a)(3) except that, where applicable, the emission limiting standards of Rule 62-296.416, F.A.C., also shall apply.
  - e. The emission limit for sulfur dioxide shall be the same as set forth in 40 CFR 60.33b(b)(1)(i) and (b)(3)(i).
  - f. The emission limit for hydrogen chloride shall be the same as set forth in 40 CFR 60.33b(b)(2)(i) and (b)(3)(ii).



g. The emission limit for total mass dioxin/furans (tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans) shall be the same as set forth in 40 CFR 60.33b(c)(1)(i), (c)(1)(ii), and (c)(1)(iii).

h. The emission limit for nitrogen oxides shall be the same as set forth in 40 CFR 60 Subpart Cb, Table 1, or 40 CFR 60.33b(d)(3) as applicable. Emissions averaging pursuant to 40 CFR 60.33b(d)(1) shall be allowed. 40 CFR 60.33b(d)(2) shall not apply.

i. The emission limit for carbon monoxide shall be the same as set forth in 40 CFR 60, Subpart Cb, Table 3.

4. Operating Practices. The operating practices applicable to each municipal waste combustor unit subject to paragraph 62-204.800(9)(b), F.A.C., shall be the same as set forth in 40 CFR 60.53b(b) and (c).

5. Operator Training. The operator training and certification requirements of 40 CFR 60.54b shall apply to all municipal waste combustor units subject to paragraph 62-204.800(9)(b), F.A.C. Compliance with these requirements shall be conducted according to the schedule specified in 40 CFR 60.39b(c)(4).

6. Fugitive Ash Emissions. The fugitive ash emissions requirements applicable to each municipal waste combustor unit subject to paragraph 62-204.800(9)(b), F.A.C., shall be the same as set forth in 40 CFR 60.55b.

7. Compliance and Performance Testing.

a. The compliance and performance testing requirements applicable to each municipal waste combustor unit subject to paragraph 62-204.800(9)(b), F.A.C., shall be the same as set forth in 40 CFR 60.58b, except as provided for under 40 CFR 60.24(b)(2) and subparagraph 62-204.800(9)(b)7.b., F.A.C.

b. The alternative performance testing schedule for dioxins/furans specified in 40 CFR 60.58b(g)(5)(iii) shall apply to municipal waste combustor plants that achieve a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter, corrected to 7 percent oxygen.

8. Reporting and Recordkeeping. The reporting and recordkeeping requirements applicable to each municipal waste combustor unit subject to paragraph 62-204.800(9)(b), F.A.C., shall be the same as set forth in 40 CFR 60.59b, except for the siting requirements under 40 CFR 60.59b(a), (b)(5) and (d)(11).

(c) Municipal Solid Waste Landfills. 40 CFR 60, Subpart Cc, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills, revised as of July 1, 2001, is hereby adopted and incorporated by reference, subject to the following provisions:

1. Applicability.

a. The facility to which paragraph 62-204.800(9)(c), F.A.C., applies is each existing municipal solid waste (MSW) landfill:

(i) For which construction, reconstruction or modification was commenced before May 30, 1991; and

(ii) Which has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition.

b. Physical or operational changes made to an existing MSW landfill solely to comply with the provisions of paragraph 62-204.800(9)(c), F.A.C., are not considered a modification or reconstruction and would not subject an existing MSW landfill to the requirements of 40 CFR 60, Subpart WWW (see 40 CFR 60.750).

2. Definitions. The terms used but not defined in 40 CFR 60, Subpart Cc, have the meaning given to them in the Act and in Subparts A, B, and WWW of 40 CFR 60.

3. Standards for Air Emissions from MSW Landfills.

a. Each owner or operator of an MSW landfill subject to paragraph 62-204.800(9)(c), F.A.C., and which also meets the following conditions as of December 31, 1996, shall comply with the provisions of 40 CFR 60.752(b)(2)(i) through (v) commencing from December 31, 1996.

(i) The landfill has a design capacity greater than or equal to 2.5 million Megagrams and 2.5 million cubic meters. The landfill may calculate design capacity in either Megagrams or cubic meters for comparison with the exemption values. Any density conversions shall be documented and submitted with the initial design capacity report and any application for a solid waste permit; and

(ii) The landfill has a nonmethane organic compound (NMOC) emission rate of 50 Megagrams per year or more.

b. Any MSW landfill which has a design capacity greater than or equal to 2.5 million Megagrams and 2.5 million cubic meters but whose NMOC emission rate as of December 31, 1996, is less than 50 Megagrams per year shall comply with the provisions of 40 CFR 60.752(b)(2)(i) through (v) commencing from December 31 of the first year after 1996 for which the nonmethane organic compound emission rate equals or exceeds 50 Megagrams per year.

**Sheplak, Scott**

- 1/30 -

**From:** Culliver, Sherrill  
**Sent:** Wednesday, January 30, 2008 11:50 AM  
**To:** Sheplak, Scott  
**Subject:** RE: Compliance Review of Title V Air Operation Permit Revision Application

Test passed and reviewed

---

**From:** Sheplak, Scott  
**Sent:** Wednesday, January 30, 2008 9:30 AM  
**To:** Culliver, Sherrill  
**Cc:** Satyal, Ajaya  
**Subject:** RE: Compliance Review of Title V Air Operation Permit Revision Application

Did they pass and were the tests reviewed?

---

**From:** Culliver, Sherrill  
**Sent:** Wednesday, January 30, 2008 8:19 AM  
**To:** Sheplak, Scott  
**Cc:** Satyal, Ajaya  
**Subject:** RE: Compliance Review of Title V Air Operation Permit Revision Application

Scott,

We have the compliance test for Unit 3. At this time, we are unable to put in the compliance test into the ARMS database, since this unit has not been entered into the database. I will attempt to put into the database today or Friday.

---

**From:** Sheplak, Scott  
**Sent:** Tuesday, January 29, 2008 4:06 PM  
**To:** Culliver, Sherrill  
**Subject:** Compliance Review of Title V Air Operation Permit Revision Application

Mr. Culliver:

**Re:** Compliance Review of Title V Air Operation Permit Revision Application, Application Number 1627-1  
 Inclusion of new Unit 3

Lee County Resource Recovery Facility  
 Facility ID No.: 0710119

On December 28, 2007, our office received the subject application via Electronic Permit Submittal Processing System (EPSAP). The application is accessible through the EPSAP system.

This application is for a revision of the Title V air operation permit to include the newly constructed, recently tested new Unit 3. The applicant indicated the test report was submitted to your office on December 7, 2007.

Each applicant for a Title V permit is required to sign a certification of compliance. Each applicant is also required to report the compliance status of each emissions unit. Any non-compliance at the time of application and/or during the processing of the application requires a compliance plan to be submitted. The applicant certified compliance in the application.

Please review this facility's status with your compliance and enforcement staff. Please notify me via e-mail or hard-

1/30/2008

copy **either**:

- a. there are no outstanding compliance or enforcement actions with this facility **or**
- b. the following outstanding compliance and enforcement issues exist (please list).

Please review the compliance status of this facility and send us your written comments **no later than February 19<sup>th</sup>**.  
Thank you for your cooperation.

# Electronic Permit Submittal and Processing System (EPSAP) Professional Engineer Signature Document

*via Bob 1/10/08*

"This document is signed and sealed to secure the data in this permit application and any attached files that were submitted electronically as described in Florida Department of Business and Professional Regulation, Board of Professional Engineers, Procedures for Signing and Sealing Electronically Transmitted Plan, Specifications, Reports or other Documents, Rule 61G15-23.003., F.A.C."

**EPSAP Application Number:** 1627-1  
**Facility Identification Number:** 0710119  
**Facility Owner/Company Name:** LEE COUNTY

# RECEIVED

JAN 02 2008

**Purpose of Application:**  
Title V air operation permit revision.

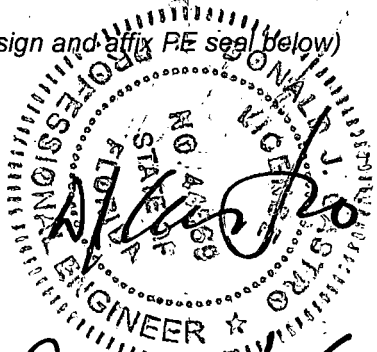
BUREAU OF AIR REGULATION

**Signature File Created:** 12/28/2007 2:26:46 PM

File Description	Authentication Code
Submitted Application Data	C76BE472E834121EC1A795F55AB1AB9147CAD2B6
This Application Has No Uploaded Facility Documents.	
Uploaded Emissions Unit Documents:	
Lee County Title V Revision - Applicable Requirements Summary Attachment.pdf	0DAAD1805406E1C8101B85F35BD27730A9532962
Lee County Title V Revision - CAM Discussion.pdf	1A072E9EB0735807175D1884806F9E237D0FBBD3
<b>Final Signature File</b>	<b>DF8172BA2218916497852F48CFAEAE98D923A609</b>

**Professional Engineer (PE):** DONALD CASTRO License No: 44569

*(sign and affix PE seal below)*



Donald Castro  
PE Signature

12/28/07  
Date

**Sheplak, Scott**

-file-

**From:** Linero, Alvaro  
**Sent:** Monday, January 07, 2008 9:32 AM  
**To:** Friday, Barbara  
**Cc:** Sheplak, Scott  
**Subject:** FW: A new application was submitted in EPSAP on FDEP

Barbara:

Per discussions with Russell, please assign the Lee County Title V application to Scott Sheplak.

Thanks.

Al.

-----Original Message-----

**From:** Oracle Account [mailto:oracle@epic30.dep.state.fl.us]  
**Sent:** Friday, December 28, 2007 3:10 PM  
**To:** undisclosed-recipients  
**Subject:** A new application was submitted in EPSAP on FDEP

A new application was submitted in EPSAP for the following facility:

Application Number: 1627-1  
Facility ID: 0710119  
Facility Name: LEE COUNTY

At your earliest convenience, please log-in to the EPSAP application located at [http://appprod.dep.state.fl.us/epsap\\_eng/default.asp](http://appprod.dep.state.fl.us/epsap_eng/default.asp) to begin the application review process.

Please note the following uploaded files included with this application:

2 Emission Unit File(s):

New EU (MSW Unit 3 - 636 tpd nominal MSW Incinerator): COMPLIANCE ASSURANCE MONITORING PLAN (Lee County Title V Revision - CAM Discussion.pdf)

New EU (MSW Unit 3 - 636 tpd nominal MSW Incinerator): IDENTIFICATION OF APPLICABLE REQUIREMENTS (Lee County Title V Revision - Applicable Requirements Summary Attachment.pdf)

-file-

**Sheplak, Scott**

---

**From:** Satyal, Ajaya  
**Sent:** Thursday, June 21, 2007 2:03 PM  
**To:** Sheplak, Scott  
**Subject:** FW: LCRRF PAC Request

FYI

-----Original Message-----

**From:** Howard, Jody [mailto:Jody\_Howard@CovantaEnergy.com]  
**Sent:** Thursday, June 21, 2007 1:40 PM  
**To:** Satyal, Ajaya  
**Cc:** Macionski, Becky  
**Subject:** LCRRF PAC Request

Good afternoon Ajaya, as discussed earlier Covanta Lee Inc. would like to withdrawal our written request to you requesting permission to operate the existing MWC Units 1 and 2 utilizing the new powdered activated carbon system that is being installed as part of the MWC Unit 3 expansion. We have received a positive response from the FDEP Tallahassee office allowing the June 26-27 Title V stack test to be conducted at a later date, but no later than September 30<sup>th</sup>, 2007. With this decision we will now be able to test MWC Units 1 and 2 utilizing the powdered activated carbon instead of the current wet system.

We look forward to seeing you on June 26<sup>th</sup>.

If you have any questions please contact me.

Regards,

**Jody L. Howard**  
Facility Manager

**COVANTA**  
ENERGY  
*for a cleaner world*

Covanta Lee Inc.  
10500 Buckingham Road, Suite 400  
Ft. Myers, FL 33905  
Office: 239.337.2200 Fax: 239.337.2510 Cell: 239.633.3940

6/21/2007

**Covanta Lee, Inc.**  
10500 Buckingham Rd  
Fort Myers, FL 33905  
Tel 239 337 2200

June 20, 2007

Mr. Ajaya K. Satyal  
Program Administrator  
South District  
2295 Victoria Avenue, Suite 364  
P.O. Box 2549  
Fort Myers, Florida 33901-3881

Subject: Lee County Solid Waste Resource Recovery  
Facility (LC-SWRRF)  
Title V Permit 070119-004-AV

Dear Mr. Satyal,

The LC-SWRRF currently utilizes a wet activated carbon system. With this system, the activated carbon is mixed with water in a mixing tank and then pumped to the atomizer. The carbon slurry is then atomized in the spray dry gas absorber to mix with the flue gas.

Included as part of the construction of the expansion MWC unit 3, the determination was made to change the existing MWC Units (001 and 002) from the wet to a dry activated carbon injection system. MWC Unit 003 will also utilize a dry activated carbon injection system. The dry system uses a pneumatic conveyance system which blows carbon directly into the flue gas. Activated carbon is injected upstream of the spray dry gas absorber at the outlet of the economizer. The activated carbon will have a greater retention time with this upstream entry point, and thus more residence time to react with the flue gas.

Compliance stack testing of MWC Unit 001 and 002 is currently scheduled for June 26, 2007. The switchover to the dry activated carbon system is not at a point in construction to be transitioned over for stack testing by the end of June. If the stack testing proceeds as scheduled, the testing will be conducted using the wet activated carbon injection system.

