

Joe

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SENIOR CONSULTANT
(NOT A MEMBER OF THE FLORIDA BAR)

August 9, 2000

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

Re: Lee County Resource Recovery Facility;
DEP File No. PA 90-30C; PSD-FL-151B;
OGC Case No. 99-1343

RECEIVED

AUG 11 2000

**BUREAU OF AIR REGULATION
RECEIVED**

AUG 11 2000

BUREAU OF AIR REGULATION

Dear Mr. Oven:

As you know, this law firm assists Lee County with various environmental issues affecting the County's Resource Recovery Facility (Facility). On behalf of Lee County, I am sending you this letter to confirm and supplement the information I have provided to you during our recent telephone conversations.

Lee County respectfully requests the Department of Environmental Protection (DEP) to issue a final order modifying the conditions of certification for Lee County's Resource Recovery Facility, pursuant to DEP Rule 62-17.211(1)(b)5, Florida Administrative Code (F.A.C.). More specifically, the County requests DEP to issue a final order containing those portions of the Department's "Proposed Final Order Modifying Conditions of Certification" to which no objections were filed. In addition, the County requests the Department to confirm in writing that the County may proceed with the construction of the County's proposed materials recovery facility (MRF) and yard waste processing facility on the County's certified site.

Both of these issues are discussed in more detail in the following paragraphs.

Chronology of Events

On June 16, 1992, the Siting Board issued a final order approving the certification of the Facility pursuant to the

Hamilton S. Oven, Jr., P.E.
August 9, 2000
Page 2

Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-.508, Florida Statutes (F.S.). On August 5, 1999, Lee County filed a letter (dated July 21, 1999) with DEP and thereby requested DEP to modify the conditions of certification for the Facility. The County's letter also requested DEP to modify the air construction permit that had been issued for the Facility pursuant to the Department's program for the prevention of significant deterioration (PSD) of air quality. The County's request was divided into four sections:

1. Section 1 requested seven changes and clarifications to the Facility's PSD permit, plus corresponding changes to the conditions of certification.
2. Section 2 requested a clarification of the description of the fuel that is authorized for use at the Facility.
3. Section 3 requested authorization to construct and operate a yard waste processing facility.
4. Section 4 requested authorization to construct and operate a materials recovery facility (MRF).

Copies of the County's request were sent by certified mail (return receipt requested) to all of the parties to the PPSA certification proceeding for the Facility. Mr. W. Dexter Bellamy, Ph.D., received a copy of the County's request on August 7, 1999. Mr. Bellamy sent a letter (dated September 16, 1999) to the Department concerning the County's proposed modifications. In his letter, Mr. Bellamy expressed concerns about the County's proposal to change the definition of the authorized fuel at the Facility, but he did not object to any other aspect of the County's request. A copy of Mr. Bellamy's letter is attached hereto.

On October 18, 1999, the Department issued its notice of intent to revise the PSD permit for the Facility. Notice of the Department's proposed agency action was published on November 6, 1999 in the Ft. Myers News-Press, a newspaper of general circulation that is published daily in Lee County. The newspaper notice expressly states that:

Hamilton S. Oven, Jr., P.E.
August 9, 2000
Page 3

The modification [to the PSD permit for the Facility] is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particular matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels.

The Department did not receive any comments or objections from any agency or any member of the public concerning the proposed modification to the Facility's PSD permit.

The County, however, objected to some of the terms in the draft PSD permit. The Department responded to the County's objections and then, on January 31, 2000, the Department issued a new notice of intent to modify the PSD permit for the Facility. Notice of the Department's proposed action was published in the News-Press on February 11, 2000. The newspaper notice on February 11, 2000 repeated the language quoted above from the notice published on November 6, 1999. The February 11, 2000 notice also states that:

Principal changes from the initial draft are a change to allow combustion of up to 5% tires as segregated loads after demonstration tests are conducted, removal of the predominantly combustible fraction of sorted construction and demolition debris from the percentage limitation on wastes fired, deletion of the minimum roof temperature requirement, changes in allowable excess emissions to match federal requirements, and minor changes to testing requirements.

The Department did not receive any comments or objections from anyone concerning the proposed modification to the Facility's PSD permit. Since there were no objections, the Department issued the PSD permit modification on March 21, 2000.

On June 21, 2000, the Department issued its "Notice of Intent to Issue Proposed Modification of Power Plant

Hamilton S. Oven, Jr., P.E.
August 9, 2000
Page 4

Certification", which was attached to the Department's "Proposed Final Order Modifying Conditions of Certification" (Proposed Final Order) for the Facility. The Department's notice of intent was sent by U.S. Mail to all of the parties to the PPSA certification hearing for the Facility, and a copy was sent to Mr. Bellamy. In response, Mr. Bellamy sent a letter (dated July 21, 2000) to the Department, stating:

It is the contention of this petitioner that materials listed in paragraphs (a) through (g) are not suitable fuel for a Municipal Solid Waste incinerator. . . .

Mr. Bellamy's letter explains why he opposes the definition of fuel in Subsections XIV.A.3.f.8(a)-(g) of the Department's Proposed Final Order, but Mr. Bellamy's letter does not contain any objections to any other aspects of the Proposed Final Order.

Issuance of DEP Final Order

Given the facts set forth above, Lee County respectfully requests the Department to issue a final order approving the uncontested part of Lee County's request for a modification of the Facility's conditions of certification. The Department's final order should be identical to the Department's Proposed Final Order, except that the provisions in Subsections XIV.A.3.f.8(a)-(g) should be deleted.

The County's request should be granted pursuant to DEP Rule 62-17.211(1)(b)5, F.A.C., which states:

If written objections are filed which address only a portion of the requested modification, then the department shall issue a Final Order approving the portion of the modification to which no objections were filed, unless that portion of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed.

(Emphasis added).

In this case, no person or agency has objected to any provision in the Department's Proposed Final Order, except Mr. Bellamy. Mr. Bellamy's objections, however, only address Subsections XIV.A.3.f.8(a)-(g). Although Mr. Bellamy has received actual notice of the PPSA modifications on two opportunities and had newspaper notice of the PSD permit modification on two other occasions, Mr. Bellamy has never objected to anything except the definition of fuel in Subsections XIV.A.3.f.8(a)-(g).

Since Mr. Bellamy did not object to the other portions of the County's request for a modification, he apparently believes that the fuel definition is a separate and discrete issue, which is not "substantially related to or necessary to implement the" other portions of the County's request. The County also believes that the definition of fuel is a separate and discrete issue, which should not delay the issuance of a DEP final order approving the uncontested parts of the County's request.

Accordingly, the County believes DEP should issue a final order that is identical to DEP's Proposed Final Order, except that Subsections XIV.A.3.f.8(a)-(g) should be deleted.

Approval of MRF and Yard Waste Processing Facility

As noted above, the County's request to modify the Facility's conditions of certification contained a description of the County's plan to build a yard waste processing facility and a materials recovery facility on the Facility's certified site. No one, not even Mr. Bellamy, has objected to the construction or operation of these facilities. Accordingly, the Department should promptly issue a final order authorizing the construction and operation of these facilities, pursuant to DER Rule 62-17.211(1)(b)5, F.A.C.

In addition, a close review of the facts in this case indicates that the yard waste processing facility and MRF can be built without a modification to the Facility's conditions of certification.

The existing conditions of certification are adequate to address any potential impacts associated with the yard waste processing facility and MRF. No modifications to the conditions of certification are necessary for these facilities. Indeed, the Department's Proposed Final Order does not contain any changes to

Hamilton S. Oven, Jr., P.E.
August 9, 2000
Page 6

the conditions of certification that even mention the yard waste processing facility or MRF.

Out of an abundance of caution, the County included the yard waste processing facility and MRF in its request for modification to the conditions of certification, but it now appears that these facilities should simply be handled as amendments to the County's site certification application. Consistent with provisions in DEP Rule 62-17.205(1), F.A.C., the County's plans have been distributed to all of the parties to the PPSA certification hearing. No one has suggested that new permits are required or new language is needed in the conditions of certification. Accordingly, the MRF may be treated as an amendment, pursuant to DEP Rule 62-17.205(1)(d), F.A.C.

Because there have been no objections to the proposed yard waste processing facility or MRF, Lee County recently awarded a contract for the construction of the MRF, but the County temporarily delayed issuance of the notice to proceed with this \$4+ million project while the County evaluated Mr. Bellamy's objection to the modification of the Facility's conditions of certification.

After considering all of the relevant issues, Lee County has concluded that it can issue a notice to proceed with the construction of the MRF because: (a) a modification to the conditions of certification is not required for the construction of the MRF or yard waste processing facility; (b) even if a modification were necessary, there have been no objections to the construction of these facilities and, therefore, the Department can issue a final order modifying the conditions of certification pursuant to DEP Rule 62-17.211(1)(a)5, F.A.C., and expressly approving these two facilities; (c) the construction of these facilities would greatly enhance the County's solid waste management program and thus provide significant public benefits; and (d) the County does not want the County's contractor to be adversely affected by Mr. Bellamy's objections regarding unrelated issues.

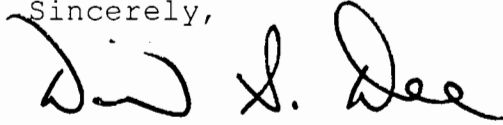
Conclusion

Lee County would greatly appreciate the Department's assistance with these issues. Most importantly, the County would like to receive the Department's prompt written confirmation that the County may proceed with the construction of the County's MRF.

Hamilton S. Owen, Jr., P.E.
August 9, 2000
Page 7

Please call me if you have any questions about these issues.
Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "D. S. Dee". The signature is fluid and cursive, with the first and last names being more prominent than the middle initial.

David S. Dee

DSD/nw

Attachment

cc: Scott Goorland
Clair Fancy
David Owen
Lindsey Sampson
Jim Yaeger
Paul Darst
Wayne Daltry
James Golden
John Fumero
Rob Vandiver
Joe Treshler
Tom Erickson
Sheauching Yu
Jim Antista
Doug Bailey
Matthew P. Farmer
W. Dexter Bellamy

W.Dexter Bellamy, PhD

5548 Hamlet Lane, Fort Myers, FL 33919-2713

Phone 941 481-1730, FAX 941 481-8745

e-mail wdbellamy@usacomputers.net

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September 16, 1999

RECEIVED BY
LEWIS ATTORNEY
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SEP 22 1999

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

COMMISSIONER
RAY JUDAH

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

Dear Mr. Oven:

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

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

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

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

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

Truly yours

W. Dexter Bellamy

W. Dexter Bellamy

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

2.0 CLARIFICATION OF THE DESCRIPTION OF FUEL

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

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

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

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

- biohazardous waste
- sewage sludge
- hazardous waste

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

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

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

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

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

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

Natural Gas

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

DEC 12 1997

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Petitioners,

vs.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent,

and

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

Intervenors,

Final Order

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

APPEARANCES

For the Petitioners:

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

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

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

STATEMENT OF THE ISSUE

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

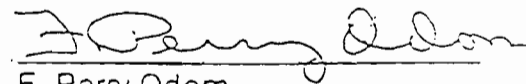
PRELIMINARY STATEMENT

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

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

CONCLUSION

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



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

CERTIFICATE OF SERVICE

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



Joe

LANDERS & PARSONS, P.A.
Attorneys at law
310 West College Avenue
Tallahassee, Florida 32301
(850) 681-0311
(850) 224-5595 FAX
FAX COVER SHEET

DATE: August 1, 2000

NUMBER OF PAGES (INCLUDING COVER SHEET): 15

<u>PLEASE DELIVER FAX TO:</u>	<u>FAX NO.</u>
Clair Fancy	922-6979
FROM: DAVID S. DEE	
IF ANY PROBLEMS, please contact Nanci at: (850) 681-0311.	

MESSAGE:

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. If you have received this communication in error, please immediately notify us by telephone. Thank you.



Jeb Bush
Governor

Department of Environmental Protection

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

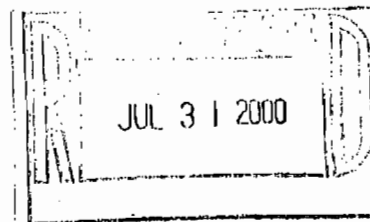
David B. Struhs
Secretary

Lee RPP
- agency comments
- copy see
- Jay Bellamy
objections

July 27, 2000

To: All names on the attached service list

Re: In Re: Lee County Resource Recovery Facility
DEP File No. PA90-30 OGC Case No. 99-1343



To Whom It May Concern:

On August 10th, 1999, Lee County Resource Recovery facility filed an application for modification of the above named facility to clarify the testing and other requirements concerning the airborne emissions for the Facility, clarify the description of fuels that may be used at the Facility, authorize the construction and operation of a yard waste processing facility on the certified site, authorize the construction and operation of a materials recovery facility on the certified site, and revise the conditions to conform with amended permits issued under federally delegated or approved permit programs. Furthermore, on March 21, 2000 the Department issued an amendment to permit PSD-FL-151 and PSD-FL-151(A) for the County as PSD-FL-151(B). This action requires the Department to make certain modifications to conform the Conditions of Certification for the above referenced facility to the revised PSD permit. Additionally, the Department proposed and the petitioner concurred that the conditions should be updated to reflect the Department's current name, other agency name changes, and current rule citations. On June 23, 1999, the South Florida Water Management District approved the discontinuance of a surface water monitoring program subject to Condition XV.C.3.c.(4). The District's action is included in this modification. The District has also requested revisions to the water use conditions, specifically those pertaining to impacts on legal uses, impacts on existing off-site land uses, impacts to natural resources, modification of authorized withdrawals, and a water conservation plan.

On June 30, 2000, the Department of Environmental Protection caused to be published a "NOTICE OF INTENT TO ISSUE PROPOSED MODIFICATION OF POWER PLANT CERTIFICATION" in the Florida Administrative Weekly for the above described facility. That Notice specified that "Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000."

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

On July 21, 2000, a written objection to the modifications proposed for Lee County RRF was received by the Department. A copy of that letter is attached as Exhibit "A".


Pursuant to Section 403.516(1)(b), F.S., processing of the application for modification of the Lee County RRF by the Department will cease. Processing shall resume if the letter of objection is revoked in writing. Furthermore, the applicant or the Department may file a petition for modification pursuant to Section 403.516(1)(c) and (2), F.S. Any such petition for modification must set forth the following:

- (1) The proposed modification,
- (2) The factual reasons asserted for the modification,
- (3) The anticipated effects of the proposed modification on the applicant, the public, and the environment.

The petition for modification shall be filed with the Department and the Division of Administrative Hearings.

Should you have any questions or concerns, please contact me at (850) 487-2822.

Sincerely,



Hamilton S. Oven, Jr., P.E.
Administrator
Siting Coordination Office

Certificate of Service

I hereby certify that a copy of the foregoing letter regarding receipt of objection to the proposed Intended Action regarding the Lee County Resource Recovery Facility, Power Plant Site Certification was sent to the following parties by interagency delivery or United States Mail on July 27, 2000.

Jim Yaeger
Office of the County Attorney
P.O. Box 398
Fort Myers, FL 32902

David Dec
Landers & Parsons
P.O. Box 271
Tallahassee, FL 32302

Lindsey Sampson
Lee Co. Dept. of Solid Waste
Management
P.O. Box 398
Fort Myers-FL 33902

Joe Treshler
Tom Erickson
Ogden Projects, Inc.
350 N. Falkenburg Road
Tampa FL 33619

Paul Darst
Dan Stengle
Dept. of Community Affairs
2740 Centerview Drive
Tallahassee FL 32399-2100

Sheauching Yu
Dept. of Transportation
605 Suwannee St.
Tallahassee FL 32399-0450

Wayne Daltry
SWFRPC
4980 Bayline Drive, 4th Floor
P.O. Box 3455
North Fort Myers FL 33918

Jim Antista
Doug Bailey
Fish & Wildlife Conservation Commission
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Tallahassee FL 32399-1600

James Golden
John Fumero
SFWMD
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West Palm Beach FL 33416-4680

Mathew P. Farmer
Attorney for SFCARE
Farmer & Fitzgerald
708 East Jackson St
Tampa FL 33602

Rob Vandiver
Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee FL 32399-0450

The following persons on the Department's "Interested Persons" mailing list for this case were sent a copy:

BEST AVAILABLE COPY

W. Dexter Bellamy
5548 Hamlet Lane
Fort Myers, FL 33919-2713

Hamilton S. Oven
Hamilton S. Oven, Jr.
Administrator
Siting Coordination Office
Department of Environmental Protection
2600 Blair Stone Road, M.S. 48
Tallahassee, FL 32399-2400
850-487-2822

21 00 12:01p

W. Dexter Bellamy

941-4819806

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W.Dexter Bellamy, PhD

5548 Hamlet Lane, Fort Myers, FL 33919-2713

Phone (941) 481-1780 FAX (941) 481-9806

e-mail wdbellamy@usacomputerc.net

July 21, 2000

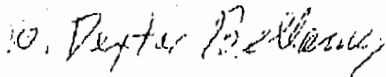
Scott A. Goorland
Senior Assistant General Counsel
DEP
2600 Blair Stone Road, MS 35
Tallahassee, FL 3239-2400

Dear Mr. Goorland:

I am FAXing a cc of my letter to; The Clerk of the DEP, Office of General Counsel, 3900 Commonwealth Blvd. Tallahassee, FL 32300-3000.

Please note the original date on this letter. I hope you will consider my letter because I am listed on the original notice.

Truly yours



W.Dexter Bellamy

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

JUL 27 2000

BITING COORDINATION

Jul 21 00 12:02p

W. Dexter Bellamy

941-481-9200

007/015

NOTICE of APPEAL

June 12, 2000

Clerk of the Department of Environmental Protection
Office of General Counsel
3000 Commonwealth Boulevard
Tallahassee, FL 32399-3000

July 21, 2000

In Re: Lee County Resources Recovery Facility DEP FILE NO PA
90-30C
Modification of Conditions of Certification OGC Case No. 99-1343
Lee County, Florida

As reported on page 18 of the above defined file, the petitioner wishes to include as fuel for Lee County's Municipal Solid Waste incinerator, aka Lee County Resource Recovery Facility, materials that were rejected for inclusion in Pasco County's Municipal Solid Waste incinerator, as recorded in Appendix A : Pasco County Board of Commissioners and Ogden Martin Systems of Pasco County Inc. vs. State of Florida Department of Environmental Protection OGC CASE NO. 97-0507.

It is the contention of this petitioner that materials listed in paragraphs (a) through (g) are not suitable fuel for a Municipal Solid Waste incinerator because as the DEP stated, as reported in Appendix A file, it was not the intent of the DEP to so broaden the definition of MSW. The DEP has insisted on a narrow definition of MSW.

The residents of Lee County will be better served by keeping the narrow definition of MSW as defined by DEP for the following reasons:

- (a) Less toxic compounds and elements will emitted into the atmosphere

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DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF GENERAL COUNSEL

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OFFICE OF GENERAL COUNSEL

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DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF GENERAL COUNSEL

(b) Emission of fine particulate matter (less than 2microns) will increase.

These fine particulates are not captured by the emission control devices and contribute to respiratory diseases.

(c) The incinerator will exceed maximum capacity at an earlier date if the petitioner's expanded definition of suitable fuel is used. Constructing additional furnaces will be a major expense and should be postponed as long as possible.

(d) The purpose of the facility is to burn MSW; producing power is secondary.

(e) If this petition is successful there could be a gradual escalation in non MSW waste burned in the incinerator.

W. Dexter Bellamy

W.Dexter Bellamy, PhD, 5548 Hamlet Lane, Fort Myers, FL 33919-2713

Representing all members of the Environmental and Peace Education Center, EPEC, and all residents of Lee County.

EPEC is an incorporated, not for profit organization in Lee County.

