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Fort Myers, Florida 33902-0398
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BOARD OF COUNTY COMMISSIONERS

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AIR REGULATION

December 7, 1995
SL-95-699

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County Hearing Examiner

Mr. John C. Brown, Administrator
Department of Environmental Protection
Air Permitting and Standards
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RE: Florida Acid Rain Program
Phase II Permit Applications
Lee County Waste to Energy Facility

Dear Mr. Brown:

We recently received your letter on the referenced subject dated 11/30/95. It is our understanding that the Lee County Solid Waste to Energy Facility is exempted from the Acid Rain Program. Specifically under 40 CFR, Section 72.6 (b) (7), a solid waste incinerator is exempt if it consumes less than 20% (on a BTU basis) fossil fuel. The Lee County facility, having commenced commercial operation 12/1/94, has consumed less than 0.5% fossil fuel during the first year of operation.

Please contact me at 941-338-3101 if our understanding of this exemption is incorrect or if you have any questions.

Sincerely,

DEPARTMENT OF SOLID WASTE MANAGEMENT

Lindsey J. Sampson, P.E.
Deputy Director

LJS/clr

Attachment

cc: L. Johnson
D. Dee
D. Markley
II D107

40 CFR, Sect. 72.6(b)(7).

(7) A solid waste incinerator, if more than 80 percent (on a Btu basis) of the annual fuel consumed at such incinerator is other than fossil fuels. For solid waste incinerators which began operation before January 1, 1985, the average annual fuel consumption of non-fossil fuels for calendar years 1985 through 1987 must be greater than 80 percent for such an incinerator to be exempt. For solid waste incinerators which began operation after January 1, 1985, the average annual fuel consumption of non-fossil fuels for the first three years of operation must be greater than 80 percent for such an incinerator to be exempt. If, during any three calendar year period after November 15, 1990, such incinerator consumes 20 percent or more (on a Btu basis) fossil fuel, such incinerator will be an affected source under the Acid Rain Program.

[§72.6(b)(7) added at 58 FR 15647, March 23, 1993]