We are requesting that Department provide written concurrence that when the dry activated carbon system is ready to be transitioned over (which is expected to occur in



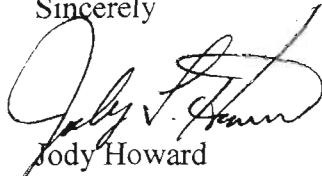
**Covanta Lee, Inc.**  
10500 Buckingham Rd  
Fort Myers, FL 33905  
Tel 239 337 2200

by September 2007) that MWC Units 001 and 002 would only need to continue to maintain the activated carbon injection rate at or above the levels established during the June 2007 compliance testing and no additional stack testing would be required as a result of this transition.

Lee County has issued a letter on June 19, 2007 to Mr. Al Linero, which requests the Department to approve the postponement of the June stack testing of the existing MWC units. We are still waiting a determination on this request. However in the interesting of scheduling and notification requirements, we would like to proceed with the Departments determination on this matter as well.

If you need any additional information with which to make your determination, please contact me at (239) 337-2200 Ext. 4.

Sincerely



Jody Howard  
Facility Manager

CC: Scott Sheplak, FDEP Waste to Energy  
Lindsey Sampson, Lee County  
Don Castro, HDR  
Joe Aldina, Covanta Energy  
File





**Sheplak, Scott**

~~File~~

**From:** Sheplak, Scott  
**Sent:** Wednesday, June 20, 2007 4:42 PM  
**To:** Howard, Jody  
**Cc:** 'Macionski, Becky'; sampsolj@leecounty.com; Castro, Don; Satyal, Ajaya; Linero, Alvaro  
**Subject:** Lee County Solid Waste Resource Recovery Facility

On June 19, 2007, the Department received a request from Covanta Lee, Inc. In the request Covanta requested that the test scheduling flexibility afforded under the recently adopted MWC federal regulations be utilized for the upcoming scheduled test on June 26, 2007 for the existing emissions units at the Lee County Solid Waste Resource Recovery Facility. The flexibility afforded under the federal regulation changes are related to the scheduling of annual compliance tests. The Department adopted these federal regulations changes in Rule 62-204.800, F.A.C., effective May 31, 2007. The current valid Title V permit, Permit Number 0710119-004-AV, issued (effective) on April 4, 2006 contains the air applicable requirements for these two emissions units prior to this federal regulation adoption.

The state rule, Rule 62-297(7)(a)4., F.A.C., requires an annual test to be performed within each federal fiscal year (see excerpt below).

- 4. During each federal fiscal year (October 1 - September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emissions unit shall have a formal compliance test conducted for:**
- a. Visible emissions, if there is an applicable standard;**
  - b. Each of the following pollutants, if there is an applicable standard, and if the emissions unit emits or has the potential to emit: 5 tons per year or more of lead or lead compounds measured as elemental lead; or 100 tons per year or more of any other regulated air pollutant; and**
  - c. Each NESHAP pollutant, if there is an applicable emission standard.**

The previous federal regulation regarding test scheduling stated - "*... the owner or operator shall conduct a performance test {for particulate matter} on an annual basis (no more than 12 calendar months following the previous performance test).*" [40 CFR 60.38b and 40 CFR 60.58b(c)]

The changed federal regulation regarding test scheduling now states - "*... the owner or operator shall conduct a performance test for {particulate matter} on a calendar year basis (no less than 9 calendar months and no more than 15 calendar months following the previous performance test; and must complete five performance tests in each 5-year calendar period).*"

Allowing the permittee to schedule testing under the revised federal regulation testing schedule would still result in an annual test being performed by the end of the current federal fiscal year, September 30, 2007, fulfilling the state federal fiscal year requirement stated above. The new date to complete compliance testing would simply be shifted by up to 3 months as now afforded by the new federal regulation.

I discussed this request with the South District Office. The test schedule may be changed to allow the compliance tests for the two existing MWC emissions units (EU ID numbers -001 & -002) to be conducted within an additional 3 calendar months, not later than September 29, 2007.

The Title V permit needs to be revised to include all of the federal regulation changes that were recently adopted including this test scheduling change. The revision needs to be submitted to the permitting authority, our office.

If you should have any questions, please contact me at 850/921-9532.

6/21/2007

**Sheplak, Scott**

---

**From:** Macionski,Becky [Becky\_Macionski@CovantaEnergy.com]  
**Sent:** Tuesday, June 19, 2007 12:09 PM  
**To:** Sheplak, Scott; Linero, Alvaro  
**Cc:** Castro, Don; sampsolj@leecounty.com; Howard,Jody; Satyal, Ajaya  
**Subject:** Lee County Solid Waste Resource Recovery Facility  
**Attachments:** Request To Change Stack Test Dates (Signed).doc.pdf

Hi Scott,

As discussed in our phone conversation, attached please find a scanned version of the referenced letter for your review.

A hard copy of the letter will follow by U.S. mail. Due to the limited time frame, we would appreciate an expedited response from the Department on this matter.

Thank you for your time and consideration,

**Rebecca Macionski**  
**Environmental Engineer**

**COVANTA**

***Safe waste disposal and clean energy solutions... For generations to come***

Covanta Energy Corporation  
350 North Falkenburg Road, Tampa, FL 33619  
813.684.5688 Ext. 3015 Fax: 813.684.7964  
www.CovantaHolding.com

Covanta Lee, Inc.  
10500 Buckingham Rd  
Fort Myers, FL 33905  
Tel 239.337.2200

June 18, 2007

Mr. Al Linero  
Professional Engineer Administration  
Permitting South  
2600 Blair Stone Road  
MS 5000  
Tallahassee, Florida 32399-2400

Subject: Lee County Solid Waste Resource Recovery  
Facility (LC-SWRRF)  
Title V Permit 070119-004-AV

Dear Mr. Linero,

The revised federal MWC MACT standards, as published on May 10, 2006 (71 Fed. Reg. 27,324) provide flexibility with respect to the scheduling of annual compliance stack tests, which are to be conducted once per calendar year, but no less than 9 calendar months and no more than 15 calendar months since the previous test. The revised MWC MACT standards at 40 C.F.R. Part 60, Subpart Cb, including the foregoing flexible test schedule, were adopted by reference by the Department at 62-204.800 F.A.C., effective May 31, 2007.

On March 24, 2007, the LC-SWRRF submitted a source test protocol (Covanta Report #3170) in accordance with the referenced Title V permit. The protocol was submitted 90 days prior to the scheduled June 26, 2007 stack test as required by permit. In light of the Department's recent adoption of the MWC MACT updates into the Florida rules, however, Lee County wishes to postpone the scheduled June 26 compliance stack date. The facility's Title V permit still references the 12 month testing requirement, and has not been updated to contain the more flexible test provisions.

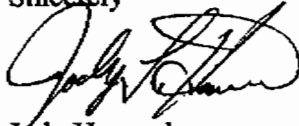
Lee County wishes to postpone the stack test in order to coordinate the testing of the existing MWC units with the initial performance tests for the expansion MWC unit. It currently is anticipated that the expansion MWC unit will undergo initial performance testing in September 2007. Regardless of the progress of the expansion unit (003), however, the existing MWC units (001 and 002) will undergo compliance stack testing no later than September 2007 in accordance with 15 months deadline established in the revised MWC MACT rule.



**Covanta Lee, Inc.**  
10500 Buckingham Rd  
Fort Myers, FL 33905  
Tel 239 337 2200

Because the stack testing for units 001 and 002 is scheduled for next week, we are asking the Department for expedited determination of the acceptability of changing the proposed test dates, and would appreciate a written response no later than June 22, 2007. Your prompt attention to this matter is appreciated. If you need any additional information with which to make your determination, please contact me at (239) 337-2200 Ext. 4.

Sincerely



Jody Howard  
Facility Manager

CC: Ajaya Satyal, FDEP South District  
Scott Sheplak, FDEP Waste to Energy  
Lindsey Sampson, Lee County  
Don Castro, HDR  
Joe Aldina, Covanta Energy  
File





**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes  
District One

A. Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Mr. Scott M. Sheplak, P.E.  
Title V Section  
Bureau of Air Regulation  
Department of Environmental Protection  
2600 Blair Stone Road  
Mail Station #5505  
Tallahassee, Florida 32399-2400

**RE: Lee County RRF**  
**Title V Air Operation Permit Revision, Project No. 0710119-006-AV**  
**Additional Information Requested by FDEP Letter Dated February 12, 2008**

RECEIVED

APR 02 2008

BUREAU OF AIR REGULATION March 26, 2008

- file -  
original

Dear Mr. Sheplak:

On February 12, 2008, the Florida Department of Environmental Protection (FDEP) issued a letter to the Lee County RRF (Facility) stating that review of the Facility's Title V permit renewal application, electronically submitted on December 28, 2007, had begun. The letter stated that FDEP requires additional information in order to continue processing the application. The purpose of this letter is to submit additional information requested by the FDEP.

**A. Initial Compliance Tests, Initial Performance Testing & Construction Permit Requirements.**

1. Provide an executive summary (cover letter & summary) of the recent stack test results for Unit 3 as submitted to the compliance authority, the South District Office.

See Attachment 1 for the executive summary of the Unit 3 compliance testing as submittal to the South District Office dated December 7, 2007.

2. *Was the information from 40 CFR 60.59b(f) provided in the test report as required by Condition B.11 of PSD-FL-151C? What were the values?*

Yes, the information from 40 CFR 60.59b(f) was provided in the December 7, 2007 submittal to the South District Office. Following is a summary of this information:

- 50.59b(f)(1) - The initial performance test data for (see Attachments 1 and 2):
  - (a) Sulfur dioxide – 1.7 ppm @ 7% O<sub>2</sub>, 96.7% removal
  - (b) Nitrogen oxides – 130.4 ppm @ 7% O<sub>2</sub>
  - (c) Carbon monoxide – 15.9 ppm @ 7% O<sub>2</sub>
  - (d) Municipal waste combustor unit load level – 176.2 klb steam/hr
  - (e) Particulate matter control device inlet temperature – 302 °F
  
- 50.59b(f)(2) - The test report documenting the initial performance test results for (see Attachments 1 and 2):
  - (a) Particulate matter - <1.33 mg/dscm @ 7% O<sub>2</sub>
  - (b) Opacity - 0
  - (c) Cadmium – 0.000540 mg/dscm @ 7% O<sub>2</sub>
  - (d) Lead – 0.00701 mg/dscm @ 7% O<sub>2</sub>
  - (e) Mercury – 0.016 mg/dscm @ 7% O<sub>2</sub>, 89.7% removal
  - (f) Dioxins/furans – 5.27 mg/dscm @ 7% O<sub>2</sub>
  - (g) Hydrogen chloride – 16 ppm @ 7% O<sub>2</sub>, 96.9% removal
  - (h) Fugitive ash – Not applicable. Unit 3 utilizes the same ash handling system that is used by Units 1 and 2. Compliance testing for fugitive emissions from the ash handling system was performed on September 25, 2007. No fugitive emissions were observed during the test period.
  
- 50.59b(f)(3) - The performance evaluation (i.e., RATA) of the CEMs (see Attachment 3).
  
- 50.59b(f)(4) - The maximum demonstrated MWC unit load level and maximum demonstrated PM control device inlet temperature established during the dioxin/furan performance test (see Attachment 1):
  - (a) Municipal waste combustor unit load level – 176.2 klb steam/hr
  - (b) Particulate matter control device inlet temperature – 302 °F
  
- 50.59b(f)(5) - The average carbon mass feed rate recorded during the mercury performance test (see Attachment 1) – 26.4 lb/hr

- 50.59b(f)(6) - The average carbon mass feed rate recorded during the dioxin/furan performance test (see Attachment 1) – 26.5 lb/hr

3. *Did Unit 3 demonstrate compliance with the air pollutant emission standards and limitations from PSD-FL-151D?*

Yes.

4. *Condition B.4. of the PSD-FL-151C permit required the permittee to submit manufacturer guarantees for the selected air pollution control equipment e.g., baghouse, spray dryer scrubber, carbon injection system, and selective non catalytic reduction system (SNCR) system, to the South District Office. Please provide a copy.*

Please see Attachment 4.

5. *Were the design specifications of the MWC Unit 3 selected submitted to the South District Office as required by Condition B.26. of PSD-FL-151C?.*

Please see Attachment 4.

6. *Condition D.3.(c) of PSD-FL-151C permit required an Operational Procedures Manual to be submitted to the South District Office*

a. *Has this been submitted to the South District Office?*

Yes. A copy of the submittal is included as Attachment 5 to this letter.

b. *The procedures are also required to be provided with the initial Title V permit application for Unit 3 (see the application form, Emissions Unit Section I. Additional Information item number 4). In the EPSAP, a previously submitted document was cited as having been submitted on the February 17, 2003. This could not be located on file. Please provide a copy to this office.*

A copy of the submittal is included as Attachment 5 to this letter.

7. *I found the note in the comment field (page 154) within the EPSAP submission regarding the lime silo. The PSD permit addressed a lime and carbon silo. Do both the lime and carbon silos vent internally?*

The new lime silo that was installed as part of the Unit 3 project vents internally. The carbon silo that was included in the Unit 3 construction permit was installed and services not only Unit 3, but Units 1 and 2 as well (see Attachment 6). This new carbon silo vents internally.