Lee PPF
correct

WO
FYF
JM

W.Dexter Bellamy, PhD

5548 Hamlet Lane, Fort Myers, FL 33919-2713
Phone 941 481-1780, FAX 941 481-8745
e-mail wdbellamy@usacomputers.net

99 SEP 22 PM 4:23

RECEIVED BY
LEE PPF ATTORNEY
RECEIVED
SEP 22 1999

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

COMMISSIONER
RAY JUDAH

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

Dear Mr. Oven:

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

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

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

cc: BOCC
JIM Y
DON S
KINSEY S.

COPY TO: DAVID DEE, ESQ.
THANKS.
[Signature]

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

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

Truly yours

W. Dexter Bellamy

W. Dexter Bellamy

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

Addendum No. 1 Page 1

2.0 CLARIFICATION OF THE DESCRIPTION OF FUEL

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

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

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

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

- biohazardous waste
- sewage sludge
- hazardous waste

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

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

Addendum No. 1 page 2

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

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

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

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

Natural Gas

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

DEC 12 1997

Addendum No. 2 page 1

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Petitioners,

vs.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent,

and

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

Intervenors,

Final Order

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

APPEARANCES

For the Petitioners: Mary F. Smallwood, Esq.
215 South Monroe Street
Tallahassee, Florida 32301

Addendum No. 2 page 2

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

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

STATEMENT OF THE ISSUE

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

PRELIMINARY STATEMENT

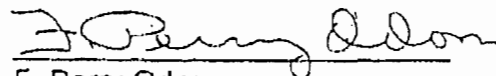
By letter dated December 30, 1996, the Petitioners requested an interpretation from the Department of Environmental Protection ("DEP") regarding the definition of municipal solid waste ("MSW") as that term is utilized in the PSD permit for the Pasco County Resource Recovery Facility (PSD-FL-127). By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

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

Addendum No. 2 page 3

CONCLUSION

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



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

CERTIFICATE OF SERVICE

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



INTEROFFICE MEMORANDUM

Date: 10-Aug-2000 03:50pm
From: Hamilton Oven TAL
OVEN_H
Dept: Office Siting Coordination
Tel No: 850/487-0472

Subject: Re: Lee County RRF - PA90-30

Hold off issuing the final. There has been an objection to the definition of solid waste.

INTEROFFICE MEMORANDUM

Date: 09-Aug-2000 12:23pm
From: David S. Dee
ddee@landersandparsons.com
Dept:
Tel No:

Subject: Lee County RRF

Gentlemen,

Attached for your review are two WordPerfect documents concerning the Lee County Resource Recovery Facility. The first document is from me to DEP. The second document is a draft response from DEP to me.

Please give me your comments ASAP. If possible, I would like to submit my letter to DEP later today or tomorrow morning.

Thanks for your help.

August _____, 2000

David S. Dee
Landers & Parsons
P.O. Box 271
Tallahassee, Florida 32302

Dear Mr. Dee:

The Department has received and reviewed your letter dated August _____, 2000, concerning Lee County's request to modify the conditions of certification for the County's Resource Recovery Facility. As noted in your letter, the Department has not received any objections to Lee County's plan to build a Materials Recovery Facility and a Yard Waste Processing Facility on the certified site for the Resource Recovery Facility. We also note that all of the parties involved in the site certification hearing were provided copies of the County's proposal to build a MRF and Yard Waste Processing Facility, but none of the agencies or other parties have proposed any new or modified conditions of certification to address these two new facilities. Thus, it appears that the conditions of certification for the Lee County Resource Recovery Facility do not need to be modified for the construction of the MRF and Yard Waste Processing

David S. Dee
August 9, 2000
Page 2

Facility.

Based on the representations in your letter, it appears that the MRF and Yard Waste Processing Facility can be treated as amendments to the County's application for site certification, pursuant to DEP Rule 62-17.205(1)(d), F.A.C. Further, even if a modification were necessary, we anticipate that a modification will be issued in the near future, pursuant to Section 62-17.211(1)(b)5, F.A.C., which authorizes the Department to issue a modification when there is no objection to the proposed activity. For these reasons, it appears that the County can go forward with the construction of the Materials Recovery Facility and Yard Waste Processing Facility.

The Department's conclusions about these issues are subject to several important qualifications. First, the Department assumes that the facts stated in your letter are accurate and correct. If they are not, the Department may need to reconsider and revise its decision. Second, Lee County must comply with all of the applicable conditions of certification, as well as all of the other applicable local, state and federal laws or requirements, if the County

David S. Dee
August 9, 2000
Page 3

proceeds with its plan to build a MRF and Yard Waste
Processing Facility.

David S. Dee
August 9, 2000
Page 4

Sincerely,

Hamilton S. Owen, Jr., P.E.

cc: Scott Goorland
Lindsey Sampson
David Owen

August ____, 2000

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

Re: Lee County Resource Recovery Facility;
DEP File No. PA 90-30C; PSD-FL-151B;
OGC Case No. 99-1343

Dear Mr. Oven:

As you know, this law firm assists Lee County with various environmental issues affecting the County's Resource Recovery Facility (Facility). On behalf of Lee County, I am sending you this letter to confirm and supplement the information I have provided to you during our recent telephone conversations.

Lee County respectfully requests the Department of Environmental Protection (DEP) to issue a final order modifying the conditions of certification for Lee County's Resource Recovery Facility, pursuant to DEP Rule 62-17.211(1)(b)5, Florida Administrative Code (F.A.C.). More specifically, the County requests DEP to issue a final

Hamilton S. Oven, Jr., P.E.
August 7, 2000
Page 2

order containing those portions of the Department's "Proposed Final Order Modifying Conditions of Certification" to which no objections were filed. In addition, the County requests the Department to confirm in writing that the County may proceed with the construction of the County's proposed materials recovery facility (MRF) and yard waste processing facility on the County's certified site.

Both of these issues are discussed in more detail in the following paragraphs.

Chronology of Events

On June 16, 1992, the Siting Board issued a final order approving the certification of the Facility pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-.508, Florida Statutes (F.S.). On August 5, 1999, Lee County filed a letter (dated July 21, 1999) with DEP and thereby requested DEP to modify the conditions of certification for the Facility. The County's letter also requested DEP to modify the air construction permit that had been issued for the Facility pursuant to the Department's program for the prevention of significant deterioration

Hamilton S. Oven, Jr., P.E.
August 7, 2000
Page 3

(PSD) of air quality. The County's request was divided into four sections:

1. Section 1 requested seven changes and clarifications to the Facility's PSD permit, plus corresponding changes to the conditions of certification.
2. Section 2 requested a clarification of the description of the fuel that is authorized for use at the Facility.
3. Section 3 requested authorization to construct and operate a yard waste processing facility.
4. Section 4 requested authorization to construct and operate a materials recovery facility (MRF).

Copies of the County's request were sent by certified mail (return receipt requested) to all of the parties to the PPSA certification proceeding for the Facility. Mr. W. Dexter Bellamy, Ph.D., received a copy of the County's request on August 7, 1999. Mr. Bellamy sent a letter (dated September 16, 1999) to the Department concerning the County's proposed modifications. In his letter, Mr. Bellamy expressed concerns about the County's proposal to change the definition of the authorized fuel at the Facility, but he did not object to any other aspect of the County's request. A copy of Mr. Bellamy's letter is attached hereto.

Hamilton S. Oven, Jr., P.E.
August 7, 2000
Page 4

On October 18, 1999, the Department issued its notice of intent to revise the PSD permit for the Facility. Notice of the Department's proposed agency action was published on November 6, 1999 in the Ft. Myers News-Press, a newspaper of general circulation that is published daily in Lee County.

The newspaper notice expressly states that:

The modification [to the PSD permit for the Facility] is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particular matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels.

The Department did not receive any comments or objections from any agency or any member of the public concerning the proposed modification to the Facility's PSD permit.

The County, however, objected to some of the terms in the draft PSD permit. The Department responded to the County's objections and then, on January 31, 2000, the Department issued a new notice of intent to modify the PSD permit for the Facility. Notice of the Department's proposed action was published in the News-Press on February

Hamilton S. Oven, Jr., P.E.
August 7, 2000
Page 5

11, 2000. The newspaper notice on February 11, 2000 repeated the language quoted above from the notice published on November 6, 1999. The February 11, 2000 notice also states that:

Principal changes from the initial draft are a change to allow combustion of up to 5% tires as segregated loads after demonstration tests are conducted, removal of the predominantly combustible fraction of sorted construction and demolition debris from the percentage limitation on wastes fired, deletion of the minimum roof temperature requirement, changes in allowable excess emissions to match federal requirements, and minor changes to testing requirements.

The Department did not receive any comments or objections from anyone concerning the proposed modification to the Facility's PSD permit. Since there were no objections, the Department issued the PSD permit modification on March 21, 2000.

On June 21, 2000, the Department issued its "Notice of Intent to Issue Proposed Modification of Power Plant Certification", which was attached to the Department's "Proposed Final Order Modifying Conditions of Certification" (Proposed Final Order) for the Facility. The Department's

Hamilton S. Oven, Jr., P.E.
August 7, 2000
Page 6

notice of intent was sent by U.S. Mail to all of the parties to the PPSA certification hearing for the Facility, and a copy was sent to Mr. Bellamy. In response, Mr. Bellamy sent a letter (dated July 21, 2000) to the Department, stating:

It is the contention of this petitioner that materials listed in paragraphs (a) through (g) are not suitable fuel for a Municipal Solid Waste incinerator. . . .

Mr. Bellamy's letter explains why he opposes the definition of fuel in Subsections XIV.A.3.f.8(a)-(g) of the Department's Proposed Final Order, but Mr. Bellamy's letter does not contain any objections to any other aspects of the Proposed Final Order.

Issuance of DEP Final Order

Given the facts set forth above, Lee County respectfully requests the Department to issue a final order approving the uncontested part of Lee County's request for a modification of the Facility's conditions of certification. The Department's final order should be identical to the Department's Proposed Final Order, except that the provisions in Subsections XIV.A.3.f.8(a)-(g) should be deleted.

Hamilton S. Oven, Jr., P.E.
August 7, 2000
Page 7

The County's request should be granted pursuant to DEP Rule 62-17.211(1)(b)5, F.A.C., which states:

If written objections are filed which address only a portion of the requested modification, then the department shall issue a Final Order approving the portion of the modification to which no objections were filed, unless that portion of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed.

(Emphasis added).

In this case, no person or agency has objected to any provision in the Department's Proposed Final Order, except Mr. Bellamy. Mr. Bellamy's objections, however, only address Subsections XIV.A.3.f.8(a)-(g). Although Mr. Bellamy has received actual notice of the PPSA modifications on two opportunities and had newspaper notice of the PSD permit modification on two other occasions, Mr. Bellamy has never objected to anything except the definition of fuel in Subsections XIV.A.3.f.8(a)-(g).

Since Mr. Bellamy did not object to the other portions of the County's request for a modification, he apparently believes that the fuel definition is a separate and discrete

Hamilton S. Oven, Jr., P.E.
August 7, 2000
Page 8

issue, which is not "substantially related to or necessary to implement the" other portions of the County's request. The County also believes that the definition of fuel is a separate and discrete issue, which should not delay the issuance of a DEP final order approving the uncontested parts of the County's request.

Accordingly, the County believes DEP should issue a final order that is identical to DEP's Proposed Final Order, except that Subsections XIV.A.3.f.8(a)-(g) should be deleted.

Approval of MRF and Yard Waste Processing Facility

As noted above, the County's request to modify the Facility's conditions of certification contained a description of the County's plan to build a yard waste processing facility and a materials recovery facility on the Facility's certified site. No one, not even Mr. Bellamy, has objected to the construction or operation of these facilities. Accordingly, the Department should promptly issue a final order authorizing the construction and

Hamilton S. Oven, Jr., P.E.
August 7, 2000
Page 9

operation of these facilities, pursuant to DER Rule
62-17.211(1)(b)5, F.A.C.

In addition, a close review of the facts in this case indicates that the yard waste processing facility and MRF can be built without a modification to the Facility's conditions of certification.

The existing conditions of certification are adequate to address any potential impacts associated with the yard waste processing facility and MRF. No modifications to the conditions of certification are necessary for these facilities. Indeed, the Department's Proposed Final Order does not contain any changes to the conditions of certification that even mention the yard waste processing facility or MRF.

Out of an abundance of caution, the County included the yard waste processing facility and MRF in its request for modification to the conditions of certification, but it now appears that these facilities should simply be handled as amendments to the County's site certification application. Consistent with provisions in DEP Rule 62-17.205(1), F.A.C.,

Hamilton S. Oven, Jr., P.E.
August 7, 2000
Page 10

the County's plans have been distributed to all of the parties to the PPSA certification hearing. No one has suggested that new permits are required or new language is needed in the conditions of certification. Accordingly, the MRF may be treated as an amendment, pursuant to DEP Rule 62-17.205(1)(d), F.A.C.

Because there have been no objections to the proposed yard waste processing facility or MRF, Lee County recently awarded a contract for the construction of the MRF, but the County temporarily delayed issuance of the notice to proceed with this \$4+ million project while the County evaluated Mr. Bellamy's objection to the modification of the Facility's conditions of certification.

After considering all of the relevant issues, Lee County has concluded that it can issue a notice to proceed with the construction of the MRF because: (a) a modification to the conditions of certification is not required for the construction of the MRF or yard waste processing facility; (b) even if a modification were necessary, there have been no objections to the construction of these facilities and,

Hamilton S. Oven, Jr., P.E.
August 7, 2000
Page 11

therefore, the Department can issue a final order modifying the conditions of certification pursuant to DEP Rule 62-17.211(1)(a)5, F.A.C. expressly approve these two facilities; (c) the construction of these facilities would greatly enhance the County's solid waste management program and thus provide significant public benefits; and (d) the County does not want the County's contractor to be adversely affected by Mr. Bellamy's objections regarding unrelated issues.

Conclusion

Lee County would greatly appreciate the Department's assistance with these issues. Most importantly, the County would like to receive the Department's prompt written confirmation that the County may proceed with the construction of the County's MRF.

Please call me if you have any questions about these issues. Thank you in advance for your assistance.

Sincerely,

David S. Dee

Hamilton S. Oven, Jr., P.E.
August 7, 2000
Page 12

DSD/nw

cc: Scott Goorland
Clair Fancy
David Owen
Lindsey Sampson



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(941) 479-8181

Writer's Direct Dial Number: _____

John E. Manning
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

July 21, 1999

John E. Albion
District Five

Donald D. Stilwell
County Manager

Hamilton S. Oven, Jr.
Administrator

James G. Yaeger
County Attorney

Siting Coordination Office

Diana M. Parker
County Hearing Examiner

Department of Environmental
Protection

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

RECEIVED

AUG 02 2000

BUREAU OF AIR REGULATION

Re: Lee County Resource Recovery Facility;
Case No. PA90-30

Dear Mr. Oven:

On behalf of Lee County, I am sending this letter to the Department of Environmental Protection because Lee County wishes to clarify and modify the conditions of certification for the Lee County Resource Recovery Facility (Facility). The County also wants to clarify and amend the PSD permit (No. PSD-FL-151 (A)) for the Facility, which is necessary to ensure that the PSD permit and the conditions of certification for the Facility are consistent with each other. More specifically, Lee County requests the Department to:

2.0 CLARIFICATION OF THE DESCRIPTION OF FUEL

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

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

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

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

- biohazardous waste
- sewage sludge
- hazardous waste

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

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

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

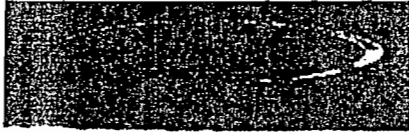
Therefore, the County proposes that the term "fuel" should be clarified as follows:

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

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

Natural Gas

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

BEST AVAILABLE COPY**TAMPA ELECTRIC**

August 16, 2000

Mr. Clair Fancy
Florida Department of Environmental Protection
2600 Blair Stone Road
Twin Towers Office Building
Tallahassee, Florida 32399-2400

Via Fax and U.S. Mail

**Re: Tampa Electric Company (TEC) - F.J. Gannon Station
Units 5 and 6 Stack Height Increase Construction Permit Application
FDEP File No. 0570040-009-AC**

Dear Mr. Fancy:

Tampa Electric Company requests to withdraw the above referenced permit application. Thank you for your assistance in this matter.

If you have any questions, please contact Shannon Todd or me at (813) 641-5125.

Sincerely,

Patrick L. Shell
Administrator - Air Programs
Environmental Affairs

EP000SKT188

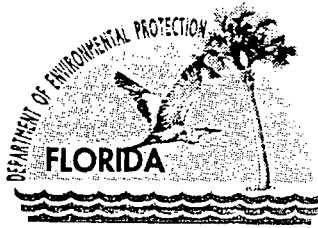
c: Mr. Al Linero - FDEP
Mr. Cleve Holladay - FDEP
Mr. Jerry Kissel - FDEP SW
Ms. Alice Harman - EPCHC

TAMPA ELECTRIC COMPANY
P. O. BOX 111 TAMPA, FL 33601-0111

(813) 228-4111

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HTTP://WWW.TECOENERGY.COM

CUSTOMER SERVICE:
HILLSBOROUGH COUNTY (813) 223-0800
OUTSIDE HILLSBOROUGH COUNTY 1 (888) 223-0800



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

March 15, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

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

The applicant applied on August 6, 1999 to the Department for a modification to PSD permits number PSD-FL-151 and PSD-FL-151A for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County, 33905. This project is PSD-FL-151B. The Department mailed an initial intent to issue and draft PSD permit modification to the applicant on October 18, 1999, and the applicant published the public notice on November 6, 1999 but subsequently commented on the initial draft. This modification addresses the original and subsequent requests of the applicant. This modification is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions and make other minor changes to testing requirements, revise certain requirements to conform to federal standards for municipal waste combustion facilities, delete the minimum roof temperature requirement, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels. The Department has reviewed the modification requests and the referenced permits are hereby modified as follows:

Specific condition 2.m. Emission Standards.

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

Hg (Mercury): In no case shall mercury emissions exceed 70 ug/dscm @ 7% O₂ or 85% reduction by weight, whichever is less stringent. Emissions of mercury shall also not exceed 1.38 x 10⁻⁴ lb/mmBtu, 0.0379 lb/hr per unit, and 0.166 tons/year per unit.

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

Specific condition 3.a. Test Methods.

The table entry for Method 101A shall be replaced by Method 29. The table entry for Method 12 shall be replaced by Method 29. The table entry for EPA Method 25 shall be replaced by Method 25A to demonstrate compliance with VOC emissions. The table entries for EPA Methods 104 and 108 (beryllium and arsenic) shall each be replaced by EPA Method 29. The table entry for EPA Methods 7, 7C, or 19 shall be supplemented with Method 7E to demonstrate compliance with nitrogen oxides. The table entries for EPA Methods 201 and 201A shall be supplemented with Method 5 to demonstrate compliance with PM₁₀ emissions.

The table entry for 'Visible emission determination of opacity.' shall be replaced in its entirety by the following:

9. Visible emission determination of opacity.

- At least one one-hour run to be conducted simultaneously with particulate testing for the emissions from the dry scrubber/baghouse.
- At least one 30-minute run to be conducted for the ash handling building baghouse.
- At least one 30-minute run to be conducted for the lime silo baghouse while a truck is unloading lime into the lime silo. If the unloading is completed before 30 minutes duration, the duration of unloading shall be sufficient to meet this requirement, provided it exceeds 12 minutes.

[Rules 62-4.070(3), 62-296.416(3)(d)1, and 62-297.310(4)(a)2., F.A.C., 40 CFR 60.38b and 40 CFR 60.58b, and applicant request]

Specific condition 3.c. Testing Frequency.

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

Compliance with the emission limitations of specific condition 2 of this permit shall be determined by annual emission testing, except that testing for arsenic, beryllium, fluoride, sulfuric acid mist, ammonia and VOC shall be performed prior to renewal of each operation permit. Testing of the MWC units for particulate matter shall be performed using three one-hour test runs so that two one-hour runs are conducted during normal operation and one one-hour run is conducted during soot blowing conditions. Compliance for visible emissions shall be determined in accordance with Rule 62-297.310(4)(a), F.A.C. [Rules 62-4.070(3), 62-297.310(4)(a), and 62-297.310(7)(a)3, F.A.C., and request of the applicant]

The sixth sentence of this condition, "Compliance testing for the flyash handling building (baghouse) and the lime silo loading operation (V.E. test) shall be conducted within 120 days of completion of construction and annually thereafter.", shall be replaced entirely by the following:

Compliance testing for particulate matter emissions from the ash handling building baghouse is waived, and an alternative standard of 5% opacity is imposed, pursuant to Rule 62-297.620(4), F.A.C. If the Department has reason to believe that the particulate weight emission standard is not being met, it shall require that compliance be demonstrated using EPA Method 5. Compliance testing for visible emissions from the ash handling building baghouse and the lime silo baghouse shall be conducted annually. [Rules 62-4.070(3) and 62-297.620(4), F.A.C., and request of the applicant]

Specific condition 4.a. Start-up and Shut-down Procedures.

This condition shall be replaced entirely by the following:

4.a. Start-up and Shut-down Procedures. During start-up and shut-down, the auxiliary burners shall be fired as needed to ensure proper combustion of wastes consistent with good operating practices as specified in 40 CFR 60.53b.

Specific condition 4.b. Operating Procedures.

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

The emission limitations for this facility shall apply at all times, except during periods of startup, shut down, or malfunctions, provided that the duration of startup, shut down and malfunction periods shall not exceed three hours per occurrence. The startup period commences when the affected facility begins the continuous burning of municipal solid waste and does not include any warm-up period when the affected

facility is combusting natural gas or propane, and no municipal solid waste is being fed to the combustor. Continuous burning is the continuous, semi-continuous, or batch feeding of municipal solid waste for purposes of waste disposal, energy production, or providing heat to the combustion system in preparation for waste disposal or energy production. The use of municipal solid waste solely to provide thermal protection of the grate or hearth during the startup period when municipal solid waste is not being fed to the grate is not considered to be continuous burning. During all periods of startup, shut down and malfunction, the owner or operator shall use best operational practices to minimize air pollutant emissions. The owner or operator shall maintain a manual that identifies and describes best operational practices that will be used during periods of startup, shut down and malfunction at this facility.

[Rules 62-4.070(3), and 62-210.700(1) and (5), F.A.C., 40 CFR 60.38b and 40 CFR 60.58b(a), and request of the applicant]

4.d. Auxiliary Burners.

This condition shall be replaced entirely by the following:

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

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

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

This condition shall be replaced entirely by the following:

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

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

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

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

Further, the facility shall not knowingly burn:

- (i) nickel-cadmium batteries pursuant to Section 403.7192(3);
- (j) mercury containing devices and lamps pursuant to Sections 403.7186(2) & (3).

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

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

The facility operator shall prepare and maintain records concerning the description and quantities of all segregated loads of non-MSW material which are received and used as fuel at the facility, and subject to percentage weight limitations, below. For the purposes of this permit, a segregated load is defined to mean a container or truck that is almost completely or exclusively filled with a single item or homogeneous composition of waste material, as determined by visual observation.

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

- (a) comply with good combustion operating practices in accordance with 40 CFR 60.34b;
- (b) install, operate and maintain continuous emissions monitors (CEMS) for oxygen, carbon monoxide, sulfur dioxide, oxides of nitrogen and temperature in accordance with 40 CFR 60.58b; and
- (c) record and maintain the CEMS data in accordance with 40 CFR 60.59b.

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

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

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

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

Subject to the conditions and limitations contained in this permit, waste tires may be used as fuel at the facility. The total quantity of waste tires received as segregated loads and burned at the facility shall not exceed 3%, by weight, of the facility's total fuel, except as provided in the following sentence. Subsequent to an initial test burn scheduled to allow Department representatives to observe, while firing 5% (by weight) tires at each of the combustion units while operating each unit at capacity that demonstrates via the CEMS that each unit can comply with the emission limits for pollutants monitored by the CEMS while firing 5% (by weight) tires, this quantity limitation shall rise from 3% to 5%. Compliance with this limitation shall be determined on a calendar monthly basis.

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

- (a) Unsorted mixtures of construction and demolition debris, or that fraction of sorted construction and demolition debris that is predominantly non-combustible. Non-combustible construction and demolition debris shall include concrete, metals, gypsum products, plaster, rock, brick, and masonry.
- (b) Oil spill debris from aquatic, coastal, estuarine or river environments. Such items or materials include but are not limited to rags, wipes, and absorbents.
- (c) Items suitable for human, plant or domesticated animal use, consumption or application where the item's shelf-life has expired or the generator wishes to remove the items from the market. Such items or materials include but are not limited to off-specification or expired consumer products, pharmaceuticals, medications, health and personal care products, cosmetics, foodstuffs, nutritional supplements, returned goods, and controlled substances.
- (d) Consumer-packaged products intended for human or domesticated animal use or application but not consumption. Such items or materials include but are not limited to carpet cleaners, household or bathroom cleaners, polishes, waxes and detergents.
- (e) Waste materials that:
 - (i) are generated in the manufacture of items in categories (c) or (d), above and are functionally or commercially useless (expired, rejected or spent); or
 - (ii) are not yet formed or packaged for commercial distribution. Such items or materials must be substantially similar to other items or materials routinely found in MSW.
- (f) Waste materials that contain oil from:
 - (i) the routine cleanup of industrial or commercial establishments and machinery; or
 - (ii) spills of virgin or used petroleum products. Such items or materials include but are not limited to rags, wipes, and absorbents.
- (g) Used oil and used oil filters. Used oil containing a PCB concentration equal or greater than 50 ppm shall not be burned, pursuant to the limitations of 40 CFR 761.20(e).
- (h) Waste materials generated by manufacturing, industrial or agricultural activities, provided that these items or materials are substantially similar to items or materials that are found routinely in MSW, subject to prior approval of the Department.

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

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

Each day the total weight of segregated tires received shall be computed, and the daily total shall be added to the sum of the daily totals from the previous days in the current calendar month. At the end of each calendar month, the resultant monthly total weight of tires shall be divided by the total weight of all waste materials received in the same calendar month, and the resultant number shall be multiplied by 100 to express the ratio in percentage terms. The percentage computed shall be compared to the 3% or 5% limitation, whichever is applicable.

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

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

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

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

Executed in Tallahassee, Florida.



Howard L. Rhodes, Director
Division of Air Resources
Management


CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this permit modification was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 3-21-00 to the person(s) listed:

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

Clerk Stamp

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


(Clerk)

3-21-00
(Date)

Florida Department of
Environmental Protection

Memorandum

TO: Howard L. Rhodes

THRU: Clair Fancy *CAF*
Al Linero *AL*

FROM: Joe Kahn *JK*

DATE: March 14, 2000

SUBJECT: Lee County Resource Recovery Facility
PSD-FL-151B
Revised Draft Modification

BAR

Attached for approval and signature is a PSD permit modification to Lee County. The applicant applied on August 6, 1999 to the Department for a modification to PSD permits number PSD-FL-151 and PSD-FL-151A for the Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County, 33905. The modification is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels.

The Department mailed the initial intent to issue and draft PSD permit modification to the applicant on October 18, 1999. The applicant published the public notice on November 6, 1999 but subsequently commented on the initial draft. I worked with the applicant to revise the draft since November. Principal changes from the initial draft are a change to allow combustion of up to 5% tires as segregated loads after demonstration tests are conducted, removal of the predominantly combustible fraction of sorted construction and demolition debris from the percentage limitation on wastes fired, deletion of the minimum roof temperature requirement, changes in allowable excess emissions to match federal requirements, and minor changes to testing requirements. Because provisions of the initial draft permit modification were changed, another public notice was required. That notice was published in the Ft. Myers News-Press on February 11, 2000.

I recommend your approval and signature.

Since the applicant had previously requested an extension of time to file a request for administrative hearing, the project is not subject to the 90 day timeclock.

Attachment

/jk



LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

BUREAU OF AIR REGULATION

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

RECEIVED
FEB 16 2000

John E. Manning
District One

February 14, 2000

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

Mr. C. H. Fancy, Chief
Bureau of Air Regulations
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399

VIA FEDERAL EXPRESS

**SUBJECT: REVISED DRAFT PSD PERMIT MODIFICATION
LEE COUNTY RESOURCE RECOVERY FACILITY**

Dear Mr. Fancy:

Attached please find a copy of the Affidavit of Publication for the public notice announcing the Department's intent to issue a revised PSD permit modification.

If you have any questions, please call me at the above number.

Sincerely,

ENVIRONMENTAL SERVICES DEPARTMENT

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

LJS:lsw
Attachments

cc: D. Owen
T. Eriksen, OMSL
D. Dee, Landers & Parsons
T. Tyrrell, MPI
II E 112

S:\SW\LINDSEY\LETTERS\PSD-FL-151 B.DOC

NEWS-PRESS

Published every morning — Daily and Sunday
Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared _____

Kieanna Henry

who on oath says that he/she is the _____

Asst. Legal Coordinator of the News-Press, a

daily newspaper, published at Fort Myers, in Lee County, Florida; that the

attached copy of advertisement, being a _____

legal notice

in the matter of _____

PSD Permit Modification

in the _____ Court

was published in said newspaper in the issues of _____

February 11, 2000

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Kieanna Henry

Sworn to and subscribed before me this
11th day of _____

February, 2000 by

Kieanna Henry

who is personally known to me or who has produced

as identification, and who did or did not take an oath.

Notary Public

Brenda Leighton

Print Name

My Commission Expires:

CLASS-18



Brenda Leighton
MY COMMISSION # CC080905 EXPIRES
February 14, 2003
THRU TROY PAIN INSURANCE, INC.

Dept. of Environmental Protection, South Florida Water Management District, 2005 Victoria Avenue, Fort Myers, Florida 33901-3308
Telephone: 941/332-6975
This complete project file includes the application, technical review, and draft permit. It is submitted to the responsible official, exclusive of confidential records and pending records. Persons may inspect the Department's records on this project by viewing, copying, or downloading them from the Department's website at: www.dep.state.fl.us/permits. For more information, contact the Department at: 335 South Magnolia Drive, Suite 400, Tallahassee, Florida 32301-1114. Fax: 904/488-0114. For a complete list of Florida's environmental laws, visit our website at: www.dep.state.fl.us.

This project is subject to review under Section 403.506 F.S. (Power Plant Siting Act) because the applicant has simultaneously requested a modification of the conditions of site certification. An impact analysis was not required for this project because there is no associated increase in emissions. The Department will issue the final PSD permit modification with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions. The Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of this Public Notice of Intent to Issue PSD Permit Modification. Written comments requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed PSD permit modification and require, if applicable, another Public Notice. The Department will issue the PSD permit modification unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding. A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3); however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition

PUBLIC NOTICE OF INTENT TO ISSUE PSD PERMIT MODIFICATION STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION PSD-FL-151B Lee County Resource Recovery Facility Lee County
The Department of Environmental Protection (Department) gives notice of its intent to issue a PSD permit modification to Lee County for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County. A Best Available Control Technology (BACT) determination was not required for any pollutant pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21. Prevention of Significant Deterioration (PSD). The applicant's mailing address is: PO Box 398, Ft. Myers, Florida 33902-0398. Potential emissions of air pollutants will not increase as a result of this action. The modification is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels. The Department mailed an initial intent to issue and draft PSD permit modification to the applicant on October 18, 1999, and the applicant published the public notice on November 6, 1999 but subsequently commented on the initial draft. The Department has revised the provisions of the PSD permit modification. Principal changes from the initial draft are a change to allow combustion of up to 5% tires as segregated loads after demonstration tests are conducted, removal of the predominantly combustible construction and demolition debris from the percentage limitation on wastes fired, deletion of the minimum roof temperature requirement, changes in allowable excess emissions to match federal requirements, and minor changes to testing requirements. Because provisions of the initial draft permit modification are being changed by this action, the Department requires another public notice and public comment period before this PSD permit modification may become final. Air pollution control equipment will not be changed as a result of this action and consists of: spray dryer absorber and baghouse combination for acid gas emissions and particulate matter; carbon injection for mercury control; combustion controls for volatile organic compounds, carbon monoxide and dioxins/furans; and selective non-catalytic reduction for nitrogen oxides.

within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code. A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends, warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above. A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: Dept. of Environmental Protection, Bureau of Air Regulation, Suite 4, 111 S. Magnolia Drive, Tallahassee Florida, 32301. Telephone: 850/488-0114 Fax: 850/922-6979



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

P.E. Certification Statement

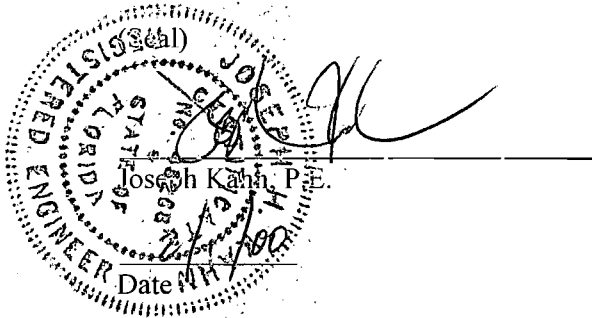
Lee County
Lee County Resource Recovery Facility

DEP File No.: PSD-FL-151B
Facility ID No.: 0710119

Project: Revised Draft PSD Permit Modification

I HEREBY CERTIFY that the engineering features described in the above referenced application and related additional information submittals, if any, 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).

This review was conducted by myself.



Permitting Authority:

Florida Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation
New Source Review Section
Mail Station #5505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Telephone: 850/488-0114
Fax: 850/922-6979

"Protect, Conserve and Manage Florida's Environment and Natural Resources"



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

January 31, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

Re: PSD-FL-151B
Revised Draft PSD Permit Modification
Lee County Resource Recovery Facility

Dear Mr. Sampson:

Enclosed is one copy of the draft PSD permit modification for the Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County, 33905. The Technical Evaluation and Preliminary Determination, the Department's Intent to Issue PSD Permit Modification and the Public Notice of Intent to Issue PSD Permit Modification are also included. Because provisions of the initial draft permit modification are being changed by this action, the Department requires another public notice and public comment period before this PSD permit modification may become final.

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

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

Sincerely,

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

CHF/jk

Enclosures

In the Matter of an
Application for Permit by:

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

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

INTENT TO ISSUE PSD PERMIT MODIFICATION

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

The applicant applied on August 6, 1999 to the Department for a modification to PSD permits number PSD-FL-151 and PSD-FL-151A for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County, 33905. The modification is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels. This permitting action is PSD-FL-151B. The Department mailed the initial intent to issue and draft PSD permit modification to the applicant on October 18, 1999, and the applicant published the public notice on November 6, 1999 but subsequently commented on the initial draft. The Department has revised the provisions of the PSD permit modification. Principal changes from the initial draft are a change to allow combustion of up to 5% tires as segregated loads after demonstration tests are conducted, removal of the predominantly combustible fraction of sorted construction and demolition debris from the percentage limitation on wastes fired, deletion of the minimum roof temperature requirement, changes in allowable excess emissions to match federal requirements, and minor changes to testing requirements. Because provisions of the initial draft permit modification are being changed by this action, the Department requires another public notice and public comment period before this PSD permit modification may become final.

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

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

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue PSD Permit Modification. The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/ 922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) & (11), F.A.C.

The Department will issue the final PSD permit modification with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of the Public Notice of Intent to Issue PSD Permit Modification. Written comments and requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the PSD permit modification unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons

whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.


In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

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

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

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

Executed in Tallahassee, Florida.


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

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Intent to Issue PSD Permit Modification (including the Public Notice of Intent to Issue PSD Permit Modification, Technical Evaluation and Preliminary Determination, and the draft PSD permit modification) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 2-2-00 to the person(s) listed:

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

Clerk Stamp

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

Keri Jaber
(Clerk)

2-2-00
(Date)

PUBLIC NOTICE OF INTENT TO ISSUE PSD PERMIT MODIFICATION

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PSD-FL-151B

Lee County Resource Recovery Facility
Lee County

The Department of Environmental Protection (Department) gives notice of its intent to issue a PSD permit modification to Lee County for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County. A Best Available Control Technology (BACT) determination was not required for any pollutant pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The applicant's mailing address is: PO Box 398, Ft. Myers, Florida 33902-0398. Potential emissions of air pollutants will not increase as a result of this action.

The modification is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels. The Department mailed an initial intent to issue and draft PSD permit modification to the applicant on October 18, 1999, and the applicant published the public notice on November 6, 1999 but subsequently commented on the initial draft. The Department has revised the provisions of the PSD permit modification. Principal changes from the initial draft are a change to allow combustion of up to 5% tires as segregated loads after demonstration tests are conducted, removal of the predominantly combustible fraction of sorted construction and demolition debris from the percentage limitation on wastes fired, deletion of the minimum roof temperature requirement, changes in allowable excess emissions to match federal requirements, and minor changes to testing requirements. Because provisions of the initial draft permit modification are being changed by this action, the Department requires another public notice and public comment period before this PSD permit modification may become final.

Air pollution control equipment will not be changed as a result of this action and consists of: spray dryer absorber and baghouse combination for acid gas emissions and particulate matter; carbon injection for mercury control; combustion controls for volatile organic compounds, carbon monoxide and dioxins/furans; and selective non-catalytic reduction for nitrogen oxides.

This project is subject to review under Section 403.506 F.S. (Power Plant Siting Act) because the applicant has simultaneously requested a modification of the conditions of site certification.

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

The Department will issue the final PSD permit modification with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of this Public Notice of Intent to Issue PSD Permit Modification. Written comments requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed PSD permit modification and require, if applicable, another Public Notice.

The Department will issue the PSD permit modification unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

Mediation is not available in this proceeding.

NOTICE TO BE PUBLISHED IN THE NEWSPAPER

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Dept. of Environmental Protection	Dept. of Environmental Protection
Bureau of Air Regulation	South Florida District
Suite 4, 111 S. Magnolia Drive	Suite 364, 2295 Victoria Avenue
Tallahassee, Florida, 32301	Fort Myers, Florida 33901-3381
Telephone: 850/488-0114	Telephone: 941/332-6975
Fax: 850/922-6979	

The complete project file includes the application, technical evaluations, draft permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Source Review Section, or the Department's reviewing engineer for this project, Joseph Kahn, P.E., at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

NOTICE TO BE PUBLISHED IN THE NEWSPAPER

ADDITIONAL TECHNICAL EVALUATION

AND

PRELIMINARY DETERMINATION

Lee County Resource Recovery Facility

Revised PSD Permit Modification

Lee County

PSD-FL-151B

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

January 31, 2000

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

1. GENERAL INFORMATION

1.1 APPLICANT NAME AND ADDRESS

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

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

1.2 REVIEWING AND PROCESS SCHEDULE

August 6, 1999	Received application for modification of site certification conditions and PSD permit in Bureau of Air Regulation
August 6, 1999	Application for modification of PSD permit complete
October 18, 1999	Intent to issue and draft PSD permit modification mailed to applicant
November 6, 1999	Public notice published by applicant in Ft. Myers News-Press
November 23, 1999	Received comments from applicant by letter dated November 22, 1999
December 7, 1999	Received comments from South District office staff
December 18, 1999	Received additional comments from applicant in response to revisions by Department
December 23, 1999	Received additional comments from applicant's attorney in response to revisions by Department
December 30, 1999	Received additional comments from applicant's attorney in response to revisions by Department
January 18, 2000	Received additional comments from applicant in response to revisions by Department
January 19, 2000 & January 24, 2000	Received additional comments from applicant in response to revisions by Department by fax and mail, respectively
January 21, 2000	Received additional comments from applicant in response to revisions by Department

2. FACILITY INFORMATION

2.1 FACILITY LOCATION

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

2.2 STANDARD INDUSTRIAL CLASSIFICATION CODES (SIC)

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

2.3 FACILITY CATEGORY

The facility consists of a municipal waste combustion facility with two mass burn municipal waste combustion units. Each unit has a capacity of 275 mmBtu/hour and 660 tons of solid waste per day, based on a heat value for solid waste of 5000 Btu/pound. Each unit is equipped with a slaked lime scrubber followed by a baghouse, an SNCR system for reduction of NO_x emissions, and a carbon injection system for control of mercury emissions. The units were started up in 1994 and together have the capability of generating 40 MW of electrical power.