**B. New Applicable Requirements – Federal Regulation Amendments, Municipal Waste Combustors 40 CFR 60, Subparts Cb & Eb.**

1. U.S. EPA recently filed a motion to remand the recent amendments to 40 CFR 60, Subparts Cb & Eb. The amendments had been promulgated by U.S. EPA on May 10, 2006, and were adopted by reference into the Florida rules on May 31, 2007, at Rule 62-204.800(8)(b)(7)., F.A.C. and Rule 62-204.800(9)(b), F.A.C. (excerpts of the rule adoption are enclosed). Note certain exceptions were made in Florida's adoption of 40 CFR 60, Subpart Cb in rule 62-204.800(9)(b), F.A.C.

As part of the amendments, the emission limits for lead (Pb), cadmium (Cd), mercury (Hg), and particulate matter (PM) were lowered. For example, the Cd emission limit for a 'new' (an Eb) unit which would apply to Unit 3, was changed from: 20 microgram/dscm to: 10 microgram/dscm {note: the BACT limit is 0.02 mg/dscm}. Another example applying to an 'existing' unit (a Cb unit) like Units 1 and 2, the Hg limit was lowered from: 80 microgram/dscm {note: Florida Rule 62-296.416, F.A.C. limits Hg to 70 microgram/dscm} to: 50 microgram/dscm. The amendments also changed test scheduling & frequency and provide an array of options for the use of new continuous emissions monitoring systems (CEMs) technology for Hg, dioxin, multi-metal, and HCl emissions.

- a. Please prepare a chart(s) showing the current emission limits vs. the new emission limits under these amendments for Units 1, 2 and 3. The new emission standards and limits are scheduled to take effect April 28, 2009 (compliance deadline) for all of the amendments.

Pollutant <sup>1</sup>	Units 1 and 2		Unit 3	
	Current Limit <sup>2</sup>	Amended Limit <sup>4</sup>	Current Limit <sup>3</sup>	Amended Limit <sup>4</sup>
PM	0.010 gr/dscf <sup>5</sup>	25 mg/dscm	20.6 mg/dscm <sup>5</sup>	24 mg/dscm
Cadmium	0.040 mg/dscm	35 µg/dscm	0.02 mg/dscm	20 µg/dscm <sup>5,7</sup>
Mercury	0.070 mg/dscm or 85% reduction <sup>6</sup>	50 µg dscm or 85% reduction <sup>6</sup>	0.028 mg/dscm or 85% reduction <sup>5,6</sup>	80 µg dscm or 85% reduction <sup>6</sup>
Lead	0.44 mg/dscm	400 µg/dscm	0.2 mg/dscm <sup>5</sup>	200 µg/dscm
HCl	25 ppm or 95% reduction <sup>5,6</sup>	29 ppm or 95% reduction <sup>6</sup>	25 ppm or 95% reduction <sup>5,6</sup>	25 ppm or 95% reduction <sup>6</sup>
Dioxin/furan	30 ng/dscm <sup>5</sup>	30 ng/dscm	13 ng/dscm <sup>5</sup>	13 ng/dscm

- <sup>1</sup> This table contains only those pollutants for which EPA amended the applicable emission limit. All values listed are corrected to 7% oxygen.
- <sup>2</sup> Obtained from Permit No. 0710119-004-AV.
- <sup>3</sup> Obtained from EPA amendment promulgated May 10, 2006 (71 Fed. Reg. 27324).
- <sup>4</sup> Obtained from Permit No. 0710119-005-AC (PSD-FL-151D referencing PSD-FL-151C).
- <sup>5</sup> The current emission limit is equivalent to or more stringent than the amended limit.
- <sup>6</sup> Whichever is less stringent.
- <sup>7</sup> Note that the May 10, 2006 amendments revise the cadmium limit for units subject to the provisions of 40 CFR Part 60, Subpart Eb (i.e., Unit 3) to 20 mg/dscm corrected to 7% oxygen, not 10 mg/dscm corrected to 7% oxygen as indicated in the February 12, 2008 FDEP Request for Additional Information letter.



- b. *Do the amendments contain any new applicable requirements for Unit 1, 2 and/or 3? Please provide any written materials highlighting the changes as this can be useful in revising the conditions of the permit and useful for the facility in making the transition to the new requirements.*

Copies of the May 10, 2006 amendments, highlighted to show changes applicable to Units 1, 2, and/or 3, are included as attachments to this letter, as follows:

- May 10, 2006 amendment requirements applicable to Units 1, 2, and 3 – see Attachment 7.
- May 10, 2006 amendment requirements applicable to Units 1 and 23 – see Attachment 8.
- May 10, 2006 amendment requirements applicable to Unit 3 – see Attachment 9.

- c. *Are any modifications to Unit 1, 2, and/or 3 necessary to come into compliance with the federal amendment changes?*

Based upon a review of historic stack test results, no modification will be required in order to come into compliance with the federal amendment changes.

- d. *The permits for Unit 3, PSD-FL-151D and PSD-FL-151C do not contain these amendments. The most recent Title V permit number 0710119-004-AV renewed for Unit 1 and 2, effective April 4, 2006, does not contain the amendments. These federal requirements are considered to be applicable requirements until they are removed from the “books”.*

*With the amendments currently on the books, these federal regulation amendments need to be identified as applicable requirements in the application, specifically, the supplemental attachment and any affected pieces of the application form (DEP Form No. 62-210.900(1) – Form, EPSAP version). Please make any necessary changes to the application and resubmit.*

*Note: If the amendments are removed entirely, they do not need to be included in the permit. We understand that it could take the U.S. EPA two months or more to remand the May 10, 2006, amendments. In addition, the ultimate outcome of the remand is unknown at this time.*

*The inclusion of Unit 3 can easily be accomplished as requested with or without the federal amendments. If a revised permit were issued today for the inclusion of Unit 3 alone, the federal amendments must be included for this unit. To simplify this permitting action, you could withdraw the request to revise the Title V permit to reflect the amendments for Unit 1 and 2. We can discuss further how to best proceed, keeping this permitting action simplified.*

Highlighted versions of the rule amendments are attached to this letter (see Attachments 7, 8, and 9 to this document).

Based on the scope of anticipated changes to the rules, the County anticipates that EPA will not promulgate the revised regulations prior to the April 28, 2009 compliance deadline of the May 6, 2006 amendments. In an effort to minimize the permitting burden on both the facility and FDEP, we respectfully request that the revised Title V permit include the applicable provisions of the May 10, 2006 amendments for Unit 1, 2, and 3.

**C. New Applicable Requirements – Maximum Available Control Technologies (MACT).**

1. U.S. EPA promulgated the Reciprocating Internal Combustion Engine (RICE) MACT, 40 CFR 63, Subpart ZZZZ on February 26, 2004. The RICE MACT was adopted by reference shortly thereafter into the Florida rules at Rule 62-204-800(11)(b), F.A.C.

*Is the diesel generator listed in Appendix I-1, Item 17., subject to this MACT? Please provide key information on the applicability like the type of engine, date it was constructed, etc.*

In addition to the diesel generator, the referenced Appendix I-1 (to Permit No. 0710119-004-AV contains references to the following engines that are also potentially subject to the provisions of 40 CFR Part 63, Subpart ZZZZ:

- 13. 1000-HP Diesel Wood Grinder
- 16. 365-hp Diesel Tire Shredder
- 18. Diesel Fire Pumps (3)
- 19. Portable Diesel Air Compressor
- 21. Portable Diesel Welding Machine

Each of these units is potentially subject to the rules because they include reciprocating internal combustion engines (RICE) as a power source. In addition, Subpart ZZZZ was amended by EPA on January 18, 2008, effective March 18, 2008 (i.e., the rule amendments will be effective by the time a revised permit is issued).

Diesel Wood Grinder and Diesel Tire Shredder

40 CFR § 63.6585(a) defines a stationary RICE as "... any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile. Stationary RICE differ from mobile RICE in that a stationary RICE is not a non-road engine as defined at 40 CFR 10.68.30, and is not used to propel a motor vehicle or a vehicle used solely for competition." From 40 CFR § 1068.30 states that "... a nonroad engine is any internal combustion engine: ... (iii) That, by itself or in or on a piece of equipment, is

portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.” This applies as long as an engine is not located at a facility for more than 12 consecutive months.

The diesel wood grinder and diesel tire shredders are equipment that are brought to the site by outside contractors. As such, they are transportable (i.e., they are mounted on wheels). Additionally, as contracted services, the operations are not on-site for more than 12 consecutive months. Therefore, they meet the definition of non-road engines and, as such, Subpart ZZZZ does not apply to them.

40 CFR § 63.6590 states that “[t]subpart applies to each affected source. (a) *Affected source.* An affected source is any existing, new, or reconstructed stationary RICE with a site-rating of more than 500 brake horsepower located at a major source of HAP emissions ...” As shown in the following table, each of the other engines at the facility have a site-rating of less less 500 brake horsepower. Therefore, Subpart ZZZZ does not apply to them. Also, please note that the Portable Air Compressor diesel is no longer in place at this Facility.

Engine Name	Engine Size (HP)
Generator Diesel	330
Fire Pump 1 Diesel	305
Fire Pump 2 Diesel	300
Fire Pump 3 Diesel	79
Portable Air Compressor Diesel	N/A
Portable Welding Machine Diesel	63

**D. New Applicable Requirements – Maximum Available Control Technologies (MACT).**

*The U.S. EPA promulgated and the State of Florida adopted the CAM federal regulation, 40 CFR 64, in Rule 62-204.800, F.A.C. CAM may apply to pollutants for which federal standards were promulgated pre-1990 (see the CAM federal regulation, for the complete applicability). CAM does not apply to post-1990 federal standards for certain pollutants.*

- 1. Within the CAM Plan, applicability was addressed for individual air pollutants limited in the PSD permit. Ammonia was not addresses. Ammonia is limited in Condition B.8 of the PSD permit. Please address CAM applicability to ammonia emissions.*

Ammonia emissions for Unit 3 are subject to the limit contained in PSD-151D (referencing Condition B.8 of PSD-151C). However, the Facility does not use control equipment to comply with the limit. 40 CFR §64.2 states that “... the requirements of this part shall apply ... if a unit satisfies all of the following criteria ... (2) The unit uses a control device to achieve compliance with any such emission limitation or standard ...”

Because the Facility does not use a control device to achieve compliance with the ammonia limit, CAM does not apply.

2. *Mercury (Hg) emissions. You provided an uncontrolled estimate of 0.71 tons per year (TPY) for Hg emissions. The permit limits the TPY to 0.0736 based on no less than 85% reduction. What level of reduction was achieved during the initial compliance test? What were the actual Hg emissions during the test?*

The statement the “[t]he permit limits the TPY to 0.0736 based on no less than 85% reduction” is not completely accurate. The permit does limit mercury emissions to 0.0736 TPY. However, the 85% reduction requirement is not a minimum requirement. Rather, mercury emissions are limited to 0.028 mg/dscm, at 7% O<sub>2</sub> or at least 85% reduction, whichever is least stringent.

Following is a summary of the mercury results from the initial performance testing (see Attachments 1 and 2):

- Mercury Reduction – 89.7% (based on inlet and outlet µg/dscm @ 7% O<sub>2</sub>)
- Outlet Mercury Concentration – 16.0 µg/dscm @ 7% O<sub>2</sub>
- Estimated Uncontrolled Mercury Emissions – 0.198 tpy (based on the test result inlet mass emission rate of 0.0453 lb/hr and assuming 8760 hr/yr operation)

3. *In the CAM Plan submitted for Unit 3 on page 2, a reference was made to a July 7, 1999, U.S. EPA policy memo as being attached. The attachment was not found. Please provide the attachment.*

The referenced EPA policy memo is included as Attachment 10 to this letter.

4. *Hydrogen fluoride (HF) & sulfuric acid mist (SAM) emissions. In Section III.C. on pages 5 & 6 of the proposed CAM Plan, SO<sub>2</sub> testing was referenced.*

- a. *What were the SO<sub>2</sub> test results? What level of reduction of SO<sub>2</sub> emissions, %, was achieved during compliance testing? Compared to the emission limit of 26 ppm, at what level, %, was the unit operating within the limit?*

Following is a summary of the information requested, as obtained for the results of the initial performance testing (see Attachments 1 and 2):

- SO<sub>2</sub> Inlet Concentration – 52.7 ppm @ 7% O<sub>2</sub>
- SO<sub>2</sub> Outlet Concentration – 1.7 ppm @ 7% O<sub>2</sub>
- SO<sub>2</sub> Removal Efficiency – 96.7%
- Comparison of SO<sub>2</sub> Outlet Concentration to 26 ppm @ 7% O<sub>2</sub> Limit – 6.54%

- b. *Was compliance evaluated on the HF limit in the PSD permit of 3.5 ppm? Actual testing could be used for additional justification in the CAM Plan.*

The results of the initial performance testing (see Attachments 1 and 2) indicate HF emissions of <0.146 ppm @ 7% O<sub>2</sub>, as compared to the PSD permit limit of 3.5 ppm @ 7% O<sub>2</sub>. As a note, the < is used because two of the three test runs for HF had results that were less than the analytical test method detection limit.

5. *In the applicable requirements supplemental attachment, CAM is listed as not being applicable to Unit 3 on page 4. However, in the emissions unit information section of the form (page 153), CAM is checked as being applicable and a CAM Plan is attached. It appears that Unit 3 is required to have a CAM Plan. Please correct this supplemental attachment if this is the case.*

The corrected supplemental attachment is included as Attachment 11 to this letter.

6. *Please provide a Microsoft® Word version of the proposed CAM Plan.*

A Microsoft® Word version of the proposed CAM Plan is included as Attachment 12 to this letter.

Attached is a Responsible Official Certification as required by Rule 62-213.420(4) of the Florida Administrative Code for any document submitted to the Department for a Title V facility. In addition, a registered Professional Engineer certification is attached, per Department policy regarding the submittal of additional information of an engineering nature. Should you have any questions, please contact me at (239-338-3302) or Mr. M. Kirk Dunbar of HDR Engineering, Inc. at (763-591-5476).

Sincerely,

*Brigitte Kantor for  
Lindsey Sampson in his absence*  
Lindsey J. Sampson, P.E., Director  
Lee County Solid Waste Division

Attachments (electronic on enclosed CD)

cc: D. Castro - HDR Engineering, Inc.  
K. Dunbar - HDR Engineering, Inc.  
M. Halpin, P.E. - DEP-Siting  
A. Satyal - DEP-SD  
G. Ball-Ilovera - Covanta Energy of Lee Count



# Letter of Transmittal

RECEIVED

Date: 3/31/2008

APR 02 2008

Lee County  
SOUTHWEST FLORIDA

BUREAU OF AIR REGULATION

To:  
Mr. Scott M Sheplak, P.E.  
Title V Section  
Bureau of Air Regulations  
Department of Environmental Protection  
2600 Blair Stone Road, Mail Station 5505  
Tallahassee, FL 32399-2400

From:  
Lindsey Sampson  
Lee County Solid Waste Division  
10500 Buckingham Road  
Fort Myers, FL 33905

Regarding: Lee County Title V Air Operation Permit Revision - Response to Additional Information  
Requested by FDEP 2/12/2008

We are sending you: Attached and Enclosed

- 1 Response Letter
- 1 Responsible Official Certification Form (electronically signed - form with original signature to follow the week of April 7, 2008)
- 1 CD of the Lee County RRF Title V Air Operation Permit Revision
- 1 Professional Engineer Certification

*Brigitte Kantor for  
Lindsey Sampson in his absence*

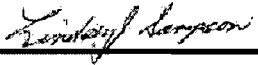
Lee County Solid Waste Division  
10500 Buckingham Rd.  
Fort Myers, FL 33905

Phone: (239) 338-3302  
FAX: (239) 461-5871

## APPLICATION INFORMATION

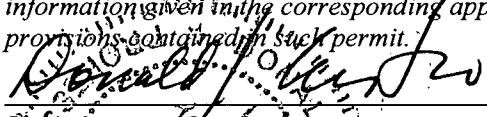
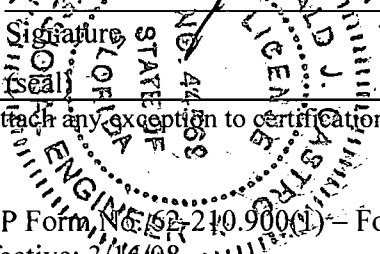
### Application Responsible Official Certification

Complete if applying for an initial, revised, or renewal Title V air operation permit or concurrent processing of an air construction permit and revised or renewal Title V air operation permit. If there are multiple responsible officials, the "application responsible official" need not be the "primary responsible official."

1. Application Responsible Official Name: LINDSEY SAMPSON
2. Application Responsible Official Qualification (Check one or more of the following options, as applicable): <input type="checkbox"/> For a corporation, the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit under Chapter 62-213, F.A.C. <input type="checkbox"/> For a partnership or sole proprietorship, a general partner or the proprietor, respectively. <input checked="" type="checkbox"/> For a municipality, county, state, federal, or other public agency, either a principal executive officer or ranking elected official. <input type="checkbox"/> The designated representative at an Acid Rain source, CAIR source, or Hg Budget source.
3. Application Responsible Official Mailing Address... Organization/Firm: LEE COUNTY Street Address: 10500 BUCKINGHAM ROAD SUITE 200 City: FORT MEYERS State: FL Zip Code: 33905
4. Application Responsible Official Telephone Numbers... Telephone: ( 239 ) 338 - 3302 ext. Fax: ( 239 ) 461 - 5871
5. Application Responsible Official E-mail Address: sampsolj@leegov.com
6. Application Responsible Official Certification: <i>I, the undersigned, am a responsible official of the Title V source addressed in this air permit application. I hereby certify, based on information and belief formed after reasonable inquiry, that the statements made in this application are true, accurate and complete and that, to the best of my knowledge, any estimates of emissions reported in this application are based upon reasonable techniques for calculating emissions. The air pollutant emissions units and air pollution control equipment described in this application will be operated and maintained so as to comply with all applicable standards for control of air pollutant emissions found in the statutes of the State of Florida and rules of the Department of Environmental Protection and revisions thereof and all other applicable requirements identified in this application to which the Title V source is subject. I understand that a permit, if granted by the department, cannot be transferred without authorization from the department, and I will promptly notify the department upon sale or legal transfer of the facility or any permitted emissions unit. Finally, I certify that the facility and each emissions unit are in compliance with all applicable requirements to which they are subject, except as identified in compliance plan(s) submitted with this application.</i>   _____ Signature (signed electronically in order to expedite)  3/31/2008 _____ Date

# APPLICATION INFORMATION

## Professional Engineer Certification

1. Professional Engineer Name: DONALD CASTRO Registration Number: 44569
2. Professional Engineer Mailing Address... Organization/Firm: HDR ENGINEERING, INC. Street Address: 2202 N. WESTSHORE BLVD. City: TAMPA State: FL Zip Code: 33607-5755
3. Professional Engineer Telephone Numbers... Telephone: ( 813 ) 282 - 2404 ext. Fax: ( ) -
4. Professional Engineer E-mail Address: DON.CASTRO@HDRINC.COM
5. Professional Engineer Statement: <i>I, the undersigned, hereby certify, except as particularly noted herein*, that:</i>  (1) <i>To the best of my knowledge, there is reasonable assurance that the air pollutant emissions unit(s) and the air pollution control equipment described in this application for air permit, when properly operated and maintained, will comply with all applicable standards for control of air pollutant emissions found in the Florida Statutes and rules of the Department of Environmental Protection; and</i>  (2) <i>To the best of my knowledge, any emission estimates reported or relied on in this application are true, accurate, and complete and are either based upon reasonable techniques available for calculating emissions or, for emission estimates of hazardous air pollutants not regulated for an emissions unit addressed in this application, based solely upon the materials, information and calculations submitted with this application.</i>  (3) <i>If the purpose of this application is to obtain a Title V air operation permit (check here <input checked="" type="checkbox"/>, if so), I further certify that each emissions unit described in this application for air permit, when properly operated and maintained, will comply with the applicable requirements identified in this application to which the unit is subject, except those emissions units for which a compliance plan and schedule is submitted with this application.</i>  (4) <i>If the purpose of this application is to obtain an air construction permit (check here <input type="checkbox"/>, if so) or concurrently process and obtain an air construction permit and a Title V air operation permit revision or renewal for one or more proposed new or modified emissions units (check here <input type="checkbox"/>, if so), I further certify that the engineering features of each such emissions unit described in this application have been designed or examined by me or individuals under my direct supervision and found to be in conformity with sound engineering principles applicable to the control of emissions of the air pollutants characterized in this application.</i>  (5) <i>If the purpose of this application is to obtain an initial air operation permit or operation permit revision or renewal for one or more newly constructed or modified emissions units (check here <input type="checkbox"/>, if so), I further certify that, with the exception of any changes detailed as part of this application, each such emissions unit has been constructed or modified in substantial accordance with the information given in the corresponding application for air construction permit and with all provisions contained in such permit.</i>   

3/29/08  
Date

\* Attach any exception to certification statement.



**Sheplak, Scott**

-file-

---

**From:** Dunbar, Kirk [Kirk.Dunbar@hdrinc.com]  
**Sent:** Thursday, November 06, 2008 10:00 AM  
**To:** Sheplak, Scott  
**Cc:** Macionski,Becky; Sampson, Lindsey J.; Castro, Don  
**Subject:** RE: Lee County Resource Recovery Facility  
**Attachments:** FW: 62-204.800 Federal Regulations Adopted by Reference

Scott - Attached is the email that was referenced as Attachment 1 to the comment letter. Sorry that it slipped through the cracks and did not get to you with the original submittal.

Kirk

**M. Kirk Dunbar**  
Air Quality Engineer

**HDR ONE COMPANY | *Many Solutions***  
701 Xenia Avenue South | Suite 600 | Minneapolis, MN | 55416  
Phone: 763.591.5476 | Fax: 763.591.5413 | Email: kirk.dunbar@hdrinc.com

---

**From:** Sheplak, Scott [mailto:Scott.Sheplak@dep.state.fl.us]  
**Sent:** Wednesday, November 05, 2008 10:16 AM  
**To:** Dunbar, Kirk  
**Cc:** Macionski,Becky  
**Subject:** Lee County Resource Recovery Facility

I am going thru the comments you submitted.

I could not find the referenced Attachment 1 (re: 4/25/2007 comment) in the hard copy submission or on the CD.

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.*

4/10/2009

**BOARD OF COUNTY COMMISSIONERS**

Bob Janes  
District One

A. Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

RECEIVED

OCT 27 2008

October 24, 2008

BUREAU OF AIR REGULATION

Mr. Jonathon K. Holtom, P.E.  
Acting Program Administrator  
Title V Section  
Bureau of Air Regulation  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

**RE: Lee County RRF  
Title V Air Operation Permit Revision, Project No. 0710119-006-AV  
Comments Regarding Draft Revised Permit Received August 29, 2008**

Dear Mr. Holtom:

On August 29, 2008, the Florida Department of Environmental Protection (FDEP) issued emails to the Lee County RRF (Facility) stating that a draft of the Facility's revised Title V permit was available for review and comment. The purpose of this letter is to submit Facility comments regarding the draft revised Title V permit to the FDEP for consideration prior to the official public comment period. In addition to the comments provided below, the Facility is providing electronic versions (in the track changes mode) of the draft documents showing the Facility's recommended changes.

**A. Overall Comments**

1. The throughput capacity of Unit 3 is a nominal 660 tons per day.
2. To avoid duplication, confusion, and potential double jeopardy, the Facility requests the consolidation of a number of terms that are applicable to all three of the MWC units at the facility. These consolidated terms are included in a new Subsection E. Common Conditions of the electronic version of the document.
3. Tables 1-1 and 2-1 need to be updated to include Unit 3.
4. The attachments should be deleted because their contents are fully implemented by the permit and they are, therefore, redundant:
  - a. 0710119-006-AV Appendix 40 CFR 60 Subpart A.PDF
  - b. Appendix 40 CFR 60 Subpart A.PDF (redundant with a. above)
  - c. Appendix 40 CFR 60 Subpart Eb.PDF

**B. STATEMENT OF BASIS – Overview of Changes Made in This Permit**  
*(see electronic file titled “0710119-006-AV SOB with changes made in this permit (version dated 08\_29\_2008) - Requested Edits.doc” for suggested edits)*

1. Page 2 of 8, first paragraph

The PSD construction permit issued for Unit 3 included authorization to build a new lime silo (EU 007) as part of the project. As indicated in the Statement of Basis, this new pebble lime silo was configured such that it can only exhaust internally. In addition, the previously existing carbon silo, which vented directly to the atmosphere, was replaced with a new carbon silo as part of the Unit 3 project. As with the new pebble lime silo, this new carbon silo (which serves Units 1, 2, and 3) vents internally. Finally, a new internally venting dolomitic lime storage silo was also installed as part of the Unit 3 project.

Per FDEP guidance, internally venting equipment are not considered emission units for permitting purposes. Therefore, construction of the new carbon silo and dolomitic lime silo did not require approval prior to their installation. The Statement of Basis description of the silos that were installed as part of the Unit 3 project was revised to reflect the project as constructed.

2. Page 2 of 8, Unit 3 – AC/PSD Permit Incorporation, first paragraph, second sentence

The language was revised to reflect the requested consolidation of terms that are applicable to Units 1, 2, and 3 discussed in Item A.2 above.

3. Page 3 of 8, Unit 3 – Compliance Assurance Monitoring (CAM) Applicability, Sulfuric Acid Mist (SAM), II. Monitoring Approach, B. Measurement Approach

The language of A. Indicator states that “[t]he PSD permit limit for sulfur dioxide (SO<sub>2</sub>) shall be used as an indicator. Further, the language of C. Indicator Range states that “[t]he emission limit for SO<sub>2</sub> contained in the gases discharged to the atmosphere is 26 ppm, or 80% reduction, corrected to 7% oxygen (dry basis), whichever is less stringent. This emission limit is based on a 24-hour daily geometric mean.” However, the language of B. Measurement Approach implies that only the concentration option of the SO<sub>2</sub> limit will be used to determine compliance with the SAM limit. This language was revised to reflect that compliance with either the concentration limit or the reduction limit will ensure compliance with the SAM limit.

4. Page 3 of 8, Unit 3 – Compliance Assurance Monitoring (CAM) Applicability, Sulfuric Acid Mist (SAM), II. Monitoring Approach, D. QIP Threshold

The phrase “emission limit” was added after “... geometric mean” for clarity.

5. Pages 4 and 5 of 8, Hydrogen Fluoride (HF)

The same revisions discussed in items B.3 and B.4 above for SAM were made in the corresponding HF portion of the document.