This facility is classified as a Major or Title V Source of air pollution because emissions of at least one regulated air pollutant, such as particulate matter (PM/PM₁₀), sulfur dioxide (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), or volatile organic compounds (VOC) exceeds 100 tons per year (TPY).

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

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

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

3. PROJECT DESCRIPTION

This project addresses the following emissions unit(s):

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

Generally, this project is a modification of the existing PSD permits to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, substitute operation requirements for roof temperature monitoring, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels.

The applicant provided comments on the Department's original draft PSD permit modification mailed on October 18, 1999. The applicant's original requests and the Department's original proposed actions are described in the initial Technical Evaluation issued with the original intent. The applicant's subsequent comments and the Department's responses are summarized below.

The applicant requested that the modification be changed to allow for the combustion of up to 5% segregated tires instead of the 3% limit originally proposed, and provided supporting information to show that it may receive this quantity of tires because of local solid waste collection issues. The Department agreed with this request but will require a test burn before the limit is automatically increased. The applicant again requested deletion of the minimum roof temperature requirement and provided information from EPA's NSPS rulemaking to support the request. The Department agreed with the request. The applicant also requested that the limit on construction and demolition (C&D) debris be raised to 20% to account for uncertainty related to future local solid waste collection of C&D debris. The Department did not agree with this request but was able to accommodate the applicant's concerns by revising the permit modification to allow the applicant to burn the predominantly combustible fraction of sorted C&D debris without a percentage limitation. The applicant may either receive this material as a segregated load, or may sort the predominantly combustible fraction from segregated loads of unsorted C&D debris that it sorts at the facility. Segregated loads of unsorted C&D debris that are not later sorted and the predominantly non-combustible fraction of sorted C&D debris remains subject to the overall 5% limitation imposed on certain segregated wastes. The applicant requested that it be allowed to keep records on a calendar month basis rather than on a 30 day rolling basis, and the Department agree with the applicant's request.

The applicant also requested that previously approved changes to test methods for VOC, beryllium, arsenic, and NOx be incorporated into this permit modification, and that the specific duration of Method 9 tests be included, and the Department agreed to make these changes for clarity. The applicant requested changes in allowable excess emissions during startup and shutdown periods. The Department was not able to accommodate the applicant's request but was able to revise the modification to match the

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

provisions of federal rule which allows for 3 hours for excess emissions from startup, shutdown and malfunction.

The applicant requested that the modification refer specifically to Lee County's battery collection program rather than to a general requirement for a source separation program. The Department revised the language as requested. Finally, the applicant requested that it be allowed to substitute a VE limit of 5% opacity for an annual particulate matter test for the ash handling building baghouse.

The Department's Bureau of Solid and Hazardous Waste requested the addition of limitations on the burning of nickel-cadmium batteries and mercury containing devices, and the applicant and its attorney expressed concerns about the proposed language. The Department revised these new limitations to accommodate the applicant's concerns by requiring that the facility shall not knowingly burn these materials pursuant to statutory provisions.

The comments received from South District office staff were related to the applicant's request to revise the limitations on tires and C&D debris, and the Department's revised modification addresses adequately those comments.

4. PROJECT EMISSIONS

There may be minor emissions increases in actual emissions associated with this project, principally as a result of increasing the allowable percentage of segregated loads of tires. However, the Department believes that such increases will not be significant for purposes of PSD, and the Department will require the applicant to demonstrate the emissions via CEMS by test while firing 5% tires. Potential emissions will not increase as a result of this action. The revision in the mercury standard may result in a decrease in potential emissions. The applicant's requested changes require modification of the conditions of the previous PSD permit, PSD-FL-151, and a subsequent modification, PSD-FL-151A. Because the previous PSD permits are being modified by this action, it is being processed as a PSD permit application.

5. RULE APPLICABILITY

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

This facility is located in an area designated, in accordance with Rule 62-204.340, F.A.C., as attainment for the criteria pollutants ozone, carbon monoxide, and nitrogen dioxide; and designated as unclassifiable for PM₁₀, lead and sulfur dioxide.

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

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

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

Because provisions of the initial draft permit modification are now being changed, the Department will require another public notice and public comment period before this modification may become final.

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

6. SOURCE IMPACT ANALYSIS

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

7. CONCLUSION

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

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

DRAFT

REVISED DRAFT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

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

The applicant applied on August 6, 1999 to the Department for a modification to PSD permits number PSD-FL-151 and PSD-FL-151A for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County, 33905. This project is PSD-FL-151B. The Department mailed an initial intent to issue and draft PSD permit modification to the applicant on October 18, 1999, and the applicant published the public notice on November 6, 1999 but subsequently commented on the initial draft. This modification addresses the original and subsequent requests of the applicant. This modification is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions and make other minor changes to testing requirements, revise certain requirements to conform to federal standards for municipal waste combustion facilities, delete the minimum roof temperature requirement, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels. The Department has reviewed the modification requests and the referenced permits are hereby modified as follows:

Specific condition 2.m. Emission Standards.

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

Hg (Mercury): In no case shall mercury emissions exceed 70 ug/dscm @ 7% O₂ or 85% reduction by weight, whichever is less stringent. Emissions of mercury shall also not exceed 1.38 x 10⁻⁴ lb/mmBtu, 0.0379 lb/hr per unit, and 0.166 tons/year per unit.

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

Specific condition 3.a. Test Methods.

The table entry for Method 101A shall be replaced by Method 29. The table entry for Method 12 shall be replaced by Method 29. The table entry for EPA Method 25 shall be replaced by Method 25A to demonstrate compliance with VOC emissions. The table entries for EPA Methods 104 and 108 (beryllium and arsenic) shall each be replaced by EPA Method 29. The table entry for EPA Methods 7, 7C, or 19 shall be supplemented with Method 7E to demonstrate compliance with nitrogen oxides. The table entries for EPA Methods 201 and 201A shall be supplemented with Method 5 to demonstrate compliance with PM₁₀ emissions.

The table entry for 'Visible emission determination of opacity.' shall be replaced in its entirety by the following:

9. Visible emission determination of opacity.
 - At least one one-hour run to be conducted simultaneously with particulate testing for the emissions from the dry scrubber/baghouse.

DRAFT

- At least one 30-minute run to be conducted for the ash handling building baghouse.
- At least one 30-minute run to be conducted for the lime silo baghouse while a truck is unloading lime into the lime silo. If the unloading is completed before 30 minutes duration, the duration of unloading shall be sufficient to meet this requirement, provided it exceeds 12 minutes.

[Rules 62-4.070(3), 62-296.416(3)(d)1, and 62-297.310(4)(a)2., F.A.C., 40 CFR 60.38b and 40 CFR 60.58b, and applicant request]

Specific condition 3.c. Testing Frequency.

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

Compliance with the emission limitations of specific condition 2 of this permit shall be determined by annual emission testing, except that testing for arsenic, beryllium, fluoride, sulfuric acid mist, ammonia and VOC shall be performed prior to renewal of each operation permit. Testing of the MWC units for particulate matter shall be performed using three one-hour test runs so that two one-hour runs are conducted during normal operation and one one-hour run is conducted during soot blowing conditions. Compliance for visible emissions shall be determined in accordance with Rule 62-297.310(4)(a), F.A.C. [Rules 62-4.070(3), 62-297.310(4)(a), and 62-297.310(7)(a)3, F.A.C., and request of the applicant]

The sixth sentence of this condition, "Compliance testing for the flyash handling building (baghouse) and the lime silo loading operation (V.E. test) shall be conducted within 120 days of completion of construction and annually thereafter.", shall be replaced entirely by the following:

Compliance testing for particulate matter emissions from the ash handling building baghouse is waived, and an alternative standard of 5% opacity is imposed, pursuant to Rule 62-297.620(4), F.A.C. If the Department has reason to believe that the particulate weight emission standard is not being met, it shall require that compliance be demonstrated using EPA Method 5. Compliance testing for visible emissions from the ash handling building baghouse and the lime silo baghouse shall be conducted annually. [Rules 62-4.070(3) and 62-297.620(4), F.A.C., and request of the applicant]

Specific condition 4.a. Start-up and Shut-down Procedures.

This condition shall be replaced entirely by the following:

4.a. Start-up and Shut-down Procedures. During start-up and shut-down, the auxiliary burners shall be fired as needed to ensure proper combustion of wastes consistent with good operating practices as specified in 40 CFR 60.53b.

Specific condition 4.b. Operating Procedures.

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

The emission limitations for this facility shall apply at all times, except during periods of startup, shut down, or malfunctions, provided that the duration of startup, shut down and malfunction periods shall not exceed three hours per occurrence. The startup period commences when the affected facility begins the continuous burning of municipal solid waste and does not include any warm-up period when the affected facility is combusting natural gas or propane, and no municipal solid waste is being fed to the combustor. Continuous burning is the continuous, semi-continuous, or batch feeding of municipal solid waste for purposes of waste disposal, energy production, or providing heat to the combustion system in preparation for waste disposal or energy production. The use of municipal solid waste solely to provide thermal

DRAFT

protection of the grate or hearth during the startup period when municipal solid waste is not being fed to the grate is not considered to be continuous burning. During all periods of startup, shut down and malfunction, the owner or operator shall use best operational practices to minimize air pollutant emissions. The owner or operator shall maintain a manual that identifies and describes best operational practices that will be used during periods of startup, shut down and malfunction at this facility.

[Rules 62-4.070(3), and 62-210.700(1) and (5), F.A.C., 40 CFR 60.38b and 40 CFR 60.58b(a), and request of the applicant]

4.d. Auxiliary Burners.

This condition shall be replaced entirely by the following:

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

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

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

This condition shall be replaced entirely by the following:

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

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

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

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

Further, the facility shall not knowingly burn:

- (i) nickel-cadmium batteries pursuant to Section 403.7192(3);
- (j) mercury containing devices and lamps pursuant to Sections 403.7186(2) & (3).

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

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

DRAFT

The facility operator shall prepare and maintain records concerning the description and quantities of all segregated loads of non-MSW material which are received and used as fuel at the facility, and subject to percentage weight limitations, below. For the purposes of this permit, a segregated load is defined to mean a container or truck that is almost completely or exclusively filled with a single item or homogeneous composition of waste material, as determined by visual observation.

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

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

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

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

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

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

Subject to the conditions and limitations contained in this permit, waste tires may be used as fuel at the facility. The total quantity of waste tires received as segregated loads and burned at the facility shall not exceed 3%, by weight, of the facility's total fuel, except as provided in the following sentence. Subsequent to an initial test burn scheduled to allow Department representatives to observe, while firing 5% (by weight) tires at each of the combustion units while operating each unit at capacity that demonstrates via the CEMS that each unit can comply with the emission limits for pollutants monitored by the CEMS while firing 5% (by weight) tires, this quantity limitation shall rise from 3% to 5%. Compliance with this limitation shall be determined on a calendar monthly basis.

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

- (a) Unsorted mixtures of construction and demolition debris, or that fraction of sorted construction and demolition debris that is predominantly non-combustible. Non-combustible construction and

DRAFT

- demolition debris shall include concrete, metals, gypsum products, plaster, rock, brick, and masonry.
- (b) Oil spill debris from aquatic, coastal, estuarine or river environments. Such items or materials include but are not limited to rags, wipes, and absorbents.
 - (c) Items suitable for human, plant or domesticated animal use, consumption or application where the item's shelf-life has expired or the generator wishes to remove the items from the market. Such items or materials include but are not limited to off-specification or expired consumer products, pharmaceuticals, medications, health and personal care products, cosmetics, foodstuffs, nutritional supplements, returned goods, and controlled substances.
 - (d) Consumer-packaged products intended for human or domesticated animal use or application but not consumption. Such items or materials include but are not limited to carpet cleaners, household or bathroom cleaners, polishes, waxes and detergents.
 - (e) Waste materials that:
 - (i) are generated in the manufacture of items in categories (c) or (d), above and are functionally or commercially useless (expired, rejected or spent); or
 - (ii) are not yet formed or packaged for commercial distribution. Such items or materials must be substantially similar to other items or materials routinely found in MSW.
 - (f) Waste materials that contain oil from:
 - (i) the routine cleanup of industrial or commercial establishments and machinery; or
 - (ii) spills of virgin or used petroleum products. Such items or materials include but are not limited to rags, wipes, and absorbents.
 - (g) Used oil and used oil filters. Used oil containing a PCB concentration equal or greater than 50 ppm shall not be burned, pursuant to the limitations of 40 CFR 761.20(e).
 - (h) Waste materials generated by manufacturing, industrial or agricultural activities, provided that these items or materials are substantially similar to items or materials that are found routinely in MSW, subject to prior approval of the Department.

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

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

Each day the total weight of segregated tires received shall be computed, and the daily total shall be added to the sum of the daily totals from the previous days in the current calendar month. At the end of each calendar month, the resultant monthly total weight of tires shall be divided by the total weight of all waste materials received in the same calendar month, and the resultant number shall be multiplied by 100 to express the ratio in percentage terms. The percentage computed shall be compared to the 3% or 5% limitation, whichever is applicable.

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

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

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

Any party to this order (permit modification) has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the

DRAFT

Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

DRAFT

Howard L. Rhodes, Director
Division of Air Resources
Management

CERTIFICATE OF SERVICE

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

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

Clerk Stamp

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

(Clerk)

(Date)

DRAFT

Memorandum

Florida Department of Environmental Protection

TO: Clair Fancy

THRU: Al Linero *ajl*

FROM: Joe Kahn *jk*

DATE: January 31, 2000

SUBJECT: Lee County Resource Recovery Facility
PSD-FL-151B
Revised Draft Modification

Attached for approval and signature is the intent to issue a revised PSD permit modification to Lee County. The applicant applied on August 6, 1999 to the Department for a modification to PSD permits number PSD-FL-151 and PSD-FL-151A for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County, 33905. The modification is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels.

The Department mailed the initial intent to issue and draft PSD permit modification to the applicant on October 18, 1999. The applicant published the public notice on November 6, 1999 but subsequently commented on the initial draft. I have been working with the applicant to revise the draft since November. Principal changes from the initial draft are a change to allow combustion of up to 5% tires as segregated loads after demonstration tests are conducted, removal of the predominantly combustible fraction of sorted construction and demolition debris from the percentage limitation on wastes fired, deletion of the minimum roof temperature requirement, changes in allowable excess emissions to match federal requirements, and minor changes to testing requirements. Because provisions of the initial draft permit modification are now being changed, another public notice is required.

I recommend your approval and signature.

Since the applicant has requested an extension of time to file a request for administrative hearing, the project is not subject to the 90 day timeclock.

Attachments

/jk

Is your RETURN ADDRESS completed on the reverse side?

- Print your name and address on the card to you
- Attach this form to the front of the mailpiece or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered

2. Restricted Delivery
Consult postmaster for fee.

3. Article Addressed to
Lindsey Sampson, PE
Deputy Director, SW
Tel Co.
PO Box 398
F. Myers, FL 33902-0398

4a. Article Number
Z 031 391 930

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

7. Date of Delivery
2-4-00

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

5. Received By (Print Name)

6. Signature (Addressee or Agent)
X [Signature]

102595-98-B-0229 Domestic Return Receipt
PS Form 3811, December 1994

Thank you for using Return Receipt Service

Z 031 391 930

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

Sent to
Lindsey Sampson
Tel Co
F. Myers FL

Post Office, State, & ZIP Code

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	PSD-FI-151B 2-2-00

PS Form 3800, April 1995

BEST AVAILABLE COPY

Is your RETURN ADDRESS completed on the reverse side?

SENDER

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

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

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3 Article Addressed to
Mr. Lindsey Sampson
Deputy Director, Solid Waste
Ull Co
P.O. Box 398
Ft. Myers, FL
33902-0398

4a. Article Number
Z 031 391 883

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

7. Date of Delivery **3-23-00**

5 Received By (Print Name)
[Signature]

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

6 Signature of Addressee or Agent
X

Thank you for using Return Receipt Service.

Z 031 391 883

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

Sent to <i>Lindsey Sampson</i>	
Street & Number <i>Ull Co</i>	
Post Office, State, & ZIP Code <i>Ft. Myers FL</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	3-21-00
<i>PSD-FI-151</i> <i>151A + B</i>	

PS Form 3800, April 1995



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(941) 479-8181

Writer's Direct Dial Number: _____

John E. Manning
District One

January 19, 2000

Douglas R. St. Cerny
District Two

Mr. Joseph Kahn

Ray Judah
District Three

Division of Air Regulations

Andrew W. Coy
District Four

Florida Department of Environmental Protection

2600 Blair Stone Rd.

John E. Albion
District Five

Tallahassee, Fl. 32399

RECEIVED

JAN 24 2000

BUREAU OF AIR REGULATION

Donald D. Stilwell
County Manager

SUBJECT: Lee County PSD Permit FL-151B

James G. Yaeger
County Attorney

Dear Mr. Kahn:

Diana M. Parker
County Hearing
Examiner

As per our telephone conversation of 1/18/00, the County is requesting that the language in the proposed revisions to PSD-FI-151B, be further revised as follows:

1. Revised Specific Condition 4.f; Delete "front end source separation" and insert "battery collection program".
2. Original Specific Condition 2.r; Delete this section entirely and replace with "In no case shall visible emissions from the ash handling building baghouse exceed 5% opacity."

Lee County uses source separation through an active household battery collection program. Every year, we deliver orange, zip-lock (1 gallon) "battery bags" to all single and multi family dwellings. Instructions for use are printed on each bag. Residents place their used dry cell batteries in the bags and place the bags out with their recycling bins. When a battery bag is collected, the recycling driver puts one or two new battery bags in the recycling bin for the resident. We typically collect about 14,000 pounds of batteries per year. For the last two years, these batteries have been recycled, and for the previous five years they were disposed at a permitted hazardous waste landfill.

The County also provides six household hazardous waste collections and four, business hazardous waste collections per year. At these events, generators bring mercury-containing devices to our contract disposal company for proper recycling or disposal. Information regarding these events is mailed directly to all businesses, quarterly, and to all households, annually. The events are also advertised on all media at the appropriate times.

The County is requesting the change to the ash building particulate matter emissions

C:\LJS\DOCS\KAHNI-19.DOC

Mr. Joe Kahn
January 19, 2000
Page 2 of 2

requirement in accordance with Rule 62-297.620. Since the permit limit for this facility is less than ten tons per year, and annual tests have shown actual emissions to be less than 0.5 tons per year, it is appropriate to use only the visible emissions test. The visible emissions limit will remain at 5% opacity.

We understand that you will issue a final draft copy of all of the PSD revisions within the next few days.

If you have any questions, please call me at the above number.

Sincerely,

ENVIRONMENTAL SERVICES DEPARTMENT



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

LJS:

cc: T. Eriksen
B. Bigarri
D. Dee

cc: EPA
NPS
B. OVEN
SD

INTEROFFICE MEMORANDUM

Date: 24-Jan-2000 08:33am
From: Joseph Kahn TAL
KAHN_J
Dept: Air Resources Management
Tel No: 850/921-9519

To: Lindsey Sampson (SAMPSONL@leegov.com)

Subject: Re: VE In Lieu of Stack Test

Lindsey,

Our PSD permit modification will be the language used for the conditions in the certification modification, and the recycling facility and yard waste area will not affect the PSD conditions in any way, so there is no need to wait for those to be completed. I will finalize the revised draft ASAP so it should go out to you this week. I will copy Ross Pollock in the Title V section so that he can revise the draft Title V permit to conform to the new language.