6. Page 6 of 8, Table Titled “Unit 3: May 10, 2006 Amendments vs. BACT”  
Units were added to the column titled “May 10, 2006 Eb standard” for clarity. In addition, the listed mercury limit was revised to a basis of mg/dscm @7% O<sub>2</sub> for consistency.
7. Page 6 of 8, Unit 3 – Incorporation of May 10, 2006 Federal Amendments – Other Requirements  
Per a September 17, 2008 telephone conversation between Mr. M. Kirk Dunbar of HDR Engineering and Mr. Scott Sheplak of FDEP, the changes from the May 10, 2006 federal amendments were incorporated into the revised Title V permit. The majority of this incorporation was done in the new Subsection E. Consolidated Conditions portion of the permit added as discussed in Item A.2 above.
8. Page 7 of 8, Table Titled “Units 1 & 2: May 10, 2006 Amendments vs. Current Standard(s)”  
Units were added to the Lead (Pb) and Cadmium (Cd) entries in the column titled “May 10, 2006 Cb standard” for clarity.
9. Page 7 of 8, Units 1 & 2 – Incorporation of May 10, 2006 Federal Amendments – Other Requirements  
The language was modified to reflect the consolidation of some permit terms into the new Subsection E. Common Conditions.

**C. Title V Air Operation Permit Revision – Title Pages**

*(see electronic file titled “0710119-006-AV SOB with changes made in this permit (version dated 08\_29\_2008) - Requested Edits.doc” for suggested edits)*

1. Page 2 of 2, Referenced attachments made a part of this permit  
The reference “Appendix 40 CFR 60 Subpart A” and “Appendix 40 CFR 60 Subpart Eb” was deleted because the requirements of the cited regulation were fully incorporated into the revised permit.

**D. Title V Air Operation Permit Revision – Main Body**

*(see electronic file titled “0710119-006-AV permit (part b) - Requested Edits.DOC” for suggested edits)*

1. Table of Contents  
The Table of Contents and page numbering was revised to reflect the addition of Subsection E. Common Conditions – MWC Units 1, 2, and 3; and Subsection F. Common Conditions – All Emission Units, as well as the consolidation of permit terms.
2. Pages 4 and 5, Conditions 2. and 2.1  
These two permit conditions are essentially the same and the language of the two was condensed into a single Condition 2. and the regulatory citation was updated.

3. Page 6, Conditions 8. and 8.1  
These two permit conditions are essentially the same and the language of the two was condensed into a single Condition 8. and the regulatory citation was updated. Also, the last sentence of previous Condition 8.1 was deleted because it is already part of revised Section II, Condition 2.
4. Page 9, Condition A.0.1 and Pages 63-64, Condition D.0.1  
The provisions of 40 CFR Part 60, Subpart A are fully implemented via a number of individual permit terms. In addition, they are applicable whether or not they are included in a Title V permit. Therefore, these conditions were deleted as redundant.
5. Page 10, Conditions A.0.2; A.0.3; and A.0.4  
These permit terms appear to be mostly informational, are redundant with each other, and/or do not include any regulatory requirements not included in other permit terms. Therefore, these permit terms were deleted.
6. Page 10, Condition A.1  
This permit term applies to any Facility emission unit subject to the provisions of 40 CFR Part 60 and this condition was moved to Section II, Condition 14.
7. Page 10, Condition A.2  
This permit term applies to any Facility emission unit subject to the provisions of 40 CFR Part 60 and this condition was moved to Section II, Condition 15.
8. Page 10, Condition A.3 and Page 64, Condition D.1  
These permit terms are effectively the same, apply to Units 1, 2, and 3, and were moved to Condition E.1.
9. Page 10, Condition A.4  
This permit term, implemented originally to ensure proper combustion efficiency, is effectively rendered obsolete by the carbon monoxide limit imposed by 40 CFR Part 60, Subpart Cb. The Facility requests deletion of this obsolete permit term.
10. Page 10, Condition A.5; Page 24, Condition A.42, last sentence; and Page 69, Condition D.7(c), first sentence  
These permit terms are effectively the same and were moved to Condition E.2. The language of the terms was revised to reflect the current definition of “malfunction” contained in 40 CFR §60.2. In addition, although the definition of malfunction is in the PSD permits for the facility, the PSD permits are not the underlying regulatory basis for the definition. Therefore, the references to “PSD-FL-151” and “Permit No. 0710119-005-AC/PSD-FL-151D” were deleted.

11. Page 11, Condition A.6

The only purpose for the language in (b) is to serve as the basis for determining unit capacity for applicability purposes of 40 CFR Part 60, Subpart Cb. As such, it has no use from an operating permit perspective and was deleted. In addition, the information contained in (a) has no basis in Subparts Cb or Eb and so these regulatory citations were deleted.

12. Page 11, Condition A.7

This permit term is redundant to the Condition A.62 to which it refers and was deleted.

13. Page 11, Condition A.8 and Page 64, Condition D.3, sentences four and five

- a. In Condition A.8, the parenthetical reference “as determined in Specific Condition A.6” is incorrect and was deleted. As discussed previously, the language in Condition A.6 is for determining the capacity of the MWC unit for applicability purposes, not for determining MWC Unit Load.
- b. These permit terms are effectively the same and were moved to Condition E.3. In addition, the language of the terms was revised to reflect the language of 40 CFR 60.51b.

14. Page 11, Condition A.9

This permit term applies to Units 1, 2 and 3 and moved to Condition E.4.

15. Pages 11-14, Condition A.10.1, Pages 66-68, Condition D.6 (including Conditions D.6.1 through D.6.7), and Page 77, and Condition D.24

- a. In Condition A.10.1, the third sentence pertaining to a battery collection program applies to the Facility, not Units 1 & 2. Therefore, this sentence was moved to Section II, Condition 16.
- b. In Condition A.10.1, the fourth sentence pertaining to the use of chromium compounds in the cooling tower applies to the Facility, not Units 1 & 2. Therefore, this sentence was moved to Section II, Condition 17.
- c. With the exception of the following two items, the remainder of Condition A.10.1 is essentially the same as the contents of Condition D.6 and Condition D.24:
  - i. The first two sentences of Condition A.10.1 do not occur in the permit terms for Unit 3. However, they effectively apply in that Unit 3 cannot burn any fuel that Units 1 and 2 cannot burn. Therefore, these two sentences were included in the consolidated permit language for Units 1, 2, and 3 that was moved to Subsection E.
  - ii. The language of Condition A.10.1 used the word “facility” in places that the language in Conditions D.6 and D.24 used the word “unit”. The word “facility” was used in the consolidated permit language for Units 1, 2, and 3 that was moved to Subsection E.

As discussed above, the language of these permit terms were consolidated and moved to Condition E.5.

- d. A permit note was added to Condition E.5 indicating that the Facility has demonstrated, and the FDEP South Office observed, test burns demonstrating compliance at the higher tire burning rate.

16. Page 14, Condition A.10.2

Effective June 3, 2007, the requirements of 40 CFR Part 60, Subpart Db are not applicable to any affected facility that is subject to the requirements of 40 CFR Part 60, Subpart Cb (see 40 CFR § 60.40b(k)). Therefore, the annual capacity factor portion of Condition A.10.2 is no longer applicable and, along with the associated regulatory citations was deleted.

17. Page 15, Condition A.11; Page 52, Condition B.2; Page 57, Condition C.1; and Page 65, Condition D.3.1

The entire Facility, and each emission unit at the facility, is permitted to operate continuously. These permit terms were consolidated and moved to Section II, Condition 18.

18. Page 15, Condition A.12 and Pages 64-65, Condition D.3, Sentences 3 and 5

The load level limit applies to Units 1, 2, and 3. Therefore, a permit term consolidating the language of these Conditions was moved to Condition E.6.

19. Page 15, Condition A.13 and Page 74, Condition D.16, sentences 2-4

The particulate control device inlet temperature limit and averaging period provisions apply to Units 1, 2, and 3. Therefore, this permit term was moved to Condition E.7.

20. Pages 15-18, Condition A.14; Page 64, Condition D.3, second sentence; Page 73, Condition D.13, first sentence; Page 74, Condition D.14, sentences 1-2; and Page 74, Condition D.16, sentences 1 and 5

- a. The procedures for demonstrating compliance with the operating requirements apply to Units 1, 2, and 3. Therefore, these permit terms were consolidated and moved to Condition E.8.
- b. Paragraph (2) was deleted as inapplicable because the Facility MWC units are not mass burn rotary wall MWCs or RDF stokers.

21. Pages 18-20, Condition A.16 and Pages 78-79, Condition D.27

- a. The operator training and certification requirements apply to Units 1, 2, and 3. Therefore, these permit terms were consolidated and moved to Condition E.9.
- b. The language of paragraph (c) was corrected by adding the word "or" after the phrase "... a fully certified shift supervisor". This correction is indicated in the electronic version of the document by green highlighting.
- c. Although the content of this permit term is in the PSD permit for Units 1 and 2, the PSD permit is not the underlying regulatory basis. Therefore, the reference to "PSD-FL-151" was deleted.

22. Page 20, Condition A.17

The language of the permit term was updated to include the date of State plan approval (November 13, 1997 – Federal Register Volume 62, Number 219, pages 60785-60787).

23. Page 20, Condition A.18

The language of the permit term was updated to include the date of State plan approval (November 13, 1997 – Federal Register Volume 62, Number 219, pages 60785-60787).

24. Page 20, Condition A.19(2)

The language of the permit term was updated to include the date of State plan approval (November 13, 1997 – Federal Register Volume 62, Number 219, pages 60785-60787).

25. Page 23, Condition A.39

The provisions of 40 CFR 60.11(c) apply to Units 1, 2, and 3. Therefore, this permit term was moved to Condition E.10, along with the Permitting note preceding Condition A.39.

26. Page 24, Condition A.40

The provisions of 40 CFR 60.11(d) apply to Units 1, 2, and 3. Therefore, this permit term was moved to Condition E.11.

27. Page 24, Conditions A.41.0 and 41.1; Page 40, Condition A.80, paragraph (8); and Pages 68-69, Condition D.7, paragraphs (b) and (d)

- a. The startup, shutdown, and malfunction provisions of 40 CFR §60.58b(a)(1) apply to Units 1, 2, and 3.
- b. For clarity, the language of the first sentence of Condition A.41.0 was revised to indicate that Subpart Cb applies to Units 1 & 2 and Subpart Eb applies to Unit 3. This revision is indicated in the electronic version of the document by green highlighting.
- c. The reference to Subpart Cb being incorporated under Rule 62-204.800(8)(b), F.A.C. is incorrect. Subpart Cb is incorporated under Rule 62-204.800(9)(b). However, since FDEP has incorporated both Subparts Cb and Eb by reference, the specific incorporating rule citation was removed.
- d. The paragraph at the end of Condition D.7, paragraph (d) regarding use of the auxiliary burners is informational and was deleted.
- e. Condition A.41.1 is simply a continuation of the two items in Condition A.40.0. Therefore, the language of Conditions A.41.0 and A.41.1 were consolidated with Condition D.7, paragraph's (b) and (d) and moved to Condition E.12.
- f. Condition A.80, paragraph (8) specifies the diluent cap that is to be used in calculating emissions during malfunctions involving a loss of boiler water level control or combustion air control. This calculation methodology is closely related to excess emissions and applies to Units 1, 2, and 3, and was moved to Condition E.13.

28. Page 24, Condition A.42, sentences 1 and 2, and Pages 68-69, Condition D.7, paragraph (a) and paragraph (c), third sentence

- a. The startup, shutdown, and malfunction excess emissions provisions of Rule 62-210.700(1) apply to Units 1, 2, and 3.
- b. The language from Condition D.7(c), third sentence was used for the consolidated permit term that was moved to Condition E.14.



- c. The reference to “Condition D.7(d)” was revised to “Specific Condition E.12”.
29. Page 24, Condition A.43; Page 69, Condition D.7, paragraph (c), second sentence; and Page 71, Condition EE.1, paragraph (b)
- The excess emissions limitations of Rule 62-210.700(4) apply to Units 1, 2, and 3. Therefore, this permit term was moved to Condition E.15.
  - Although this permit term is in the PSD permits for the facility, the PSD permits are not the underlying regulatory basis. Therefore, the references to “PSD-FL-151” and “Permit No. 0710119-005-AC/PSD-FL-151D” were deleted.
30. Page 25, Condition A.44 and Page 73, Condition D.12.3
- The performance test procedures of 40 CFR §60.8(c) apply to Units 1, 2, and 3, as well as the test notification requirements of Rule 62-297.310, F.A.C. The language from these two permit terms was consolidated and moved to Condition E.16.
  - Although the current Title V permit has a 90 day notification requirement for Units 1 and 2, there is no regulatory basis for this time frame and its length creates scheduling issues for both the Facility and FDEPSD. The notification timeline was set to 30 days, consistent with Conditions B.10 and C.12. As a note, the underlying FDEP rule requires only a 15 day notification for performance testing.
31. Pages 25-26, Condition A.46; Page 71, Conditions D.10 and D.10, paragraph (1); Page 72, Condition D.11, second sentence; and Page 73, Condition D.13, sentence 2 reference to opacity monitoring
- The particulate matter and opacity compliance procedures of 40 CFR §60.58b(c) apply to Units 1, 2, and 3. The language from these permit terms was consolidated and moved to Condition E.17.
  - The language of Condition E.17 regarding the required probe and filter holder heating system temperature during the Method 5 compliance testing was revised to reflect the May 10, 2006 federal amendment (i.e., the  $\pm 14^{\circ}\text{C}$  was deleted).
  - Although this permit term is in the PSD permits for the facility, the PSD permits are not the underlying regulatory basis. Therefore, the references to “PSD-FL-151” and “Permit No. 0710119-005-AC/PSD-FL-151D” were deleted.
  - Paragraph (12) of the condition, referring to PM10 testing, is not part of either 40 CFR §60.38b or §60.58b(c). Therefore, this extraneous paragraph was deleted and not included in the new Condition E.17.
32. Pages 26-28, Conditions A.47 and A.48; Page 71, Condition D.10; and Page 72, Condition D.10, paragraph (3)
- The cadmium, lead, and mercury compliance procedures of 40 CFR §60.58b(d) apply to Units 1, 2, and 3. The language from these permit terms was consolidated and moved to Condition E.18.
  - The reference to Specific Condition A.103 was updated to E.49
  - Each of the items contained in Condition A.48 is already implement by Condition A.47. Therefore, Condition A.48 was deleted and Rule 62-296.416(3)(d) F.A.C., was added to the regulatory citation of Condition E.18.