-Joe

INTEROFFICE MEMORANDUM

Date: 21-Jan-2000 03:42pm
From: Lindsey Sampson
SAMPSOLJ@leegov.com
Dept:
Tel No:

To: Joseph.Kahn (Joseph.Kahn@dep.state.fl.us)
CC: ddee (ddee@landersandparsons.com)

Subject: Re: VE In Lieu of Stack Test

Joe

Sorry for the delay in my response.

Your proposed language looks OK. I understand your clarifications and that makes sense. I just wasn't looking as closely as is sometimes required.

I think we're ready for the final draft, and I will re publish upon receipt of your notice of intent.

Question? Should we wait for any final changes to the Conditions of Certification regarding the recycling facility and the yard waste processing area?

Lindsey J. Sampson

>>> Joseph Kahn TAL 850/921-9519 <Joseph.Kahn@dep.state.fl.us> 01/20/00 08:29AM >>>
Lindsey,

I received the fax of your January 19th letter and I need to clarify one item. Your request was to eliminate the PM limit for the ash building baghouse. Rule 62-297.620(4), F.A.C., specifies that the PM compliance test is waived as long as the alternate VE limit is imposed, but it does not eliminate the PM emission limit. In fact, the rule states that if the Department has reason to believe that the PM limit is not being met, it shall require a PM test. So I do not have authority under that rule to delete the PM limit of condition 2.r. What I can do instead, which has the same practical effect, is to make another change to condition 3.c., as follows:

"The sixth sentence of this condition, "Compliance testing for the flyash handling building (baghouse) and the lime silo loading operation (V.E. test) shall be conducted within 120 days of completion of construction and annually thereafter.", shall be replaced entirely by the following:

Compliance testing for particulate matter emissions from the ash handling building baghouse is waived, and an alternative standard of 5% opacity is imposed, pursuant to Rule 62-297.620(4), F.A.C. If the Department has reason to believe that the particulate weight emission standard is not being met, it shall require that compliance be demonstrated using EPA Method 5. Compliance testing for visible emissions from the ash handling building baghouse and the lime silo baghouse shall be conducted annually.

[Rules 62-4.070(3) and 62-297.620(4), F.A.C., and request of the applicant]"

This should satisfy your request.

I have also made the change to condition 4.f. so it now reads, "Lee County shall minimize emissions of mercury through a battery collection program."

These changes should address all of the issues. Let me know if you have any comments or questions. After I hear from you I will put together the new intent and public notice for the revised draft and get it signed and mailed out.

-Joe

INTEROFFICE MEMORANDUM

Date: 20-Jan-2000 08:29am
From: Joseph Kahn TAL
KAHN_J
Dept: Air Resources Management
Tel No: 850/921-9519

To: SAMPSOLJ@leegov.com

Subject: VE In Lieu of Stack Test

Lindsey,

I received the fax of your January 19th letter and I need to clarify one item. Your request was to eliminate the PM limit for the ash building baghouse. Rule 62-297.620(4), F.A.C., specifies that the PM compliance test is waived as long as the alternate VE limit is imposed, but it does not eliminate the PM emission limit. In fact, the rule states that if the Department has reason to believe that the PM limit is not being met, it shall require a PM test. So I do not have authority under that rule to delete the PM limit of condition 2.r. What I can do instead, which has the same practical effect, is to make another change to condition 3.c., as follows:

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[Rules 62-4.070(3) and 62-297.620(4), F.A.C., and request of the applicant]"

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These changes should address all of the issues. Let me know if you have any comments or questions. After I hear from you I will put together the new intent and public notice for the revised draft and get it signed and mailed out.

-Joe

BEST AVAILABLE COPY



LEE COUNTY

LEE COUNTY PUBLIC WORKS

SOLID WASTE DIVISION

Phone: 941-479-8181

FACSIMILE

Fax: 941-479-8119

1500 Monroe Street

Fort Myers, FL 33901

DATE: 1/19/00

TO: Joe Kahn

FROM: Rindy/Sampson

FAX #: 857-922-6979

Number of pages including cover: 3

Hard copy to follow: N Y

MESSAGE: For Your Review

Rindy

Please contact this office immediately if transmittal is not received properly.
Thank You.



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(941) 479-8181

Writer's Direct Dial Number: _____

John F. Manning
District One

January 19, 2000

Douglas R. St. Cemy
District Two

Mr. Joseph Kahn

Ray Judah
District Three

Division of Air Regulations

Andrew W. Coy
District Four

Florida Department of Environmental Protection

John E. Albion
District Five

2600 Blair Stone Rd.

Tallahassee, FL 32399

Donald D. Stilwell
County Manager

SUBJECT: Lee County PSD Permit FL-151B

James G. Yaeger
County Attorney

Dear Mr. Kahn:

Diana M. Parker
County Hearing
Examiner

As per our telephone conversation of 1/18/00, the County is requesting that the language in the proposed revisions to PSD-FL-151B, be further revised as follows:

1. Revised Specific Condition 4.f; Delete "front end source separation" and insert "battery collection program".
2. Original Specific Condition 2.r; Delete this section entirely and replace with "In no case shall visible emissions from the ash handling building baghouse exceed 5% opacity."

Lee County uses source separation through an active household battery collection program. Every year, we deliver orange, zip-lock (1 gallon) "battery bags" to all single and multi family dwellings. Instructions for use are printed on each bag. Residents place their used dry cell batteries in the bags and place the bags out with their recycling bins. When a battery bag is collected, the recycling driver puts one or two new battery bags in the recycling bin for the resident. We typically collect about 14,000 pounds of batteries per year. For the last two years, these batteries have been recycled, and for the previous five years they were disposed at a permitted hazardous waste landfill.

The County also provides six household hazardous waste collections and four, business hazardous waste collections per year. At these events, generators bring mercury-containing devices to our contract disposal company for proper recycling or disposal. Information regarding these events is mailed directly to all businesses, quarterly, and to all households, annually. The events are also advertised on all media at the appropriate times.

The County is requesting the change to the ash building particulate matter emissions

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Mr. Joe Kahn
January 19, 2000
Page 2 of 2

requirement in accordance with Rule 62-297.620. Since the permit limit for this facility is less than ten tons per year, and annual tests have shown actual emissions to be less than 0.5 tons per year, it is appropriate to use only the visible emissions test. The visible emissions limit will remain at 5% opacity.

We understand that you will issue a final draft copy of all of the PSD revisions within the next few days.

If you have any questions, please call me at the above number.

Sincerely,

ENVIRONMENTAL SERVICES DEPARTMENT



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

LJS:

cc: T. Eriksen
B. Bigarri
D. Dee



LEE COUNTY

LEE COUNTY PUBLIC WORKS

Solid Waste Division

FACSIMILE

PHONE: 941-479-8181

FAX: 941-479-8119

1500 Monroe Street

Third Floor

Fort Myers, FL 33901

DATE: Tuesday, January 18, 2000

TO: *Joe Kahn*

FROM: *Lindsay J Sampson*

FAX: *850-922 6979*

OF PAGES INCLUDING COVER: 3

MESSAGE: *Joe*

I will formalize

in a letter.

Lindsay

Please contact this office immediately if transmittal is not received properly. Thank You.

From: Joseph Kahn TAL 850/921-9519 <Joseph.Kahn@dep.state.fl.us>
To: <SAMPSONLJ@leegov.com>
Date: 1/18/00 7:36AM
Subject: Comment Regarding Condition 4.f.

Lindsey,

I received your message regarding your concern about the language of condition 4.f. regarding minimizing mercury emissions through front end source separation. The language of this condition was an attempt to update the previous condition's requirement: "The County shall establish a household battery collection program to be specified by the applicant prior to start of construction, to further minimize mercury emissions." I intended "front end source separation" to be readily recognized as a collection program designed to keep batteries and other mercury containing devices out of the waste that gets collected for incineration. Please advise how the county complies with the previous permit requirement and let me know if you have any other programs to keep mercury containing devices out of the general waste stream, so I can make the new condition more specific. Thanks.

-Joe

1-18-00

Joe,

The problem with the proposed language is due to the fact that some people have proposed that mass burial facilities hand pick through the garbage to retrieve any or all items that they believe should not be buried. We are therefore nervous by the term "front-end" . . . "separation".

Lee County uses "source separation"; that is we have an active household battery collection campaign. Every year we deliver orange zip-tied (1 gallon) "battery" bags to all single & multi-family residences. The bags have instructions for use printed on the bags. Residents use the bags &

put out for pick up with their recycling. When a battery bag is picked-up, the recycling driver puts 1 or 2 more empty bags in the recycling bin. We typically collect 14,000⁺ pounds per year. Of course, now the primary benefit is separating cadmium, not mercury, since batteries contain almost no mercury.

We would ask that you delete
"front end source separation" & replace with
"battery collection program".

Thank you

Lindsay J. Sampson

INTEROFFICE MEMORANDUM

Date: 18-Jan-2000 07:34am
From: Joseph Kahn TAL
KAHN_J
Dept: Air Resources Management
Tel No: 850/921-9519

To: SAMPSOLJ@leegov.com

Subject: Comment Regarding Condition 4.f.

Lindsey,

I received your message regarding your concern about the language of condition 4.f. regarding minimizing mercury emissions through front end source separation. The language of this condition was an attempt to update the previous condition's requirement: "The County shall establish a household battery collection program to be specified by the applicant prior to start of construction, to further minimize mercury emissions." I intended "front end source separation" to be readily recognized as a collection program designed to keep batteries and other mercury containing devices out of the waste that gets collected for incineration. Please advise how the county complies with the previous permit requirement and let me know if you have any other programs to keep mercury containing devices out of the general waste stream, so I can make the new condition more specific. Thanks.

-Joe

INTEROFFICE MEMORANDUM

(Draft)

Date: 06-Jan-2000 04:15pm
From: Joseph Kahn TAL
Dept:
Tel No:

To: ddee

(ddee@landersandparsons.com)

Subject: Re: Lee PSD Permit

David,

I have attached the revised draft permit revision again (the second attachment). I've also attached another change to address your concerns about knowingly burning those items. This represents what Jan Rae thought was acceptable to the solid waste staff and is one of your suggestions. Let me know if this looks OK and if so I'll incorporate the changes into the revised draft. I too have not heard from Lindsey. Call me tomorrow morning at 921-9519 if you have questions or wish to discuss.

-Joe

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

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

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

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

Further, the facility shall not knowingly burn:

- (i) nickel-cadmium batteries pursuant to Section 403.7192(3);
- (j) mercury containing devices and lamps pursuant to Sections 403.7186(2) & (3).

The fuel may be received either as a ...

[remaining unchanged text omitted for brevity]

INTEROFFICE MEMORANDUM

Date: 30-Dec-1999 11:47am
From: ddee
ddee@landersandparsons.com
Dept:
Tel No:

To: Joseph Kahn TAL 850/921-9519 (Joseph.Kahn@dep.state.fl.us)
CC: Lindsey Sampson (SAMPSONL@leegov.com)

Subject: Re: Lee PSD Permit

Joe,

For some reason, I could not open the new version of the permit. Can you re-send it to me or fax it? Thanks.

With regard to the batteries and mercury containing devices, the proposed language is unnecessary. Subparagraph (a) already prohibits the County from burning those things that are prohibited under state law, like mercury containing devices. If you feel compelled to include something, you could change the introductory sentence to the paragraph so that it says: "However, the facility shall not knowingly burn:" In the alternative, you could create a new sentence, following subparagraphs (a) - (j), that says: "The permittee shall not knowingly burn a mercury containing device or spent mercury containing lamp at the facility."

A close reading of Section 403.7192(3), F.S., indicates that it does not even apply to Lee County's operation of the resource recovery facility. The statute imposes requirements on those who use and then throw away certain batteries. The statute does not appear to create any new obligations for those who operate resource recovery facilities. The obligations only fall on those who use the batteries.

Call me if you have any questions.

David Dee

Joseph Kahn TAL 850/921-9519 wrote:

> David,
>
> I tried to reach you by phone and found you are out of the office until later
> this week. Perhaps you will get this and my previous e-mail messages before
> you return.
>
> I just spoke with Jan Rae Clark regarding your comments about the prohibition
> on ni-cad batteries and mercury containing devices. She reviewed your comments
> and said that the intent was to incorporate the provisions of the statutes,
> including the reference to "knowingly disposing" by reference to the specific
> statutes in the permit condition. It was not intended to be more broad or
> stringent. If you still are not comfortable with the way it is written, please
> send me some alternate language that I can have Jan Rae review. Thanks.
>
> -Joe

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 27-Dec-1999 04:20pm

From: Joseph Kahn TAL
KAHN_J

Dept: Air Resources Management

Tel No: 850/921-9519

To: ddee

(ddee@landersandparsons.com)

CC: Lindsey Sampson

(SAMPSONLJ@leegov.com)

Subject: Re: Lee PSD Permit

David,

I tried to reach you by phone and found you are out of the office until later this week. Perhaps you will get this and my previous e-mail messages before you return.

I just spoke with Jan Rae Clark regarding your comments about the prohibition on ni-cad batteries and mercury containing devices. She reviewed your comments and said that the intent was to incorporate the provisions of the statutes, including the reference to "knowingly disposing" by reference to the specific statutes in the permit condition. It was not intended to be more broad or stringent. If you still are not comfortable with the way it is written, please send me some alternate language that I can have Jan Rae review. Thanks.

-Joe

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 27-Dec-1999 02:39pm

From: Joseph Kahn TAL
KAHN_J

Dept: Air Resources Management

Tel No: 850/921-9519

To: ddee (ddee@landersandparsons.com)

CC: Lindsey Sampson (SAMPOLJ@leegov.com)

Subject: Lee PSD Permit -- Tires

David and Lindsey,

I have changed the language in condition 4.f. regarding the percentage limitation on tires to address David's previous comments about testing and tires. The changes are shown in the attached Word document as strikethrough and underline. I omitted all unchanged text to make this as brief as possible.

This does not address David's other comments regarding the batteries and mercury wastes. I am waiting on a response from Jan Rae Clark for that. Please review the attached and let me know if this will adequately resolve the issue for tires. Thanks.

-Joe

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

~~Subsequent to an initial test burn while firing 5% (by weight) tires at each of the combustion units while operating each unit at capacity, scheduled to allow Department representatives to observe, that demonstrates via the CEMS that each unit can comply with the emission limits for pollutants monitored by the CEMS, †This condition shall be replaced entirely by the following:~~

4.f. Allowable Fuels. The only fuels allowed to be burned in the MWC units are ...

... [unchanged text omitted for brevity]

Subject to the conditions and limitations contained in this permit, waste tires may be used as fuel at the facility. The total quantity of waste tires received as segregated loads and burned at the facility shall not exceed 35%, by weight, of the facility's total fuel, except as provided in the following sentence. Subsequent to an initial test burn scheduled to allow Department representatives to observe, while firing 5% (by weight) tires at each of the combustion units while operating each unit at capacity that demonstrates via the CEMS that each unit can comply with the emission limits for pollutants monitored by the CEMS while firing 5% (by weight) tires, this quantity limitation shall rise from 3% to 5%. Compliance with this limitation shall be determined on a calendar monthly basis.

... [unchanged text omitted for brevity]

Each day the total weight of segregated tires received shall be computed, and the daily total shall be added to the sum of the daily totals from the previous days in the current calendar month. At the end of each calendar month, the resultant monthly total weight of tires shall be divided by the total weight of all waste materials received in the same calendar month, and the resultant number shall be multiplied by 100 to express the ratio in percentage terms. The percentage computed shall be compared to the 3% or 5% limitation, whichever is applicable.

... [unchanged text omitted for brevity]

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

INTEROFFICE MEMORANDUM

(Draft)

Date: 27-Dec-1999 02:19pm

From: Joseph Kahn TAL

Dept:

Tel No:

To: Jan Rae Clark TAL

(CLARK_JR)

Subject: FWD: Lee PSD Permit

Jan,

Attached are comments from David Dee regarding my Lee County revised draft. Please review his comments regarding the prohibition against ni-cad batteries and mercury containing devices and let me know if you and the hazardous waste folks have changes in response to his comments. I wrote him back and told him I would ask you to advise me on this.

FYI, the permit revision now reads:

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

...

(d) nickel-cadmium batteries pursuant to Section 403.7192(3)

(e) mercury containing devices and lamps pursuant to Sections 403.7186(2) &

(3)

..."

Thanks.

-Joe

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 27-Dec-1999 02:11pm

From: Joseph Kahn TAL
KAHN_J

Dept: Air Resources Management

Tel No: 850/921-9519

To: ddee

(ddee@landersandparsons.com)

CC: Lindsey Sampson

(SAMPSONJ@leegov.com)

Subject: Re: Lee PSD Permit

David,

I have reviewed your comments and see your point about passing the test and I'll take another stab at language. The new prohibitions come directly from the hazardous waste staff at Twin Towers and I'll pass your comments to them through Jan Rae Clark who gave me the language to include here. I'll ask them make any changes needed, and as soon as I hear from them I'll pass it on to you and Lindsey. Regarding the new notice, I believe a new notice is required because the changes made to the previous draft are fairly significant. In fact the public notice says that if comments result in a significant change the Department may require another public notice, which is consistent with what I have suggested.

Let me know if you have any questions. Otherwise, I'll send another draft as soon as possible.

-Joe

INTEROFFICE MEMORANDUM

Date: 23-Dec-1999 03:35pm
From: ddee
ddee@landersandparsons.com
Dept:
Tel No:

To: Joseph Kahn TAL 850/921-9519 (Joseph.Kahn@dep.state.fl.us)
CC: Lindsey Sampson (SAMPSONL@leegov.com)

Subject: Lee PSD Permit

Joe,

Thanks for making the change we discussed regarding 3 hours for excess emissions during malfunctions.

I have a few questions and comments regarding the rest of the revised draft PSD permit for the Lee facility

The way you have drafted section 4.f, dealing with the fuels for the facility, all of the changes are contingent upon Lee successfully passing a test burn with 5% tires. If Lee does not pass the test, none of the changes to the list of fuels will become effective. I believe it would be better to make all of the changes effective now, except for the change re 5% tires, which would become effective only if Lee passes the test burn and receives DEP concurrence.

You revised 4.f to prohibit the burning of ni-cad batteries and mercury containing devices. You base this prohibition on certain statutes that you have cited, but those statutes only prohibit someone from "knowingly" burning these materials. The draft permit would broaden the prohibition to include those who unknowingly and unintentionally burn such materials. This is a significant change because these materials may be in the mixed MSW in the refuse pit every day. As revised, the permit would expose the county to liability and enforcement actions (based on the language in the permit), even though there would be no violation under the state statutes that apply to all of the other WTE facilities in the state.

Please delete the two new prohibitions or word them differently to make them consistent with the statute.

Why is a new notice necessary? DEP oftentimes revises draft permits and makes the conditions less stringent, without publishing new notices. The standard DEP notice expressly states that the DEP's final agency action may be different than the proposed agency action. An additional notice now seems like an unnecessary burden and expense.

Thanks for your consideration of these comments. I have not carefully reviewed the other portions of the draft permit because I assume the County and its consultants will be responsible for that. Call me if you have any questions.

David Dee

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 22-Dec-1999 09:30am

From: Joseph Kahn TAL
KAHN_J

Dept: Air Resources Management

Tel No: 850/921-9519

To: Lindsey Sampson

(SAMPSONJ@leegov.com)

Subject: Re: Lee County PSD 151B

Lindsey,

I have incorporated almost all of your suggested changes which are shown in the attached document in red as strikethrough and underline. I made a minor change in the language of condition 4.a. ('specified' instead of 'defined'.) The previous changes that we agreed to are now shown as regular text. The only change we can't accommodate is your request for inclusion in condition 4.b. of "unless specifically authorized by the Department for longer duration." The Department is planning to revise this rule in the future to clarify that this authority is for changes that are specified during the permitting process, as opposed to longer duration authorized by compliance staff for each event. The rule does read this way now, but I'm reluctant to put it into this permit if it will be subject to change in the future. I discussed this with my bureau chief and he advised me to change the language to match the allowed excess emissions of the federal rule, which provides for 3 hours for startup, shutdown and malfunctions, so this is how it reads now. I spoke briefly with David Dee about this and he seemed comfortable with this change. Anyway, this is the only item remaining, so if it is acceptable to you let me know and I can issue a revised draft. Unfortunately, since we have relaxed some limitations of the previous draft permit, we will have to issue a revised draft and require another public notice. Please let me know if you have any questions.

-Joe

REVISED DRAFT

Certified Mail - Return Receipt Requested

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

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

The applicant applied on August 6, 1999 to the Department for a modification to PSD permits number PSD-FL-151 and PSD-FL-151A for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County, 33905. The modification is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels. The Department has reviewed the modification request. The referenced permits are hereby modified as follows:

Specific condition 3.c. Testing Frequency.

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

Compliance with the emission limitations of specific condition 2 of this permit shall be determined by annual emission testing, except that testing for arsenic, beryllium, fluoride, sulfuric acid mist, ammonia and VOC shall be performed prior to renewal of each operation permit.

Testing of the MWC units for particulate matter ~~and visible emissions~~ shall be performed using three one-hour test runs so that two one-hour runs are conducted during normal operation and one one-hour run is conducted during soot blowing conditions.

Compliance for visible emissions shall be determined in accordance with Rule 62-297.310(4)(a), F.A.C.

[Rules 62-4.070(3), 62-297.310(4)(a), and 62-297.310(7)(a)3, F.A.C., and request of the applicant]

Specific condition 4.b. Operating Procedures.

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

The emission limitations for this facility shall apply at all times, except during periods of startup, shut down, or malfunctions, provided that the duration of startup, ~~and~~ shut down and malfunction periods shall not exceed three hours per occurrence, ~~and the duration of excess emissions from~~

malfunctions shall not exceed two hours in any 24 hour period. The startup period commences when the affected facility begins the continuous burning of municipal solid waste and does not include any warm-up period when the affected facility is combusting natural gas or propane, and no municipal solid waste is being fed to the combustor. Continuous burning is the continuous, semi-continuous, or batch feeding of municipal solid waste for purposes of waste disposal, energy production, or providing heat to the combustion system in preparation for waste disposal or energy production. The use of municipal solid waste solely to provide thermal protection of the grate or hearth during the startup period when municipal solid waste is not being fed to the grate is not considered to be continuous burning. During all periods of startup, shut down and malfunction, the owner or operator shall use best operational practices to minimize air pollutant emissions. The owner or operator shall maintain a manual that identifies and describes best operational practices that will be used during periods of startup, shut down and malfunction at this facility.

[Rules 62-4.070(3), and 62-210.700(1) and (5), F.A.C., 40 CFR 60.38b and 40 CFR 60.58b(a), and request of the applicant]

Specific condition 3.a. Test Methods.

The table entry for Method 101A shall be replaced by Method 29. The table entry for Method 12 shall be replaced by Method 29. The table entry for EPA Method 25 shall be replaced by Method 25A to demonstrate compliance with VOC emissions. The table entries for EPA Methods 104 and 108 (beryllium and arsenic) shall each be replaced by EPA Method 29. The table entry for EPA Methods 7, 7C, or 19 shall be supplemented with Method 7E to demonstrate compliance with nitrogen oxides. The table entries for EPA Methods 201 and 201A shall be supplemented with Method 5 to demonstrate compliance with PM₁₀ emissions.

The table entry for 'Visible emission determination of opacity.' shall be replaced in its entirety by the following:

- 9 Visible emission determination of opacity.
- At least one (1), one hour run to be conducted simultaneously with particulate testing for the emissions from the dry scrubber/baghouse.
 - At least one (1), 30 minute run to be conducted for the ash handling building baghouse.
 - At least one (1), 30 minute run to be conducted for the lime silo baghouse while a truck is unloading lime into the lime silo. If the unloading is completed before 30 minutes duration, the duration of unloading shall be sufficient to meet this requirement, provided it exceeds 12 minutes.

[Rules 62-4.070(3), 62-296.416(3)(d)1, and 62-297.310(4)(a)2., F.A.C., 40 CFR 60.38b and 40 CFR 60.58b, and applicant request]

Specific condition 2.m. Emission Standards.

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

Hg (Mercury): In no case shall mercury emissions exceed 70 ug/dscm @ 7% O₂ or 85% reduction by weight, whichever is less stringent. Emissions of mercury shall also not exceed 1.38 x 10⁻⁴ lb/mmBtu, 0.0379 lb/hr per unit, and 0.166 tons/year per unit.

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

151]

Specific condition 4.a. Start-up and Shut-down Procedures.

This condition shall be replaced entirely by the following:

4.a. Start-up and Shut-down Procedures. During start-up and shut-down, the auxiliary burners shall be fired as needed to ensure proper combustion of wastes and compliance with the emission limits of this permit consistent with good operating practices as specified in 40 CFR 60.53b.

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

Subsequent to an initial test burn while firing 5% (by weight) tires at each of the combustion units while operating each unit at capacity, scheduled to allow Department representatives to observe, that demonstrates via the CEMS that each unit can comply with the emission limits for pollutants monitored by the CEMS, this condition shall be replaced entirely by the following:

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

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

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

- (a) those materials that are prohibited by state or federal law;
- (b) those materials that are prohibited by this permit;
- (c) lead acid batteries;
- (d) nickel-cadmium batteries pursuant to Section 403.7192(3)
- (e) mercury containing devices and lamps pursuant to Sections 403.7186(2) & (3)
- (f) hazardous waste;
- (g) nuclear waste;
- (h) radioactive waste;
- (i) sewage sludge;
- (j) explosives.

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

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

The facility operator shall prepare and maintain records concerning the description and quantities of all segregated loads of non-MSW material which are received and used as fuel at the facility, and subject to percentage weight limitations, below. For the purposes of this permit, a segregated load is defined to mean a container or truck that is almost completely or exclusively filled with a single item or homogeneous composition of waste material, as determined by visual observation.

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

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

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

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

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

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

Subject to the conditions and limitations contained in this permit, waste tires may be used as fuel at the facility. The total quantity of waste tires received as segregated loads and burned at the facility shall not exceed 5%, by weight, of the facility's total fuel. Compliance with this limitation shall be determined on a calendar monthly basis.

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

- (a) Unsorted mixtures of construction and demolition debris, or that fraction of sorted construction and demolition debris that is predominantly non-combustible. Non-combustible construction and demolition debris shall include concrete, metals, gypsum products, plaster, rock, brick, and masonry.
- (b) Oil spill debris from aquatic, coastal, estuarine or river environments. Such items or materials include but are not limited to rags, wipes, and absorbents.
- (c) Items suitable for human, plant or domesticated animal use, consumption or application where the item's shelf-life has expired or the generator wishes to remove the items from the market. Such items or materials include but are not limited to off-specification or

expired consumer products, pharmaceuticals, medications, health and personal care products, cosmetics, foodstuffs, nutritional supplements, returned goods, and controlled substances.

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

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

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

Each day the total weight of segregated tires received shall be computed, and the daily total shall be added to the sum of the daily totals from the previous days in the current calendar month. At the end of each calendar month, the resultant monthly total weight of tires shall be divided by the total weight of all waste materials received in the same calendar month, and the resultant number shall be multiplied by 100 to express the ratio in percentage terms. The percentage computed shall be compared to the 5% limitation.

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

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

4.d. Auxiliary Burners.

This condition shall be replaced entirely by the following:

These devices shall be used at startup during the introduction of MSW fuel until design furnace

gas temperature is achieved. They shall be fueled only with natural gas or propane. If the annual capacity factor for natural gas is greater than 10%, as determined by 40 CFR 60.41b, the facility shall be subject to 40 CFR 60.44b(d), Standards for Nitrogen Oxides.

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

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

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

Executed in Tallahassee, Florida.

Howard L. Rhodes, Director
Division of Air Resources
Management

CERTIFICATE OF SERVICE

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

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

Clerk Stamp

FILING AND ACKNOWLEDGMENT

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

(Clerk)

(Date)

INTEROFFICE MEMORANDUM

Date: 18-Dec-1999 05:58pm
From: Lindsey Sampson
SAMP SOLJ@leegov.com

Dept:
Tel No:

To: Joseph.Kahn (Joseph.Kahn@dep.state.fl.us)
CC: teomslee (teomslee@AOL.COM)
CC: BBigari (BBigari@Ogden-Energy.com)
CC: ttyrrell (ttyrrell@pirnie.com)

Subject: Lee County PSD 151B

Joe

I have made a few changes to the language that you provided to me for the subject permit. The changes have been incorporated into your document as strike-thoughts and underlines using MS Word.

The changes regarding visible emissions were made because we understand that one hour testing periods using Method 9 are permitted by rule 62-297.310 (4)(a)2. These changes are shown under Spec. Conditions 3.c and 3.a.

The changes made to test methods noted in Spec. Condition 3.a have all been approved by the Department previously. We thought it would be advisable to go ahead and re-incorporate them along with this permit modification.

-- VOC test method 25A was approved on 6/23/98
-- Ber. and Arsenic test method 29 was approved on
10/13/95
-- NO and NO2 method 7E was approved on 10/11/95

We made a slight change to the language in Spec Cond. 4.a that recognizes the possibility of having allowed excess emissions during start-up and shut-down periods.

I hope these suggestions all make sense to you. I think we should be able to finallize these modifications upon review of your next draft permit, and then incorporate this language into the Title V permit.

Please call or e mail me if any questions.

Thanks for your help over the past several months.

Lindsey J. Sampson

DRAFT

Certified Mail - Return Receipt Requested

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

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

The applicant applied on August 6, 1999 to the Department for a modification to PSD permits number PSD-FL-151 and PSD-FL-151A for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County, 33905. The modification is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels. The Department has reviewed the modification request. The referenced permits are hereby modified as follows:

Specific condition 3.c. Testing Frequency.

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

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

Compliance for visible emissions shall be in accordance with 62-297.310(4)(a)2 F.A.C.
[Rules 62-4.070(3) and 62-297.310(7)(a)3, F.A.C., and request of the applicant]

Specific condition 4.b. Operating Procedures.

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

The emission limitations for this facility shall apply at all times, except during periods of startup, shut down, or malfunctions, provided that the duration of startup and shut down periods shall not exceed three hours per occurrence, and the duration of excess emissions from malfunctions shall not exceed two hours in any 24 hour period (unless specifically authorized by the Department for longer durations). The startup period commences when the affected facility begins the continuous

burning of municipal solid waste and does not include any warm-up period when the affected facility is combusting natural gas or propane, and no municipal solid waste is being fed to the combustor. Continuous burning is the continuous, semi-continuous, or batch feeding of municipal solid waste for purposes of waste disposal, energy production, or providing heat to the combustion system in preparation for waste disposal or energy production. The use of municipal solid waste solely to provide thermal protection of the grate or hearth during the startup period when municipal solid waste is not being fed to the grate is not considered to be continuous burning. During all periods of startup, shut down and malfunction, the owner or operator shall use best operational practices to minimize air pollutant emissions. The owner or operator shall maintain a manual that identifies and describes best operational practices that will be used during periods of startup, shut down and malfunction at this facility.

[Rules 62-4.070(3), and 62-210.700(1) and (5), F.A.C., 40 CFR 60.38b and 40 CFR 60.58b(a), and request of the applicant]

Specific condition 3.a. Test Methods.

The table entry for Method 101A shall be replaced by Method 29. The table entry for Method 12 shall be replaced by Method 29. The table entry for EPA Method 25 shall be replaced by Method 25A to demonstrate compliance with VOC emissions. The table entries for EPA Methods 104 and 108 (beryllium and arsenic) shall each be replaced by EPA Method 29. The table entry for EPA Methods 7, 7C, or 19 shall be supplemented with Method 7E to demonstrate compliance with Nitrogen Oxides. The table entries for EPA Methods 201 and 201A shall be supplemented with Method 5 to demonstrate compliance with PM10 emissions.

The table entry for 'Visible emission determination of opacity.' Shall be replaced in its entirety by the following:

- 9 Visible emission determination of opacity.
 - At least one (1), one hour run to be conducted simultaneously with particulate testing for the emissions from dry scrubber/baghouse.
 - At least one (1), one hour run to be conducted for the ash handling building baghouse.
 - At least one (1), one hour run to be conducted for the lime silo baghouse while a truck is unloading lime into the lime silo.

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

Specific condition 2.m. Emission Standards.

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

Hg (Mercury): In no case shall mercury emissions exceed 70 ug/dscm @ 7% O₂ or 85% reduction by weight, whichever is less stringent. Emissions of mercury shall also not exceed 1.38 x 10⁻⁴ lb/mmBtu, 0.0379 lb/hr per unit, and 0.166 tons/year per unit.

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

Specific condition 4.a. Start-up and Shut-down Procedures.

This condition shall be replaced entirely by the following:

4.a. Start-up and Shut-down Procedures. During start-up and shut-down, the auxiliary burners shall be fired as needed to ensure proper combustion of wastes consistent with good operating practices as defined in 40 CFR 60.53b.

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

Subsequent to an initial test burn while firing 5% (by weight) tires at each of the combustion units while operating each unit at capacity, scheduled to allow Department representatives to observe, that demonstrates via the CEMS that each unit can comply with the emission limits for pollutants monitored by the CEMS, tThis condition shall be replaced entirely by the following:

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

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

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

- (a) those materials that are prohibited by state or federal law;
- (b) those materials that are prohibited by this permit;
- (c) lead acid batteries;
- (d) nickel-cadmium batteries pursuant to Section 403.7192(3)
- (e) mercury containing devices and lamps pursuant to Sections 403.7186(2) & (3)
- (f) hazardous waste;
- (g) nuclear waste;
- (h) radioactive waste;
- (i) sewage sludge;
- (j) explosives.

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

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

The facility operator shall prepare and maintain records concerning the description and quantities of all segregated loads of non-MSW material which are received and used as fuel at the facility, and subject to percentage weight limitations, below. For the purposes of this permit, a segregated load is defined to mean a container or truck that is almost completely or exclusively filled with a single item or homogeneous composition of waste material, as determined by visual observation.

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

- (a) comply with good combustion operating practices in accordance with 40 CFR 60.53b;
- (b) install, operate and maintain continuous emissions monitors (CEMS) for oxygen, carbon

monoxide, sulfur dioxide, oxides of nitrogen and temperature in accordance with 40 CFR 60.58b; and

- (c) record and maintain the CEMS data in accordance with 40 CFR 60.59b.

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

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

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

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

Subject to the conditions and limitations contained in this permit, waste tires may be used as fuel at the facility. The total quantity of waste tires received as segregated loads and burned at the facility shall not exceed ~~3%~~ 5%, by weight, of the facility's total fuel. Compliance with this limitation shall be determined by using a rolling 30-day average on a calendar monthly basis.

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

- (a) ~~Construction and demolition debris.~~
- (a) Unsorted mixtures of construction and demolition debris, or that fraction of sorted construction and demolition debris that is predominantly non-combustible. Non-combustible construction and demolition debris shall include concrete, metals, gypsum products, plaster, rock, brick, and masonry.
- (b) Oil spill debris from aquatic, coastal, estuarine or river environments. Such items or materials include but are not limited to rags, wipes, and absorbents.
- (c) Items suitable for human, plant or domesticated animal use, consumption or application where the item's shelf-life has expired or the generator wishes to remove the items from the market. Such items or materials include but are not limited to off-specification or expired consumer products, pharmaceuticals, medications, health and personal care products, cosmetics, foodstuffs, nutritional supplements, returned goods, and controlled substances.
- (d) Consumer-packaged products intended for human or domesticated animal use or

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

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

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

Each day the total weight of segregated tires received shall be computed, and the daily total shall be added to the sum of the daily totals from the previous ~~29~~ 30 days in the current calendar month. At the end of each calendar month, the resultant 30-day monthly total weight of tires shall be divided by the total weight of all waste materials received in the same 30-day period calendar month, and the resultant number shall be multiplied by 100 to express the ratio in percentage terms. The percentage computed shall be compared to the 3% 5% limitation.

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

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

4.d. Auxiliary Burners.

This condition shall be replaced entirely by the following:

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

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

A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This

permit modification is issued pursuant to Chapter 403, Florida Statutes.

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

Executed in Tallahassee, Florida.

Howard L. Rhodes, Director
Division of Air Resources
Management

CERTIFICATE OF SERVICE

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

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

Clerk Stamp

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

(Clerk)

(Date)

RFC-822-headers:

Received: from epic50.dep.state.fl.us ([199.73.195.8])
by mail.epic1.dep.state.fl.us (PMDF V5.2-32 #37976)
with ESMTTP id <01JJNMHJROMI000HU7@mail.epic1.dep.state.fl.us> for
KAHN_J@a1.epic1.dep.state.fl.us (ORCPT rfc822;Joseph.Kahn@dep.state.fl.us)
; Sat, 18 Dec 1999 17:58:39 EST
Received: from LEEMAIL ([209.26.126.6]) by mail.epic50.dep.state.fl.us
(PMDF V5.2-32 #31508)
with SMTP id <01JJNMGJ8B42000OSJ@mail.epic50.dep.state.fl.us> for
KAHN_J@a1.epic1.dep.state.fl.us (ORCPT rfc822;Joseph.Kahn@dep.state.fl.us)
; Sat, 18 Dec 1999 17:57:51 -0500 (EST)
Received: from LEEDOM1-Message_Server by LEEMAIL with Novell_GroupWise; Sat,
18 Dec 1999 17:59:50 -0500
X-Mailer: Novell GroupWise 5.5

INTEROFFICE MEMORANDUM

(Draft)

Date: 10-Dec-1999 10:26am
From: Joseph Kahn TAL
Dept:
Tel No:

To: sampsolj@leegov.com

Subject: Revised Permit Modification

Please review the changes denoted by strikethrough and underline and let me know your comments. Changes were made to conditions 4.a (new) and 4.f. The hazardous waste group in Tallahassee requested that I add the prohibitions for nickel-cadmium batteries and mercury containing devices and lamps, pursuant to statute. The other changes are as we discussed. Feel free to e-mail me back or call me at 850-921-9519.

December 7, 1999

To: Joseph Kahn

From: Mara G. Nasca, South District

Re: Comments from the South District: Lee County Resource Recovery Facility Modification
Request PA 90-30, PSD FL -151B

Reference: TE-4 and Specific Condition 4.f., Request to increase the limit on waste tires

The South District does not object to increasing the amount of tires received at the facility from 3% to 5% of all solid waste received. The facility should test each of the units under the new limit to provide reasonable assurance of compliance. DEP representatives from the South District Office shall observe the initial compliance test.

Comments from Bill Krumbholz, Solid Waste Supervisor: No objection to an increase in tires to 5%. Tires are used as fuel when waste is wet for better combustion. Hendry County transfer stations may wish to increase fees for out of county tires.

Reference: Proposed Specific Condition 4.f., Allowable Fuels

The South District has three landfills that accept construction and demolition (C&D) waste. Lee County Gulf Coast Landfill accepts C&D waste and because it is privately owned is allowed to dispose of it without segregation. The Collier County Naples Landfill accepts C&D waste; which is segregated, materials that are not recycled, and disposed of in the landfill. Highlands County Landfill accepts C&D waste at a "separate facility". Charlotte County Landfill takes the C&D waste to a C&D site next to their landfill.

The District's Air Section and Bill Krumbholz, Solid Waste Supervisor do not object to increasing the amount of C&D waste combusted at the facility but would recommend an appropriate limit of no more than 20% of all solid waste accepted.

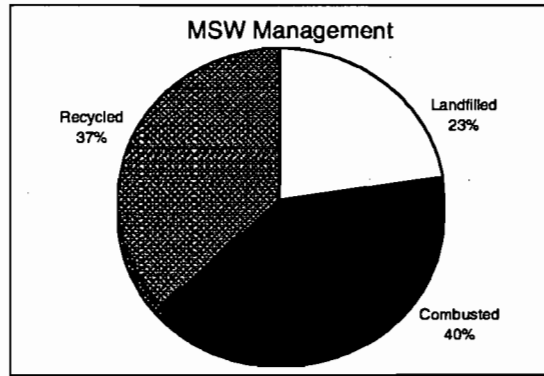
Reference: Proposed Specific Condition 4.f., Recordkeeping

The South District does not object to monitoring the 5% allowance for various segregated waste (including tires) by a monthly average.