- d. Although this permit term is in the PSD permits for the facility, the PSD permits are not the underlying regulatory basis. Therefore, the references to “PSD-FL-151 & 151B” and “Permit No. 0710119-005-AC/PSD-FL-151D” were deleted.
33. Pages 28-30, Condition A.49; Page 71, Condition D.10; Page 72, Condition D.10, paragraph (3); and Page 73, Condition D.13  
The sulfur dioxide compliance procedures of 40 CFR §60.58b(e) apply to Units 1, 2, and 3. The language from these permit terms was consolidated and moved to Condition E.19.
34. Page 30, Condition A.50; Page 71, Condition D.10; and Page 72, Condition D.10, paragraph (3)  
a. The hydrogen chloride compliance procedures of 40 CFR §60.58b(f) apply to Units 1, 2, and 3. The language from these permit terms was consolidated and moved to Condition E.20.  
b. An item of great concern to the Facility is the fact that the May 10, 2006 federal rulemaking erroneously failed to include the 9 month to 15 month annual performance test window for hydrogen chloride. On April 25, 2007, Ms. Rebecca Macionski of Covanta submitted a comment to the FDEP regarding this issue (see Attachment 1). No feedback on this issue was received and the Facility requests FDEP’s assistance in resolving this issue.
35. Pages 30-32, Condition A.51; Page 71, Condition D.10; Page 72, Condition D.10, paragraph (2); Page 74, Condition D.14, sentence 3; Page 74, Condition D.16, sentence 6; and Pages 74-75, Condition D.17  
a. With the exception of the reduced testing frequency language of 40 CFR §60.58b(g)(5)(iii), the dioxin/furan compliance procedures of 40 CFR §60.58b(g) apply to Units 1, 2, and 3. The language from these permit terms (not including the reduced testing frequency language) was consolidated and moved to Condition E.21.  
b. A subsection (iii) was added to Condition E.21.(5) to reference the permit conditions containing the MWC organics testing frequency requirements.  
c. Based on the definitions of the terms “municipal waste combustor plant” and “designated facility” in 40 CFR Part 60, Subpart Cb and “municipal waste combustor plant” and “affected facility” in 40 CFR Part 60, Subpart Eb, the Facility does not believe that the reduced dioxin/furan test frequency can be applied across a mix of Cb and Eb units. That is, the reduced frequency language applies separately to Facility Units 1 and 2 and Facility Unit 3. Therefore, Condition A.51(5)(iii) remains for Units 1 and 2 and Condition D.10, paragraph (2) was deleted as being an incorrect interpretation of the underlying rule language and replaced by the correct Subpart Eb language. Additional information on this can be provided by the Facility if requested by FDEP.  
d. A permit note was added to Condition D.10, paragraph (2) indicating that the Facility has only one emission unit subject to this provision.

36. Pages 32-33, Condition A.52; Page 71, Condition D.10; and Page 73, Condition D.13  
The nitrogen oxides compliance procedures of 40 CFR §60.58b(h) apply to Units 1, 2, and 3. The language from these permit terms was consolidated and moved to Condition E.22.
37. Page 33, Condition A.53 and Page 71, Condition D.10  
The use of EPA Method 13A or 13B for fluorides testing applies to Units 1, 2, and 3. The language from these permit terms was consolidated and moved to Condition E.23.
38. Page 34, Condition A.61 and Pages 58-59, Condition C.5  
The required number of test runs provisions apply to all emission units at the facility. The language from these permit terms was consolidated and moved to Condition F.1.
39. Pages 34-35, Condition A.62; Page 53, Condition B.5; Page 59, Condition C.6; and Pages 72-73, Condition D.12.1  
a. The operating rate during testing provisions apply to all emissions units at the facility. The language from these permit terms was consolidated and moved to Condition F.2.  
b. The last two sentences of Condition D.12.1 was deleted because they are already fully implemented in other permit terms.  
c. Although this permit term is in the PSD permit for Unit 3, the PSD permit is not the underlying regulatory basis. Therefore, the reference to “Permit No. 0710119-005-AC/PSD-FL-151D” was deleted.
40. Page 35, Condition A.63; Page 59, Condition C.7; and Page 71, Condition D.10, second paragraph, last sentence  
The calculation of emission rate provisions apply to all emission units at the facility. The language from this permit term was moved to Condition F.3.
41. Page 35, Condition A.64; Pages 53-54, Condition B.6; Pages 59-60, Condition C.8; and Page 72, Condition D.11  
a. The applicable test procedures provisions apply to all emission units at the facility. The language from these permit terms was consolidated and moved to Condition F.4.  
b. The reference to “Condition A.46” regarding the minimum Method 5 sample volume was updated to “Condition E.17 for MWC Units 1, 2, and 3.
42. Page 35, Condition A.65; Page 54, Condition B.7; Page 60, Condition C.9; and Page 72, Condition D.12  
a. The required stack sampling facilities provisions apply to all emission units at the facility. The language from these permit terms was consolidated and moved to Condition F.5.  
b. The reference to “Condition B.12, Permit No. 0710119-005-AC/PSD-FL-151D” was deleted because while it is Condition B.12 of the Unit 3 PSD construction permit, the true underlying regulatory citation is Rule 62-297.310(6), F.A.C.

43. Page 36, Condition A.66.0; Pages 54-55, Condition B.8; Pages 60-61, Condition C.10; Page 72, Condition D.11; Page 73, Condition D.12.2; and Page 73, Condition D.12.4
- a. The compliance test frequency, general requirement, special compliance test, and waiver of compliance test provisions apply to all emission units at the facility. The language from these permit terms was consolidated and moved to Condition F.6.
  - b. The reference in Condition D.12.2 to “Condition C.4, Permit No. 0710119-005-AC/PSD-FL-151D” was deleted because while the language does correspond to Condition C.4 of the Unit 3 PSD construction permit, the true underlying regulatory citation is Rule 62-297.310(7), F.A.C.
44. Pages 36-37, Condition A.66.1, second and third sentences and Page 72, Condition D.11, third sentence  
The provisions contained in these sentences apply to Units 1, 2, and 3. The language from these sentences was moved to Condition E.17.1. In addition, the regulatory citations for Condition A.66.1 and E.17.1 were updated to reflect this move.
45. Page 37, Conditions A.67, A.68, and A.69  
The provisions contained in these three permit terms apply to Units 1, 2, and 3. The permit terms were moved to Conditions E.24, E.25, and E.26, respectively.
46. Page 37, Condition A.70; Page 62, Condition C.14; and Page 65, Condition D.4, *Particulate Matter*, second sentence  
The requirement to equip baghouses at the Facility, except for those specifically listed, applies to multiple emission units at the Facility. The language from these permit terms was consolidated and moved to Section II, Condition 19.
47. Pages 37-38, Conditions A.72 through A.78  
The provisions contained in these permit terms apply to Units 1, 2, and 3. The permit terms were moved to Conditions E.27 through E.33, respectively.
48. Pages 39-40, Condition A.79; Page 55, Condition B.9; Page 61, Condition C.11; and Page 65, Condition D.3.2  
The language of these permit terms is identical and applies to all emission units at the Facility. The language from these permit terms was consolidated and moved to Condition F.7.
49. Page 40, Condition A.80 and Page 73, Condition D.13, second and third sentences  
The requirement to monitor oxygen levels applies to Units 1, 2, and 3. The language from these permit terms was consolidated and moved to Condition E.34.
50. Page 41, Condition A.82  
The recordkeeping requirements of 40 CFR §60.7(b) apply to Units 1, 2, and 3. The language from this permit term was moved to Condition E.35.

51. Page 41, Condition A.83 and Pages 75-76, Condition D.20.1

The reporting requirements of 40 CFR 60.7(c) apply to Units 1, 2, and 3. In addition, this reporting is no longer due quarterly, as indicated in Condition D.20.1, but is required semiannually. The language from these permit terms was consolidated and moved to Condition E.36.

52. Pages 41-42, Conditions A.84, A.85, and A.86

The reporting requirements implemented by these two permit terms apply to Units 1, 2, and 3. The language from these permit terms was consolidated and moved to Conditions E.37, E.38, and E.39, respectively.

53. Pages 42-43, Condition A.87

This condition applies to the Facility whether or not it is contained in a Title V permit and serves no purpose at this time. Therefore, this unnecessary permit conditions was deleted.

54. Pages 43-45, Condition A.88 and Page 75, Condition D.19, paragraphs (a),(b),(e),(f), and (i)

- a. As discussed previously, the provisions of 40 CFR Part 60, Subpart Db do not apply to Units 1, 2, or 3. Condition D.19, paragraph (d) is an obsolete Subpart Db requirement. Therefore, Condition D.19, paragraph (d) was deleted.
- b. In Condition A.88, paragraph (14), the same requirement is stated twice (i.e., the first sentence is identical to the second sentence). The redundant language was deleted.
- c. The recordkeeping requirements included in Condition A.88 apply to Units 1, 2, and 3. In addition, the requirements in D.19, paragraphs (a), (b), (e), (f), and (i) are redundant with those in Condition A.88. The language from these permit terms was consolidated and moved to Condition E.40.

55. Page 45, Condition A.89 and Page 72, Condition D.11, fifth sentence

The contents of the test reports requirements apply to Units 1, 2, and 3. These permit terms were consolidated and moved to Condition E.41.

56. Page 46, Condition A.90 and Page 76, Condition D.22, second paragraph

The annual report requirements of 40 CFR §60.59b(g) apply to Units 1, 2, and 3. The language from these permit terms was consolidated and moved to Condition E.42.

57. Pages 46-47, Condition A.91 and Page 76, Condition D.22, third paragraph

The semiannual report requirements of 40 CFR §60.59b(h) apply to Units 1, 2, and 3. The language from these permit terms was consolidated and moved to Condition E.43.

58. Page 47, Conditions A.92, A.93, and A.94

The requirements implemented by these permit terms apply to Units 1, 2, and 3. The language from these permit terms was moved to Conditions E.44, E.45, and E.46, respectively.

59. Page 47, Condition A.95 and Page 76, Condition D.20.2  
The excess emissions reporting requirements in these terms apply to Units 1, 2, and 3. The language from these permit terms was consolidated and moved to Condition E.47.
60. Pages 48-49, Condition A.97; Pages 55-56, Condition B.11; Pages 61-62, Condition C.13; and Pages 77-78, Condition TR.1  
The test report requirements in these terms apply to all emission units at the Facility. The language from these permit terms was consolidated and moved to Condition F.8.
61. Page 49, Condition A.98 and Page 75, Condition D.19 first paragraph and paragraphs (c),(g),(h), and (j)  
The requirements in these terms apply to the facility. Therefore, the language from these permit terms was consolidated and moved to Section II, Condition 20.
62. Page 49, Condition A.99  
The requirements in this permit term have been completed. Therefore, this permit term was deleted.
63. Page 49, Conditions A.100 and A.101  
These permit terms are redundant with the requirements of 40 CFR Part 60, Subpart Cb implemented in other portions of this permit. Therefore, these permit terms were deleted.
64. Page 49, Condition A.102  
The requirements in this permit term are from a rule that pertains to the Department not to the Facility. Therefore, this permit term was deleted.
65. Pages 50-51, Condition A.103  
The carbon injection requirements of 40 CFR §60.58b(m) apply to Units 1, 2, and 3. The language from this permit term was moved to Condition E.48.
66. Page 51, Condition A.105  
The Acid Rain notification requirements of 40 CFR Part 75 (i.e., if an incinerator consumed 20 percent or more fossil fuel in a given three calendar year period) apply to Units 1, 2, and 3. The language from this permit term was moved to Condition E.49.
67. Page 52, Condition B.1  
The requirements in this permit term are from 40 CFR Part 60. The lime silo is not subject to any portion of 40 CFR Part 60. Therefore, this permit term was deleted.
68. Page 58, Condition C.4.1, paragraph (4)  
An item of great concern to the Facility is the fact that the May 10, 2006 federal rulemaking erroneously failed to include the 9 month to 15 month annual performance test window for fugitive ash emissions. On April 25, 2007, Ms. Rebecca Macionski of Covanta submitted a comment to the FDEP regarding this issue (see Attachment 1). No feedback on this issue was received and the Facility requests FDEP's assistance in

resolving this issue.

69. Page 63, Description, second paragraph, second sentence

The monitor manufacturer information serves no environmental protection purpose and may change in the future as the equipment is replaced. To avoid having to update the permit if and when the monitors are replaced, this unnecessary sentence was deleted.

70. Page 64, Condition D.0.2

The provisions of 40 CFR Part 60, Subpart Eb are fully implemented via a number of individual permit terms. Therefore, this condition was deleted as redundant.

71. Page 64, Condition D.0.3

This permit term is informational in nature and contains no applicable requirements. Therefore, it should not be included as a specific condition and was deleted as unnecessary. If this information is deemed necessary for some purpose, it should be moved to the description portion of Subsection D.