Lee County

(Jan. 1, 1997 - Dec. 31, 1997)

1. Population ¹	394,244
2. MSW Management (tons) ²	
A. Landfilled	128,341
B. Combusted	229,132
C. Recycled	212,172
D. Total	569,645
E. Total Pounds per Capita Per Day ¹	7.92



3. MSW Collected & Recycled

A. Minimum Five Wastes ³	Collected (tons)	Recycled (%)
1. Newspaper	34,179	54
2. Glass	26,482	26
3. Aluminum Cans	4,557	38
4. Plastic Bottles	7,405	22
5. Steel Cans	3,987	90

B. Special Wastes ⁵	Collected (tons)	Recycled (%)
1. C&D Debris	42,154	81
2. Yard Trash	93,991	54
3. White Goods	11,392	3
4. Tires	11,392	1
5. Process Fuel	3,625	100

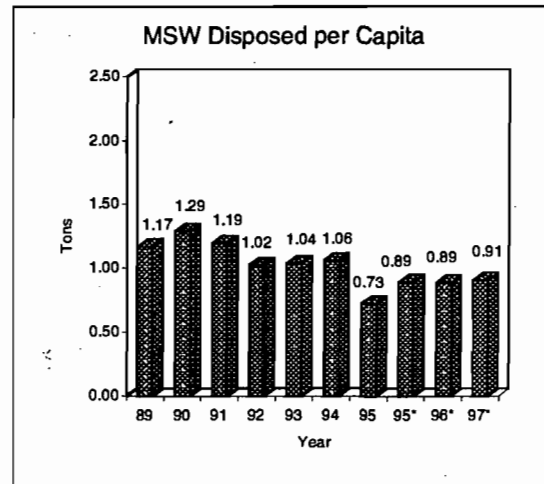
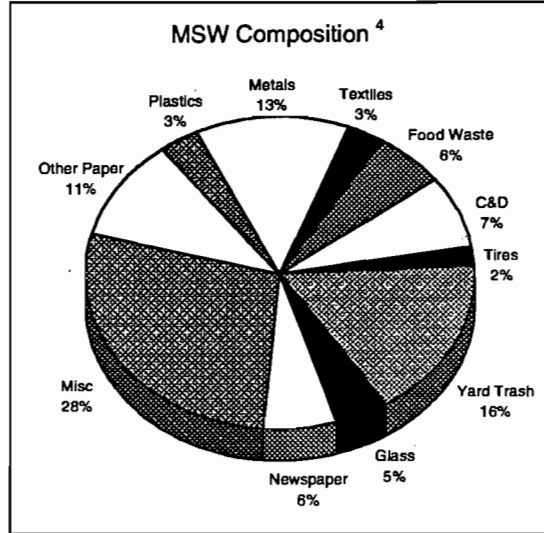
C. Other Wastes	334,106	27
D. Total Recycling Rate (%)		37
E. Adjusted Recycling Rate (%) ^{5,6}		37

F. Waste Reduction Per Capita (%)

(A negative number indicates an increase in the MSW disposal rate per capita.)

1. Base Year: July 1987-June 1988	23
2. Base Year: July 1988-June 1989	30
3. Base Year: July 1989-June 1990	24
4. Base Year: July 1990-June 1991	11
5. Base Year: July 1991-June 1992	13
6. Base Year: July 1992-June 1993	14

G. Participation in Recycling ⁷	Units	Percent ⁸
1. Single-family Curbside	134,349	65
2. Multi-family Curbside ⁹	56,240	62
3. Commercial ¹⁰	20,820	
a) Scheduled collection		25
b) On call collection		30



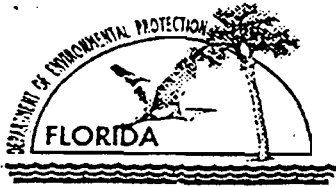
70% OF TOTAL COLLECTED
7.4%
NOT RECYCLED
8009
2.0%
11278

70% OF TOTAL COLLECTED
1.4% C&D
2.0% TIRES

70% OF TOTAL COMBUSTED/LANDF.
2.2% C&D
0.7% TIRES
3.2

¹ Official 1997 Governor's Office estimate.
² From 1998 - 1999 Recycling and Education grant applications.
³ The Legislature established a goal of 50 percent for each material by the end of 1994.
⁴ Some materials have been combined: Metals include Aluminum Cans, Steel Cans, Ferrous and Non-ferrous metals, and White Goods; Other Paper includes Corrugated, Office and Other Paper; and Plastics include Plastic Bottles and Other Plastics.
⁵ The total of Special Wastes can count towards no more than one half of the recycling goal for each county.
⁶ The legislature established a goal of 30 percent by the end of 1994 for all counties with a population of over 75,000.
⁷ Participation means availability and usage of recycling services (As of June 1997).
⁸ Percentage of total county units (single/multi-family dwellings and commercial establishments) participating in recycling.
⁹ Includes apartments, condominiums and others.
¹⁰ May also include government and institutional.
* Calendar year 1995 data.

STATEWIDE AVG. C&D 23.1% OF COLLECTED
 TIRES 0.7% OF COLLECTED



Department of Environmental Protection

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

DEP Form # 62-701-900(22)
Form Title <u>Waste Tire Collector Annual Report</u>
Effective Date <u>12/23/96</u>
DEP Application No. _____ (Filled in by DEP)

WASTE TIRE COLLECTOR ANNUAL REPORT FOR YEAR ENDING December 31, 1998

Pursuant to Rule 62-711.520, Florida Administrative Code, waste tire collectors are required to submit the following information to the Department by March 1 of each year. The annual report must be submitted along with the annual registration renewal application and registration fee as a condition of holding a waste tire collector registration number.

1. Business name: Modern Recycling, Inc. of Florida Company ID#: 1097
(assigned by Department)

2. Business mailing address: 24278 Production Circle

City Bonita Springs State FL Zip 34135

3. Business street address: 24278 Production Circle

City Bonita Springs State FL Zip 34135

4. Business telephone: 941-495-6660

5. Waste tire collector registration number(s): 1097

6. Authorized person preparing report: DOUGLAS L. JOHNSON

7. Telephone number of person preparing report: 941-495-6660

8. Total quantity of waste tires, expressed in tons, collected during the calendar year (assume 100 tires per ton or 10 tires per cubic yard): 18,747.76 tons tires.

9. Describe how the waste tires collected were disposed of during the calendar year, reported in tons.
(assume 100 passenger tires per ton, 20 truck tires per ton.)

A. List total quantity of waste tires sold as used tires. A. 647.43 tons

B. List quantity of waste tire casings sold. B. _____ tons

C. List quantity of waste tires hauled off by other Waste Tire Collectors. Attach additional sheets, if necessary.

Name of other Collector	Collector Registration Number	Quantity in tons
<u>SOUTHERN TIRE</u>	_____	<u>647.43</u>
_____	_____	_____

Total C. _____ tons
647.43

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MAR 1 1999
SOUTH FLORIDA

D. List the facilities where waste tires were deposited for disposal or recycling and the quantity disposed at each location. Attach additional sheets, if necessary.

Name of Facility	Address/City/State	Quantity in tons
LEE COUNTY INCINERATOR	BUCKINGHAM ROAD, FT MYERS	7227.75
IMMOKALEE LANDFILL	IMMOKALEE ROAD, IMMOKALEE	1504.47
GLADES COUNTY LANDFILL	PO BOX 116, MOOREHAVEN	644.51
WHEELABRATOR RIDGE ENERGY	3131 K-VILLE AVE, MOORHEAVEN	4531.95
OKEECHOBEE LANDFILL	10800 NE 128TH AVENUE, OKEECHOBEE	1720.82
AMER. RUBBER TECHNOLOGIES	302 N. LANE AVENUE, JACKSONVILLE	1258.95
Total A+B+C+D.		17,629.49 tons

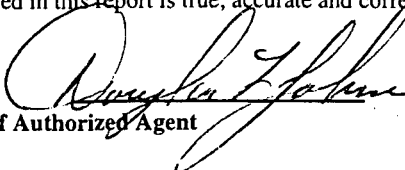
10. Explain any differences between Waste Tires Collected (paragraph 8) and Waste Tires Deposited (paragraph 9):

3379.38

11. Certification:

To the best of my knowledge and belief, I certify the information provided in this report is true, accurate and correct.

Douglas L. Johnson
Print Name of Authorized Agent


Signature of Authorized Agent

2/9/99
Date

Mail completed form to:
Florida Department of Environmental Protection
Solid Waste Section
Attention: Tires
2600 Blair Stone Road
Tallahassee, FL 32399-2407



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

AL

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

John E. Manning
District One November 22, 1999

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

Mr. Clair Fancy, Chief
Bureau of Air Regulations
Department of Environmental Protection
2600 Blair Stone Rd.
Tallahassee, FL 32399-2400

RECEIVED

NOV 23 1999

BUREAU OF AIR REGULATION

**SUBJECT: LEE COUNTY RESOURCE RECOVERY FACILITY
PSD NO. PSD-FL-151B**

Dear Mr. Fancy:

Lee County has received your letter and draft PSD permit modifications, dated October 18, 1999. Our responses to those documents follow. References are made to the page numbers of the Technical Evaluation and Preliminary Determination and the PSD Specific Condition.

Reference: TE-4 and Specific Condition 4.f, Request to increase the limit on waste tires.

The County asked for authorization to burn additional waste tires at the facility. However, the Department proposed a limit on the amount of waste tires allowed to be combusted to 3%, by weight, of the materials received during a 30-day period. The County would like to renew its request based on the particular waste stream that Lee County experiences on a regular basis due to several factors outside of the County's control.

The Lee waste to energy facility processes solid waste primarily generated in Lee and Hendry County. Within Lee County there is a waste tire processing and recycling company (Modern Recycling or Modern) that collects and receives waste tires from surrounding counties and processes the tires in Lee County to make several 'recycled tire products'. Modern Recycling delivers excess material that it cannot sell to our facility for disposal. Because Modern solicits, collects and receives waste tires from other counties, the amount of tire material generated by Modern added to other Lee generated tires, is significantly greater than the average amount of waste tires generated in other Florida counties (0.009 tons per capita or 0.7% to 0.9 % of the waste stream, per DEP July 1999 Solid Waste Management in Florida report).

The County's waste to energy facility also receives all of the solid waste from Hendry County. The disposal fee at the two Hendry County transfer stations is slightly less than

Mr. Clair Fancy, Chief

November 22, 1999

Page 2 of 5

\$12.00 per ton (including waste tires). Because of this inordinately low disposal fee, the Hendry County transfer stations often receive out-of-county waste tires. This amount, again, increases the relative amount of waste tires delivered to the facility.

The Lee County Facility received over 7600 tons and 7800 tons of waste tires during 1998 and 1999 respectively. This represents approximately 2.1 % of waste combusted for those years. This amount is far in excess of the average amounts reported in other counties in the DEP's annual Solid Waste Management Report. Additionally, the Facility received more than 3% during four of the previous 24 months (3.4 % maximum). Since Lee's waste stream includes waste tire amounts that are close to the permitted allowance of 3%, we would like to increase the permitted allowance. The County requests that the PSD permit modification provides that up to 5% of the solid waste received at the facility can be waste tires. This amount should provide the County with a reasonable margin such that we will not have to unduly restrict generators of waste tires from using the Facility.

The County is willing to demonstrate that the Facility can meet all continuous emission monitoring (CEM) parameters, including SO₂, while combusting solid waste containing 5% waste tires. The DEP could grant the County's request subject to the County demonstrating compliance by using the Facility's CEM system. The County will feed approximately 2500 pounds of waste tires into one of the combustion units for one hour while operating at nameplate capacity (nominal 25 tph, to be adjusted for BTU limit). The units feed scale will provide the measurement of the solid waste combusted. Emissions will be measured by the unit's CEM equipment. This simple test will demonstrate the facility's capability to combust up to 5% waste tires without adverse impacts to the environment. DEP representatives will be invited to attend and observe this test.

Reference: TE-4 and Specific Condition 4.a, Request to delete the minimum roof temperature during start up

Lee County's request to delete the minimum roof temperature requirement in the PSD permit was based on our experience in meeting this requirement. A defined, single minimum roof temperature requirement does not reflect the actual combustion zone temperature because there are variable thermal conductance factors throughout the boiler. Attaining the minimum roof temperature is accomplished relatively easily if the boiler start up occurs during a period when the internal boiler surfaces have ash and residue build-up. Attaining the minimum roof temperature during start up after thoroughly cleaning a boiler's internal surfaces is much more difficult and wastes excessive amounts of fossil fuel. Combustion zone temperatures, prior to the introduction of solid waste, vary relative to the presence or absence of residue throughout the boiler's internal surfaces depending on the concentration and location of the residue.

In 1995, the EPA published responses to comments concerning the proposed EPA standards for municipal waste combustors. These responses are in the 'Municipal Waste Combustion:

Background Information Document for Promulgated Standards and Guidelines – Public Comments and Responses, October 1995' (excerpt attached). The subject of a minimum furnace temperature requirement during all times, including start up, raised by commenters IV-D-103 and IV-D-108. EPA responded by stating that,

“Good combustion practices (GCP) were developed by the EPA to minimize both formation and emission of dioxins/furans and other trace organics. There are three components to GCP: a CO emission limit, a load limit, and a temperature at the inlet of the PM control device. All three of these continuous compliance parameters have been shown to correlate with either formation or emission of dioxins/furans.....”

The EPA went on to explain, in detail, why the above GCP parameters were sufficient surrogates for minimizing emissions of dioxins/furans and other trace organics. Based upon its careful analysis of the issues, EPA decided that it was unnecessary to impose other requirements.

Lee County follows good combustion practices during all periods of the Facility's operation. The Facility has CEM equipment that is regularly calibrated and the reports from the CEM system are regularly provided to the DEP. The extended use of fossil fuel during start up of a 'clean' combustion unit, in order to meet a defined minimum roof temperature, provides no demonstrated reduction in emissions and wastes fossil fuel. Lee County again requests the deletion of the minimum roof temperature requirement during start up. Lee County will monitor CO, load limit, and the particulate matter control device inlet temperature as recommended by the EPA, and will continue to use GCP at all times, including start up. Further requirements for a minimum roof temperature are inappropriate and unnecessary.

Reference: Proposed Specific Condition 4.f, Allowable Fuels

The Department has added a limitation for the combustion of construction and demolition debris (C&D) that will pose problems for Lee County's operation of the Facility in the near future. This limitation is based on allowable fuels established for other waste to energy facilities and does not consider the availability of C&D disposal facilities in Lee and Hendry Counties. Currently there is only one facility permitted for C&D disposal in Lee and Hendry. Waste Management, Inc owns this facility, the Gulf Coast Landfill. It is expected to reach its maximum permitted size in 2003 when it will close and alternative disposal capacity will be necessary.

Lee County is unaware of any reports or tests that have shown that excess emissions occur due to the combustion of C&D in a waste to energy facility. The limitation of 5% for C&D does not recognize that C&D in Florida generally exceeds 20% of the solid waste generated (DEP Solid Waste Report, July 1999). If recyclables are removed from the solid waste total, the percentage of C&D in the 'disposed' solid waste stream increases. As long as the Lee County Facility has available capacity, we know of no reason that C&D material should not

Mr. Clair Fancy, Chief

November 22, 1999

Page 4 of 5

be processed at the facility. The County is not requesting a relaxation of any emission limits.

Because of the various components included in C&D, it is not practical or desirable to accept all of the C&D generated in Lee and Hendry counties at the facility. The County normally inspects C&D deliveries for inordinate amounts of noncombustible materials, such as concrete, rock, gypsum, etc. Deliveries of this nature are, in fact, infrequent and are rejected. However, a large amount of C&D is composed of combustible materials (e.g. wood, cardboard, insulation, etc.) and this material is suitable for the mass burn process. Because the C&D fraction of the waste generated is over 20% the establishment of a 5% limit for C&D requires, in effect, that Lee County must provide an alternative disposal facility.

The County requests that the Department remove the 5% limitation for C&D materials from Specific Condition 4.f because this material does not impose any adverse environmental effects. The facility is capable of processing this material and it is not reasonable for Lee or Hendry to provide an alternative disposal facility as long as the current facility is capable of and has the capacity to process this material.

Reference: Proposed Specific condition 4.f, Record Keeping

The County believes that the method of record keeping proposed by the Department for monitoring the 5% allowance for various segregated wastes (including tires) is overly complex and should be simplified. The County requests that the record keeping requirement be based on a calendar month average rather than a rolling, 30 day average. The primary record keeping effort for these fuel allowances is by the Facility's scale house. The scale house operation maintains records of all materials entering and leaving the facility. Most of this operation is for the purpose of commerce and material and account reports are issued on a (calendar) monthly basis.

The County currently provides a quarterly report to the DEP that shows monthly amounts for solid waste, ash, ferrous, tires, etc. The use of a calendar month basis for monitoring the segregated material weights is reasonable because it follows the current record keeping method. It is simpler and much easier for the Department to monitor, and because of reduced calculations, it will result in less chance for arithmetical errors. The requested record keeping method still provides the same limitations for the various segregated loads.

Conclusion

Lee County and the contract operator, Ogden Martin Systems of Lee, Inc. (OMSL), have a proven environmental record for the operations of this Facility. The DEP South District honored the County and OMSL with an "Environmental Citizen Award" in 1996 for "...continuing dedication to improving air quality while reducing our municipal solid waste and our dependence on fossil fuels". The County understands the burden of maintaining this record and accepts this challenge. None of our requests will adversely affect the environment. They will, however, improve the effectiveness and efficiency of the County's solid waste management system. We look forward to DEP's concurrence with our requests.

Mr. Clair Fancy, Chief

November 22, 1999

Page 5 of 5

If you have any questions, please call me at the above number.

Sincerely,

ENVIRONMENTAL SERVICES DEPARTMENT



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

LJS:

Attachments

cc:	D. Owen	A. Linero	T. Tyrrell
	T. Eriksen	P. Barbaccia	
	D. Dee	J. Kahn	II E 112

cc: J. Kahn, BAR
EPA
NPS
B. Owen, PPS

Municipal Waste Combustion:
Background Information Document for
Promulgated Standards and Guidelines
-- Public Comments and Responses

Emission Standards Division

U.S. Environmental Protection Agency
Office of Air and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

October 1995

was based on analysis of CEM data for three plants and with the input of the plant operators.

Two commenters (IV-D-103, IV-D-108) also recommended that minimum furnace temperature during waste combustion, after overfire air, be specified. The commenters also suggested requirements for controls such as automatic auxiliary burners that will fire at preset temperatures to ensure that minimum temperature is maintained at all times including startup and when wet waste is being combusted. One commenter (IV-D-108) contended that this minimizes emissions of combustible pollutants, some of which are not continuously monitored, such as dioxins/furans. The commenter (IV-D-108) recommended the following limits for MB/WW combustors: a minimum 1-minute average temperature of 1,500 °F for a 1 second residence time after overfire air injection, with auxiliary burners automatically fired at 1,550 to 1,600 °F. The commenter noted that New Jersey has successfully implemented this requirement for five operating MWC's. One commenter (IV-D-103) recommended a residence time for combustion gas of at least 1 second at no less than 1,800 °F. This commenter (IV-D-103) also recommended that control equipment for HCl reduction must be designed such that the flue gas temperature at the outlet from the control device does not exceed 300 °F, unless a demonstration is made that an equivalent collection of condensible heavy metals and toxic organics can be achieved at a higher outlet temperature or through the use of alternate technologies.