72. Page 64, Condition D.2, second sentence

- a. This sentence is informational in nature, contains no applicable requirements, and was not in the Unit 3 PSD construction permit. Therefore, it should not be included as a specific condition and was deleted as unnecessary. If this information is deemed necessary for some purpose, it should be moved to the description portion of Subsection D (as a note, if this option is chosen, the nominal output of the unit is 186,200 lbs steam/hour).
- b. Unit 3 is not subject to the provisions of 40 CFR Part 60, Subpart Cb. Therefore, the references to “60.31b” and “60.38b” were deleted.

73. Page 64, Condition D.3, first sentence

Inclusion of the definition of “unit load” (actually, it should be “municipal waste combustor unit load”) as a specific condition of the permit serves no environmental protection purposes and was deleted.

74. Pages 65-66, Condition D.4

- a. With the exception of the NO<sub>x</sub> reducing emission limit, the emission limits listed in Condition D.4 are redundant with the limits in Condition D.8 and were deleted. The NO<sub>x</sub> reducing emission limit was appended to the table in Condition D.8. In addition, the date of initial compliance test completion (October 23, 2007) was inserted.
- b. The requirement to measure and maintain the carbon injection rate is redundant with other permit terms and was deleted.
- c. The last paragraph refers to data that has been submitted, fulfilling the original PSD permit requirement. Therefore, this obsolete permit term was deleted.

75. Pages 68-69, Condition D.7

The reference to “Permit No. 0710119-005-AC/PSD-FL-151D” was deleted when consolidated discussed in Comments 27 and 28 above because while permit term language is in the Unit 3 PSD construction permit, the true underlying regulatory bases are Rules 62-210.700 & 62-204.800(8), F.A.C., and 40 CFR 60.58b(a)(1).

76. Page 70, Condition D.8

The Unit 3 initial compliance test was completed on October 23, 2007. Therefore, the NO<sub>x</sub> and ammonia emission limits applicable during the 12-calendar month period following initial operation will end prior to issuance of the Facility’s revised Title V permit and were deleted. As discussed in Item 74 above, the NO<sub>x</sub> reducing emission limit language was appended to the table in Condition D.8.

77. Page 71, Condition EE.1(a), second sentence and (c)

- a. The requirement to follow the best operational practices contained in the Operational Procedures Manual for Unit 3 is a newly added requirement that is redundant to the requirements of 40 CFR §60.54b(e), (f), and (g) and was deleted.
- b. Paragraph (c) was deleted because the requirement to submit the operational procedures manual (Condition D.3, paragraph (c) of the Unit 3 construction permit) was completed and keeping the obsolete permit term serves no purpose.

78. Pages 71-72, Condition D.10

- a. The first paragraph is redundant with the requirements of a number of permit terms in Subsection E and was deleted.
- b. The second paragraph and listing of test methods is redundant with the requirements of a number of permit terms in Subsection E and was deleted.
- c. Subsection (1) was consolidated to become Condition E.17. Subsection (1) was used to clarify the frequency of stack testing for Unit 3 similar to Condition A.66.1.
- d. The first sentence of Subsection (5) was deleted because the 12-month period following initial performance test (completed on October 23, 2007) will be finished prior to issuance of the revised permit. The language of the second sentence was modified to reflect deletion of the first sentence, and the reference to using Conditional Test Method 027 was inserted. In addition, to allow for the use of future-approved EPA test methods without requiring a permit modification, the phrase “or other EPA approved test method” was inserted.

79. Page 72, Condition D.11 and Page 73, Condition D.13

Based on the revisions to this condition discussed previously, the regulatory citation was updated to remove all references to Cb (not even applicable to Unit 3), Eb, and FDEP’s implementing rule.

80. Page 73, Condition D.13, last two sentences

The requirements in these two sentences are fully implemented by a number of other terms in the permit and they were deleted as being redundant.



81. Page 75, Condition D.18

The contents of this permit term are implemented by a number of other terms in the permit and it was deleted as being redundant.

82. Page 76, Condition D.21

The requirements of this permit term have been fulfilled and it was deleted as being obsolete.

83. Page 76, Condition D.22, first paragraph

The requirements of this permit term apply to the Facility and it was moved to Section II, Condition 21.

84. Page 77, Condition D.25

The requirements of this permit term have been fulfilled and it was deleted as being obsolete. In addition, as discussed previously, the references to 40 CFR Part 60, Subpart Db are no longer applicable.

85. Page 77, Condition D.26

The requirements of this permit term have been fulfilled and it was deleted as being obsolete.

86. Page 79, Condition D.28

- a. Sentences 1 and 2 are implemented by other permit terms and were deleted.
- b. The language of sentence 4 was modified to indicate that the list of certified personnel has been submitted to FDEP and that FDEP acknowledges such.

87. Page 80, Condition D.29

This permit term applies generally to the facility, based on its language and placement in the PSD permit. Therefore, it was moved to Section II, Condition 22.

***E. Title V Air Operation Permit Revision – Appendix I-1  
(see electronic file titled “0710119-006-AV Appendix I-1 - Requested Edits Tracked.doc” for suggested edits)***

The Facility requests that FDEP add the anhydrous ammonia and urea storage tanks to the list of insignificant activities in Appendix I-1.

Thank you for your consideration of our comments. Should you have any questions, please contact me at (239-533-8000) or Mr. M. Kirk Dunbar of HDR Engineering, Inc. at (763-591-5476).

Sincerely,



Lindsey J. Sampson, Director  
Lee County Solid Waste Division

Attachments (electronic on enclosed CD)

cc: D. Castro - HDR Engineering, Inc.  
K. Dunbar - HDR Engineering, Inc.  
M. Halpin, P.E. - DEP-Siting  
A. Satyal - DEP-SD  
G. Ball-Ilovera - Covanta Energy of Lee County  
II E 105

**Sheplak, Scott**

---

**From:** Macionski,Becky [Becky\_Macionski@CovantaEnergy.com]  
**Sent:** Monday, September 15, 2008 4:05 PM  
**To:** Dunbar, Kirk; Sampson, Lindsey J.  
**Cc:** Ball-Llovera,George; Chardo,Kristen; Castro, Don  
**Subject:** FW: 62-204.800 Federal Regulations Adopted by Reference

Attached please find the comments that I submitted to the Department on 4/25/07.

**Rebecca Macionski**  
**Regional Environmental Manager**

**COVANTA**

**E N E R G Y**

*for a cleaner world*

**Covanta Hillsborough, Inc.**

**350 N. Falkenburg Road**

**Tampa, FL 33619**

**813.684.5688 ext. 3015 Fax: 813.684.7964**

*www.CovantaHolding.com*

---

**From:** Glunn, John [mailto:John.Glunn@dep.state.fl.us]  
**Sent:** Monday, April 30, 2007 2:48 PM  
**To:** Macionski,Becky  
**Subject:** RE: 62-204.800 Federal Regulations Adopted by Reference

Dear Ms. Macionski,

Thank you for your comment on our proposed rule amendment to incorporate the federal changes to the Large Municipal Waste Combustor regulations. We will discuss your testing flexibility comment with EPA, and will give your comments due consideration, based on EPA's response.

As for the intended timeline/compliance schedule, we have proposed that the state rule changes follow the same language as in the federal rule, and so the emission standards will change on 4/28/09.

Again, thanks for your comments! If you have any other questions, please get back to me.

John Glunn  
 FL DEP  
 Div. of Air Resource Management  
 850/921-9548

---

**From:** Macionski,Becky [mailto:Becky\_Macionski@CovantaEnergy.com]  
**Sent:** Wednesday, April 25, 2007 2:56 PM  
**To:** George, Larry; Glunn, John  
**Cc:** Stepsus,Karen; Ta,Viet  
**Subject:** 62-204.800 Federal Regulations Adopted by Reference

4/10/2009

**RULE NO.: RULE TITLE:**

62-204.800 Federal Regulations Adopted by Reference

**PURPOSE AND EFFECT:** The proposed rulemaking involves amendments to Rule 62-204.800, F.A.C., to incorporate the May 10, 2006, federal changes to the air pollution regulatory requirements for large municipal waste combustors.

**SUMMARY:** EPA regulations at 40 CFR Part 60, Subparts Eb and Cb, are adopted and incorporated by reference, and existing rule language is updated accordingly.

I would like to submit the following comments on the proposed rule as published in the FAW Volume 33, Number 14, on April 6, 2007. The revised MWC MACT (40 CFR 60, Subpart Eb and Cb) standards as published on May 10, 2006 (71 FR 27324) establishes testing flexibility for the annual compliance tests to be conducted once per calendar year, but no less than 9 months and no more than 15 months since the previous test. Although EPA's intention in the preamble is clear to establish this approach for all constituents requiring annual testing, the published revisions to 40 CFR 60, fails to establish the flexible approach for HCl and fugitive emissions. The MACT update retained the original 12 month language for HCl and fugitive emissions. If HCl at the very least is not allowed this greater flexibility in testing, it effectively limits the entity regulated under these subparts from using the testing flexibility for the other constituent due to the adherent costs associated with mobilizing contracted stack testers. EPA also failed to repeat the updated CEM availability language in 60.58b(e)(7), the reference that reads days should be hours to be consistent with the language established for the other constituents. For tracking ongoing compliance, all constituents should have all the same CEM availability requirements.

USEPA acknowledged these oversights in direct communication with personnel at Covanta's corporate office, but EPA noted that no correction to the regulations will be made until completion of the reconsideration process raised as a result of the Sierra Club filing a statement of issues following the publication of the MWC MACT standards.

Please consider making the referenced changes to the proposed rule so that it remains consistent with EPA intentions despite the clerical oversights. Also, what is the timeline or intended compliance schedule once the intended changes are adopted by reference?

Thank you for your time and consideration of this matter.

**Rebecca Macionski**  
**Environmental Engineer**

**COVANTA**

***Safe waste disposal and clean energy solutions... For generations to come***

**Covanta Energy Corporation**  
**350 North Falkenburg Road, Tampa, FL 33619**  
813.684.5688 Ext. 3015 Fax: 813.684.7964  
www.CovantaHolding.com



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

## P.E. Certification Statement

**Applicant:**

Lee County  
Lee County Resource Recovery Facility

Draft Permit No. 0710119-006-AV

**Project Type:** Title V Air Operation Permit Revision

Inclusion of the new unit, Unit 3; and, the May 10, 2006, Federal Amendments  
Applicable to Units 1, 2 & 3

*I HEREBY CERTIFY that the engineering features described in the above referenced application 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).*

The CAM Plan I initially proposed includes information similar to other issued approved CAM Plans, like the inclusion of background information, the monitoring approach along with justification to support Tables. This information at the acting supervisor's request was moved to the Statement of Basis (SOB).

The CAM Plan I propose relies upon: similar other approved CAM Plans; the PSD-FL-151D permit, Condition B.10(3); and, the U.S. EPA letter dated July 7, 1999 (copy attached) which all recognize the use of surrogate pollutants. SO<sub>2</sub> is recognized as a surrogate pollutant for sulfuric acid mist (SAM) emissions. HF emissions are acid gases. For the same reasoning as SAM emissions, SO<sub>2</sub> can also be used as a surrogate pollutant for HF emissions.

*Scott M. Sheplak*

*08/29/08*

Scott M. Sheplak  
Professional Engineer (P.E.)  
License Number 48866

Date

Permitting Authority:

Department of Environmental Protection  
Bureau of Air Regulation  
111 South Magnolia Drive, Suite 4  
Tallahassee, Florida 32301  
Telephone: 850/921-9532  
Fax: 850/921-9533

SMS

-file-

**CAM Plan**  
**Compliance Assurance Monitoring Plan**  
(version dated 08/20/2008)

Lee County Department of Solid Waste  
Lee County Resource Recovery Facility

Draft Permit No. 0710119-006-AV  
Facility ID No. 0710119

The following emissions unit is subject to the CAM provisions only for the pollutants indicated:

E.U. ID No.	Brief Description	Pollutant(s) subject to CAM
-006	Municipal Waste Combustion Unit No. 3	SAM, HF

These CAM related documents are on file with permitting authority:

- a. Original CAM Plan received with application; and,
- b. July 7, 1999, EPA Policy Memo re: CAM & post-1990 Large MWC Regulations

For ease of reference the following definitions are cited from 40 CFR 64.1 Definitions (10/03/1997):

*Exceedance shall mean a condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions (or opacity) are greater than the applicable emission limitation or standard (or less than the applicable standard in the case of a percent reduction requirement) consistent with any averaging period specified for averaging the results of the monitoring.*

*Excursion shall mean a departure from an indicator range established for monitoring under this part, consistent with any averaging period specified for averaging the results of the monitoring.*

**CAM Plan**  
**Compliance Assurance Monitoring Plan**  
(version dated 08/20/2008)

Lee County Department of Solid Waste  
Lee County Resource Recovery Facility

Draft Permit No. 0710119-006-AV  
Facility ID No. 0710119

Sulfuric Acid Mist (SAM)

I. Background

A. Emissions Unit

Description: MSW Unit 3 - 636 tpd nominal MSW Incinerator

Identification: E.U. ID No. -006

Facility: Lee County Energy Recovery Facility

B. Applicable Regulation, Emission Limit, and Monitoring Requirements

Regulation No.: PSD-FL-151D, Section III, Condition B.8

Emission Limit: 15 ppmvd corrected to 7% O<sub>2</sub>

Monitoring Requirement: SO<sub>2</sub> compliance used as surrogate indicator for SAM

C. Control Technology

Spray dryer absorption scrubber (SDA) followed by a fabric filter

II. Monitoring Approach

The key elements of the monitoring approach are presented below:

A. Indicator

The PSD permit limit for sulfur dioxide (SO<sub>2</sub>) shall be used as an indicator

B. Measurement Approach

SO<sub>2</sub> outlet concentration shall be measured at the stack (downstream of the SDA).

Compliance with the SO<sub>2</sub> emission limitation serves as continuous indication that the acid gas scrubber is performing adequately. The facility shall continuously monitor SO<sub>2</sub> emissions to verify proper operation of the acid gas scrubber and ensure compliance with the SAM emission limitation.

C. Indicator Range

The emission limit for SO<sub>2</sub> contained in the gases discharged to the atmosphere is 26 ppm, or 80% reduction, corrected to 7 percent oxygen (dry basis), whichever is less stringent. This emission limit is based on a 24-hour daily geometric mean.

**CAM Plan**  
**Compliance Assurance Monitoring Plan**  
(version dated 08/20/2008)

Lee County Department of Solid Waste  
Lee County Resource Recovery Facility

Draft Permit No. 0710119-006-AV  
Facility ID No. 0710119

D. QIP Threshold  
The QIP threshold is seven excursions of the 24-hour daily geometric mean in a six month reporting period.

E. Performance Criteria  
Data Representativeness: SO<sub>2</sub> concentration measurements are continuously obtained using a Continuous Emissions Monitoring System (CEMS) installed, certified, maintained, and operated pursuant to 40 CFR Part 60, Appendix B.

Verification of Operational Status: 40 CFR Part 60, Subpart Eb mandates CEMS data availability

QA/QC Practices and Criteria: 40 CFR 60.13 and 40 CFR Part 60, Appendix B

Monitoring Frequency and Data Collection Procedure: Continuous

III. Justification

A. Background  
SAM is a regulated pollutant under the PSD construction permit issued to the facility for Unit 3. SO<sub>2</sub> stack tests shall be used to verify that emissions are below permitted levels.

B. Rationale for Selection of Performance Indicator  
A portion of the sulfur contained in the waste is liberated in the combustor and converted to SAM. SAM is a very strong acid which will be rapidly neutralized in the SDA. The SDA removes multiple acid gases, including SAM, HF, HCl, and SO<sub>2</sub>. Under normal scrubber operating conditions, the available lime slurry will neutralize SAM before neutralizing SO<sub>2</sub>. Therefore, compliance with the permitted SO<sub>2</sub> limit will sufficiently ensure that SAM is being equally controlled. This fact is furthered by the language of the PSD permit, Section III, Condition B.10(3), which states:

“Demonstration of the SO<sub>2</sub> emission limit shall be used as a surrogate for determining compliance with the SAM emission limit.”

C. Rationale for Selection of Indicator Range



**CAM Plan**  
**Compliance Assurance Monitoring Plan**  
(version dated 08/20/2008)

Lee County Department of Solid Waste  
Lee County Resource Recovery Facility

Draft Permit No. 0710119-006-AV  
Facility ID No. 0710119

Compliance with the SO<sub>2</sub> emission limit indicates that the SDA is operating properly and adequately removing acid gases from the exhaust stream. Therefore, the selected indicator range is sufficient to ensure that SAM emissions are being adequately controlled.

- D. The specific QIP threshold implements the language of 40 CFR 64.8(a), which states that a part 70 permit may specify an appropriate threshold, such as an accumulation of exceedances or excursions exceeding 5 percent duration of a pollutant-specific emission unit's operating time for a reporting period, for requiring the implementation of a QIP. Assuming a low availability of 80% during a given six month reporting period, the 5% threshold corresponds to 7.3 days. This specific QIP threshold adequately implements Condition 10. of the CAM Requirements.

**IV. Monitoring Approach – Table CAM.**

E.U. ID No. -006	Indicator No. 1
A. Indicator	SO <sub>2</sub> for SAM emissions
Measurement Approach	SO <sub>2</sub> outlet concentration
B. Indicator Range	26 ppm
Equipment	Spray dryer absorption scrubber (SDA) followed by a fabric filter.
QIP Threshold	Seven (7) excursions of the 24-hour daily geometric mean in a 6 month reporting period.
C. Performance Criteria	CEMS installed, certified, maintained, and operated pursuant to 40 CFR Part 60, Appendix B.
1. Data Representativeness	
2. Verification of Operational Status	40 CFR Part 60, Subpart Eb mandates CEMS data availability.
3. QA/QC Practices and Criteria	40 CFR 60.13 and 40 CFR Part 60, Appendix B.
4.a. Monitoring Frequency	Continuous
b. Data Collection Procedures	At least two data points of the SO <sub>2</sub> outlet concentration per hour are electronically recorded and used to calculate a 1-hour arithmetic average per 40 CFR 60.58b(e).
c. Averaging Period	24-hour daily geometric mean of the 1-hour averages.

**CAM Plan**  
**Compliance Assurance Monitoring Plan**  
(version dated 08/20/2008)

Lee County Department of Solid Waste  
Lee County Resource Recovery Facility

Draft Permit No. 0710119-006-AV  
Facility ID No. 0710119

Hydrogen Fluoride (HF)

I. Background

A. Emissions Unit

Description: MSW Unit 3 - 636 tpd nominal MSW Incinerator

Identification: E.U. ID No. -006

Facility: Lee County Energy Recovery Facility

B. Applicable Regulation, Emission Limit, and Monitoring Requirements

Regulation No.: PSD-FL-151D, Section III, Condition B.8

Emission Limit: 3.5 ppmvd corrected to 7% O<sub>2</sub>

Monitoring Requirement: Stack test every five years – EPA Method 13A or 13B

C. Control Technology

Wet lime slurry injection (SDA) followed by a fabric filter

II. Monitoring Approach

The key elements of the monitoring approach are presented below:

A. Indicator

The PSD permit limit for sulfur dioxide (SO<sub>2</sub>) shall be used as an indicator

B. Measurement Approach

SO<sub>2</sub> outlet concentration shall be measured at the stack (downstream of the SDA). Compliance with the SO<sub>2</sub> emission limitation serves as continuous indication that the acid gas scrubber is performing adequately. The facility shall continuously monitor SO<sub>2</sub> emissions to verify proper operation of the acid gas scrubber and ensure compliance with the HF emission limitation.

C. Indicator Range

The emission limit for SO<sub>2</sub> contained in the gases discharged to the atmosphere is 26 ppm, or 80% reduction, corrected to 7 percent oxygen (dry basis), whichever is less stringent. This emission limit is based on a 24-hour daily geometric mean.

**CAM Plan**  
**Compliance Assurance Monitoring Plan**  
(version dated 08/20/2008)

Lee County Department of Solid Waste  
Lee County Resource Recovery Facility

Draft Permit No. 0710119-006-AV  
Facility ID No. 0710119

D. QIP Threshold

The QIP threshold is seven excursions of the 24-hour daily geometric mean in a six month reporting period.

E. Performance Criteria

Data Representativeness: SO<sub>2</sub> concentration measurements are continuously obtained using a Continuous Emissions Monitoring System (CEMS) installed, certified, maintained, and operated pursuant to 40 CFR Part 60, Appendix B.

Verification of Operational Status: 40 CFR Part 60, Subpart Eb mandates CEMS data availability

QA/QC Practices and Criteria: 40 CFR 60.13 and 40 CFR Part 60, Appendix B

Monitoring Frequency and Data Collection Procedure: Continuous

III. Justification

A. Background

HF is a regulated pollutant under the PSD construction permit issued to the facility for Unit 3. SO<sub>2</sub> stack tests shall be used to verify that emissions are below permitted levels.

B. Rationale for Selection of Performance Indicator

Fluoride contained in the waste is liberated in the combustor and converted to hydrogen fluoride, and ultimately to hydrofluoric acid. HF is a very strong acid which will be rapidly neutralized in the SDA. The SDA removes multiple acid gases, including HF, SAM, HCl, and SO<sub>2</sub>. Under normal scrubber operating conditions, the available lime slurry will neutralize HF before neutralizing SO<sub>2</sub>. Therefore, compliance with the permitted SO<sub>2</sub> limit will sufficiently ensure that HF is being equally controlled.

C. Rationale for Selection of Indicator Range

Compliance with the SO<sub>2</sub> emission limit indicates that the SDA is operating properly and adequately removing acid gases from the exhaust stream. Therefore, the selected indicator range is sufficient to ensure that HF emissions are being adequately controlled.

**CAM Plan**  
**Compliance Assurance Monitoring Plan**  
(version dated 08/20/2008)

Lee County Department of Solid Waste  
Lee County Resource Recovery Facility

Draft Permit No. 0710119-006-AV  
Facility ID No. 0710119

D. The specific QIP threshold implements the language of 40 CFR 64.8(a), which states that a part 70 permit may specify an appropriate threshold, such as an accumulation of exceedances or excursions exceeding 5 percent duration of a pollutant-specific emission unit's operating time for a reporting period, for requiring the implementation of a QIP. Assuming a low availability of 80% during a given six month reporting period, the 5% threshold corresponds to 7.3 days. This specific QIP threshold adequately implements Condition 10. of the CAM Requirements.

**IV. Monitoring Approach - Table CAM.**

E.U. ID No. -006	Indicator No. 1
A. Indicator	SO <sub>2</sub> for HF emissions
Measurement Approach	SO <sub>2</sub> outlet concentration
B. Indicator Range	26 ppm
Equipment	Spray dryer absorption scrubber (SDA) followed by a fabric filter.
QIP Threshold	Seven (7) excursions of the 24-hour daily geometric mean in a 6 month reporting period.
C. Performance Criteria	CEMS installed, certified, maintained, and operated pursuant to 40 CFR Part 60, Appendix B.
1. Data Representativeness	
2. Verification of Operational Status	40 CFR Part 60, Subpart Eb mandates CEMS data availability.
3. QA/QC Practices and Criteria	40 CFR 60.13 and 40 CFR Part 60, Appendix B.
4.a. Monitoring Frequency	Continuous
c. Data Collection Procedures	At least two data points of the SO <sub>2</sub> outlet concentration per hour are electronically recorded and used to calculate a 1-hour arithmetic average per 40 CFR 60.58b(e).
c. Averaging Period	24-hour daily geometric mean of the 1-hour averages.

July 7, 1999

Ms. Maria Zannes  
President  
Integrated Waste Services Association  
1401 H Street, NW, Suite 220  
Washington, DC 20005

Re: Applicability of Maximum Achievable Control Technology Standard Monitoring to Satisfy Title V Periodic or Compliance Assurance Monitoring

Dear Ms. Zannes:

This letter is in response to your letter, dated April 22, 1999, in which you seek our views on using monitoring contained in subparts Eb of title 40 of the Code of Federal Regulations (CFR), part 60, and referenced in subpart Cb to satisfy title V periodic monitoring (40 CFR part 70) or compliance assurance monitoring (CAM) (40 CFR part 64) requirements for other applicable requirements under existing air pollution regulations, such as State implementation plans (SIP's). We understand that facility owners are now installing and operating monitoring that satisfies subpart Cb or Eb requirements before those emissions limitations become effective. Your question is whether you can expect that same monitoring to be adequate to show compliance with similar existing emissions limitations and can avoid having to provide additional monitoring to satisfy periodic monitoring or CAM requirements.

The monitoring requirements in subpart Eb are rigorous and specify use of continuous monitoring systems for opacity, for emissions of acid gases, organic gases, and nitrogen oxides, and for operational parameters that serve as surrogates for monitoring compliance particulate matter, dioxins and furans, and metals emissions limits. See generally 40 CFR, sections 60.58b and 60.38b. We expect that in most cases monitoring that complies with the requirements in subpart Eb will also provide the assurance of compliance required by part 70 or part 64 for other emissions limitations or standards for the same or similar pollutants. On the other hand, it is impossible for us to state definitively that monitoring that complies with subpart Eb requirements will provide adequate assurance of compliance for all other emissions limitations or standards. For example, a local or State agency may impose a volatile organic compounds (VOC) emissions limit, an emissions limit not directly addressed in subpart Eb. Whether the monitoring in subpart Eb alone is sufficient to satisfy part 70 or part 64 monitoring requirements for emissions

limitations not addressed in subpart Eb must be evaluated on a case-by-case basis by the permitting authority in the title V permit application review and approval process.

Factors to consider in making this evaluation include whether the other applicable requirements regulate the same or similar pollutants (e.g., metals other than cadmium, mercury, or lead). Other factors include whether different pollutant emission limitations share a common format (e.g., pounds per hour or parts per million) or can be converted easily to a common format (e.g., convert pounds per hour to tons per year). Applying monitoring required in subpart Eb to show compliance with an emission limitation for a pollutant whose emissions are related to those of a regulated pollutant may also be possible (e.g., using the carbon monoxide continuous emissions monitoring system for monitoring for compliance with a VOC emissions limit). Where possible, as determined through the permitting authority on a case-by-case basis, we fully support simplifying monitoring requirements for permits, including through the application of one monitoring approach for multiple emissions limitations of the same pollutant or dissimilar pollutants.

Should you have questions concerning this response, please contact Barrett Parker at (919) 541-5635.

Sincerely,

/s/

Steven J. Hitte  
Group Leader  
Operating Permits Group

cc: Zofia Kosim, OECA  
Barrett Parker, OAQPS  
Walt Stevenson, OAQPS  
Peter Westlin, OAQPS  
Title V Contacts, Regions I-X