Response: Good combustion practices were developed by the EPA to minimize both formation and emission of dioxins/furans and other trace organics. There are three components to GCP: a CO emission limit, a load limit, and a temperature at the inlet of the PM control device. All three of these continuous compliance parameters have been shown to correlate with either formation or emission of dioxins/furans.

limit to insure operation at combustion conditions which are indicative of the furnace destruction of organics, a load limit which is to control the amounts of PM which are carried out of the combustor with flue gases, and a temperature limit at the inlet of each PM control device to control formation of CDD/CDF within each control device.

Comment: Five commenters (IV-D-24, IV-D-28, IV-D-54, IV-D-80, IV-D-95) supported the monitoring and control of APCD inlet temperature. Three commenters (IV-D-28, IV-D-80, IV-D-95) supported the proposed requirement of a maximum inlet temperature, determined during the most recent dioxin/furan test, which cannot be exceeded by more than 30 °F, but urged the EPA to adopt a longer averaging period of 8 to 12 hours so that reasonable variability does not result in an excursion.

One commenter (IV-D-24) maintained that a standard for combustor flue gas temperature should be promulgated as part of good combustion practices. The commenter (IV-D-24) pointed out the importance of flue gas temperature based on the EPA's 1989 test program at the Montgomery Dayton South MWC. In a detailed discussion, the commenter claimed that the study showed that minor changes in design and operation had a significant effect on emissions of dioxin and other pollutants. The commenter (IV-D-24) acknowledged that some vendors claim that lower temperatures cause corrosion and operating problems, but argued that these problems can be avoided by proper design and operation.

Response: The maximum PM control device inlet temperature is selected by taking the highest average PM control device inlet temperature measured during any one of three successful performance test runs for dioxins/furans and by adding 17 °C (30 °F). The averaging time for the PM control device inlet temperature limit must be consistent with the averaging time for a single dioxin/furan performance test (approximately 4 hours). If an 8-hour averaging time was

Low CO level is a surrogate parameter used to indicate the operation at combustion conditions conducive to the furnace destruction of trace organics. The load limit is used to control excessive entrainment PM (PM carryover) which can lead to formation of dioxins/furans downstream of the combustor. The PM control device inlet temperature limit is to limit formation of dioxins/furans on fly ash within the PM control device by controlling formation rates. Peak formation rates occur near 300 °C (570 °F) and decrease with decreasing temperatures. Below about 225 to 250 °C (435-480 °F) the formation rates are negligible. The temperature limit also controls partitioning of dioxin/furan between the solid and vapor phases. At lower temperatures, dioxins/furans remain absorbed on PM and are disposed with the collected fly ash. There is no evidence that dioxins/furans absorbed on fly ash can be volatilized at ambient temperatures nor leached in landfills.

The EPA spend a substantial amount of resources investigating, developing, and documenting GCP. The EPA's first effort resulted in a report on the combustion control of organics (Municipal Waste Combustion Study: Combustion Control of Organics, EPA/530-SW-87-021c, June 1987). This report on the control of organics contained tables summarizing recommendations for good combustion practices to control organic emissions from mass burn, RDF, and modular starved-air MWC's. Recommendations were included for a combustion temperature of 980 °C (1800 °F) at fully mixed conditions, a 50 ppm CO emission limit, a range of flue gas O₂ concentrations for each combustor, the use of overfire air for mixing, turndown restrictions, and the use of auxiliary fuel to correct for low temperatures or high CO.

In reviewing these recommendations, it was decided that only three parameters would be required to demonstrate continuous compliance with GCP. These include a CO emission



LEE COUNTY
SOUTHWEST FLORIDA

(941) 479-8181

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

John E. Manning
District One

November 15, 1999

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

Mr. C. H. Fancy
Bureau of Air Regulations
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399

RECEIVED

NOV 16 1999

BUREAU OF AIR REGULATION

SUBJECT: PSD-FL-151 B
LEE COUNTY RESOURCE RECOVERY FACILITY

Dear Mr. Fancy:

Attached please find a copy of the Affidavit of Publication for the public notice announcing the Department's intent to issue PSD Permit Modification.

If you have any questions, please call me at the above number.

Sincerely,

ENVIRONMENTAL SERVICES DEPARTMENT

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

LJS:lsw

Attachments

cc: D. Owen
T. Eriksen, OMSL
D. Dee, Landers & Parsons
R. Shauer, MPI
II E112

cc: SD
Buck Owen
JOE Kahn

S:\SW\LINDSEY\LETTERS\BUREAU AIR REG.PSD-FL-151 B.DOC

PUBLIC NOTICE OF INTENT TO ISSUE PSD PERMIT MODIFICATION STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION PSD-FL-151B Lee County Resource Recovery Facility Lee County

NEWS-PRESS Published every morning — Daily and Sunday Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA COUNTY OF LEE

Before the undersigned authority, personally appeared Brenda Leighton

who on oath says that he/she is the Legal Coordinator of the News-Press

daily newspaper, published at Fort Myers, in Lee County, Florida; that it

attached copy of advertisement, being a permit modification

in the matter of PSD Permit Modification for Lee County Resource Recovery Fac.

in the County

was published in said newspaper in the issues of November 6, 1999

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

[Signature of Brenda Leighton]

Sworn to and subscribed before me this 8th day of

November 19 99

Brenda Leighton

who is personally known to me or who has produced

as identification, and who did or did not take an oath.

Notary Public [Signature]

Print Name

My Commission Expires:

CLASS-16



Janet E. Cobb MY COMMISSION # CC602535 EXPIRES November 19, 2000 BONDED THRU TROY FAIR INSURANCE, INC.

Mediation is not available in this proceeding. A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petitioner must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code. A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when the petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petitioner must so indicate; (e) A concise statement of the ultimate facts at-

The Department of Environmental Protection (Department) gives notice of its intent to issue a PSD permit modification to Lee County for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County. The modification is to reduce testing requirements for certain pollutants with emissions that are below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels. The applicant's mailing address is: PO Box 398, Ft. Myers, Florida 33902-0398. A Best Available Control Technology (BACT) determination was not required for any pollutant pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). Potential emissions of air pollutants will not increase as a result of this action. This project is subject to review under Section 403.506, F.S. (Power Plant Siting Act) because the applicant has simultaneously requested a modification of the conditions of site certification. An impact analysis was not required for this project because there is no associated increase in emissions. The Department will issue the final PSD permit modification with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions. The Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of this Public Notice of Intent to Issue PSD Permit Modification. Written comments requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed PSD permit modification and require, if applicable, another Public Notice. The Department will issue the PSD permit modification unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

leged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding in accordance with the requirements set forth above. A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: Dept. of Environmental Protection, Bureau of Air Regulation, Suite 4, 111 S. Magnolia Drive, Tallahassee, Florida 32301. Telephone: 850/488-0114 Fax: 850/922-6979 Dept. of Environmental Protection, South Florida District, Suite 364, 2295 Victoria Avenue, Fort Myers, Florida 33901-3381 Telephone: 941/332-6975 The complete project file includes the application, technical evaluations, draft permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Source Review Section, or the Department's reviewing engineer for this project Joseph Kahn, P.E., at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information. Nov 6 No. 37113



LEE COUNTY PUBLIC WORKS

SOLID WASTE DIVISION

Phone: 941-479-8181
Fax: 941-479-8119
1500 Mearns Street
Fort Myers, FL 33901

FACSIMILE

DATE: 10/14/99 or A. LINDERO

TO: CL FANCY - BUREAU OF AIR REGULATION

FROM: LINDSEY SAMPSON

FAX #: 850-922-7041 850-414-0414

Number of pages including cover: 2

Hard copy to follow: N Y

MESSAGE: PLEASE FIND AFFIDAVIT /
PROOF OF PUBLICATION
ATTACHED. HARD COPY TO
FOLLOW.

Please contact this office immediately if transmittal is not received properly.
Thank You.

AL

NEWS-PRESS

Published every morning - Daily and Sunday
Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared
Brenda Leighton

who on oath says that he/she is the
Legal Coordinator of the News-Press

daily newspaper, published at Fort Myers, in Lee County, Florida; that it
attached copy of advertisement, being a
permit modification

in the matter of
PSD Permit Modification for
Lee County Resource Recovery Fac.

in the
County of
was published in said newspaper in the issues of
November 6, 1999

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation an discount, rebate, commission or reward for the purpose of securing this advertisement for publication in the said newspaper.

Brenda Leighton

Sworn to and subscribed before me this
8th day of
November 1999
Brenda Leighton

who is personally known to me or who has produced

as identification, and who did or did not take an oath.
Notary Public
Print Name
My Commission Expires:

Janet E. Cobb

CLASS-18
Janet E. Cobb
MY COMMISSION & CARRIES EXPIRES
November 18, 2000
BONDED THIRD TROY FAIR INSURANCE, INC.

Mediation is not available in this proceeding.
A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.203 of the Florida Administrative Code.
A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when the petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petitioner must so indicate; (e) A concise statement of the ultimate facts al-

PUBLIC NOTICE OF INTENT TO ISSUE PSD PERMIT MODIFICATION
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
PSD-FL-151B
Lee County Resource Recovery Facility
Lee County
The Department of Environmental Protection (Department) gives notice of its intent to issue a PSD permit modification to Lee County for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County. The modification is to reduce testing requirements for certain pollutants with well below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal air waste combustion facilities, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels. The applicant's mailing address is: PO Box 395, Ft. Myers, Florida 33902-0395. A Best Available Control Technology (BACT) determination was not required for any pollutant pursuant to Rule 62-12.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). Potential emissions of all pollutants will not increase as a result of this action.
This project is subject to review under Section 1402.506, F.S. (Power Plant Siting Act) because the applicant has simultaneously requested a modification of the conditions of site certification. An impact analysis was not required for this project because there is no associated increase in emissions. The Department will issue the final PSD permit modification with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.
The Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of this Public Notice of Intent to Issue PSD Permit Modification. Written comments requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed PSD permit modification and require, if applicable, another Public Notice.
The Department will issue the PSD permit modification unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a

leged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (4) A statement of the specific roles or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (5) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.
A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.
Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding in accordance with the requirements set forth above.
A complete project file is available for public inspection during normal business hours, 8:30 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:
Dept. of Environmental Protection, Bureau of Air Regulation, Suite 4, 111 S. Magnolia Drive, Tallahassee, Florida 32301. Telephone: 850/488-0114. Fax: 850/922-6979.
Dept. of Environmental Protection, South Florida District, Suite 364, 2295 Victoria Avenue, Fort Myers, Florida 33901-3381. Telephone: 941/332-6975.
The complete project file includes the application, technical evaluations, draft permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Source Review Section, or the Department's reviewing engineer for this project, Joseph Kahn, P.E., at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or 850/488-0114, for additional information. Nov 6 No. 2719



Florida Department of
Environmental Protection

Memorandum

TO: Clair-Fancy *copy for city*
THRU: Al Linero *ALJ 10/12*
FROM: *JL* Joe Kahn
DATE: October 18, 1999
SUBJECT: Lee County Resource Recovery Facility
PSD-FL-151B

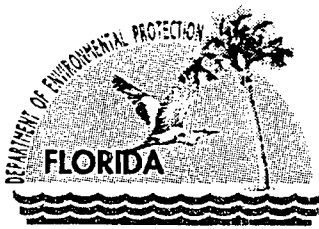
Attached for approval and signature is the intent to issue a PSD permit modification to Lee County. The applicant applied on August 6, 1999 to the Department for a modification to PSD permits number PSD-FL-151 and PSD-FL-151A for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County, 33905. The modification is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels.

I recommend your approval and signature.

October 18, 1999 is day 74 of the 90 day timeclock.

Attachments

/jk



Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

October 18, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

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

Dear Mr. Sampson:

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

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

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

Sincerely,

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

CHF/jk

Enclosures

In the Matter of an
Application for Permit by:

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

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

INTENT TO ISSUE PSD PERMIT MODIFICATION

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

The applicant applied on August 6, 1999 to the Department for a modification to PSD permits number PSD-FL-151 and PSD-FL-151A for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County, 33905. The modification is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels. This permitting action is PSD-FL-151B.

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

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

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue PSD Permit Modification. The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/ 922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) & (11), F.A.C.

The Department will issue the final PSD permit modification with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of the Public Notice of Intent to Issue PSD Permit Modification. Written comments and requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-

2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the PSD permit modification unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

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

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

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

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

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

Executed in Tallahassee, Florida.

 , P.E. 10/18
for C. H. Fancy, P.E., Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

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

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

Clerk Stamp

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

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

PUBLIC NOTICE OF INTENT TO ISSUE PSD PERMIT MODIFICATION

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PSD-FL-151B

Lee County Resource Recovery Facility
Lee County

The Department of Environmental Protection (Department) gives notice of its intent to issue a PSD permit modification to Lee County for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County. The modification is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels. The applicant's mailing address is: PO Box 398, Ft. Myers, Florida 33902-0398. A Best Available Control Technology (BACT) determination was not required for any pollutant pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). Potential emissions of air pollutants will not increase as a result of this action.

This project is subject to review under Section 403.506 F.S. (Power Plant Siting Act) because the applicant has simultaneously requested a modification of the conditions of site certification.

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

The Department will issue the final PSD permit modification with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of this Public Notice of Intent to Issue PSD Permit Modification. Written comments requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed PSD permit modification and require, if applicable, another Public Notice.

The Department will issue the PSD permit modification unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

Mediation is not available in this proceeding.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

NOTICE TO BE PUBLISHED IN THE NEWSPAPER

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Dept. of Environmental Protection
Bureau of Air Regulation
Suite 4, 111 S. Magnolia Drive
Tallahassee, Florida, 32301
Telephone: 850/488-0114
Fax: 850/922-6979

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

The complete project file includes the application, technical evaluations, draft permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Source Review Section, or the Department's reviewing engineer for this project, Joseph Kahn, P.E., at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

TECHNICAL EVALUATION
AND
PRELIMINARY DETERMINATION

Lee County Resource Recovery Facility
PSD Permit Modification
Lee County

PSD-FL-151B

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

October 15, 1999

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

1. GENERAL INFORMATION

1.1 APPLICANT NAME AND ADDRESS

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

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

1.2 REVIEWING AND PROCESS SCHEDULE

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

2. FACILITY INFORMATION

2.1 FACILITY LOCATION

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

2.2 STANDARD INDUSTRIAL CLASSIFICATION CODES (SIC)

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

2.3 FACILITY CATEGORY

The facility consists of a municipal waste combustion facility with two mass burn municipal waste combustion units. Each unit has a capacity of 275 mmBtu/hour and 660 tons of solid waste per day, based on a heat value for solid waste of 5000 Btu/pound. Each unit is equipped with a slaked lime scrubber followed by a baghouse, an SNCR system for reduction of NO_x emissions, and a carbon injection system for control of mercury emissions. The units were started up in 1994 and together have the capability of generating 40 MW of electrical power.

This facility is classified as a Major or Title V Source of air pollution because emissions of at least one regulated air pollutant, such as particulate matter (PM/PM₁₀), sulfur dioxide (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), or volatile organic compounds (VOC) exceeds 100 tons per year (TPY).

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

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

3. PROJECT DESCRIPTION

This project addresses the following emissions unit(s):

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

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

Generally, this project is a modification of the existing PSD permits to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, substitute operation requirements for roof temperature monitoring, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels.

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

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

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

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

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

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

The applicant requested to reduce the mercury emission limit to 70 ug/dscm @ 7% O₂ or 85% reduction by weight pursuant to Rules 62-296.416(3)(a)1 and 62-204.800(8)(b)3.d, F.A.C., is acceptable. This will provide consistency with the state rule requirements for this facility, as well as the requirements of 40 CFR 60.33b(a)(3).

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

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

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

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

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

4. PROJECT EMISSIONS

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

5. RULE APPLICABILITY

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

This facility is located in an area designated, in accordance with Rule 62-204.340, F.A.C., as attainment for the criteria pollutants ozone, carbon monoxide, and nitrogen dioxide; and designated as unclassifiable for PM₁₀, lead and sulfur dioxide.

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

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

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

6. SOURCE IMPACT ANALYSIS

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

7. CONCLUSION

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

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

DRAFT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

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

The applicant applied on August 6, 1999 to the Department for a modification to PSD permits number PSD-FL-151 and PSD-FL-151A for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County, 33905. The modification is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels. The Department has reviewed the modification request. The referenced permits are hereby modified as follows:

Specific condition 3.c. Testing Frequency.

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

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

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

Specific condition 4.b. Operating Procedures.

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

The emission limitations for this facility shall apply at all times, except during periods of startup, shut down, or malfunctions, provided that the duration of startup and shut down periods shall not exceed three hours per occurrence, and the duration of excess emissions from malfunctions shall not exceed two hours in any 24 hour period. The startup period commences when the affected facility begins the continuous burning of municipal solid waste and does not include any warm-up period when the affected facility is combusting natural gas or propane, and no municipal solid waste is being fed to the combustor. Continuous burning is the continuous, semi-continuous, or batch feeding of municipal solid waste for purposes of waste disposal, energy production, or providing heat to the combustion system in preparation for waste disposal or energy production. The use of municipal solid waste solely to provide thermal protection of the grate or hearth during the startup period when municipal solid waste is not being fed to the grate is not considered to be continuous burning. During all periods of startup, shut down and malfunction, the owner or operator shall use best operational practices to minimize air pollutant

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

Specific condition 3.a. Test Methods.

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

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

Specific condition 2.m. Emission Standards.

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

Hg (Mercury): In no case shall mercury emissions exceed 70 ug/dscm @ 7% O₂ or 85% reduction by weight, whichever is less stringent. Emissions of mercury shall also not exceed 1.38×10^{-4} lb/mmBtu, 0.0379 lb/hr per unit, and 0.166 tons/year per unit.

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

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

This condition shall be replaced entirely by the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.d. Auxiliary Burners.

This condition shall be replaced entirely by the following:

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

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

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

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

Executed in Tallahassee, Florida.

Howard L. Rhodes, Director
Division of Air Resources
Management

CERTIFICATE OF SERVICE

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

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

Clerk Stamp

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

(Clerk)

(Date)

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

I also wish to receive the following services (for an extra fee):
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 Lindsey Sampson, PE
 Deputy Director, S.W.
 Lee County
 PO Box 398
 Ft. Myers, FL 33902-0398

4a. Article Number
 Z 031 391 963

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

7. Date of Delivery
 10-20-99

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

6. Signature: (Addressee or Agent)
 x Rae O. Perez

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

PS Form 3811, December 1994 102595-99-B-0229 Domestic Return Receipt

RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

Z 031 391 963

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

Sent to	Lindsey Sampson
Street & Number	Lee Co
Post Office, State, & ZIP Code	Ft. Myers FL
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	PSD-FI-151B 10/18/99

PS Form 3800, April 1995

al

W.Dexter Bellamy, PhD
5548 Hamlet Lane, Fort Myers, FL 33919-2713
Phone 941 481-1780, FAX 941 481-8745
e-mail wdbellamy@usacomputers.net

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

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

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

SEP 22 1999

SITING COORDINATION

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

Dear Mr. Oven:

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

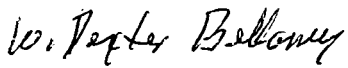
As you know, F. Perry Odom, Hearing Officer, for the State of Florida Department of Environmental Protection ruled in Case No.PA87-23 that Pasco County Board of Directors and Ogden Martin were denied a permit to expand the definition of municipal solid waste,MSW. (see Addendum No.2 Statement...Conclusion)

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

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

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

Truly yours



W. Dexter Bellamy

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

2.0 CLARIFICATION OF THE DESCRIPTION OF FUEL

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

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

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

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

- biohazardous waste
- sewage sludge
- hazardous waste

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

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

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

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

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

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

Natural Gas

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

DEC 12 1997

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Petitioners,

vs.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent,

and

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

Intervenors,

Final Order

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

APPEARANCES

For the Petitioners:

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

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

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

STATEMENT OF THE ISSUE

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

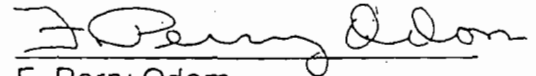
PRELIMINARY STATEMENT

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

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

CONCLUSION

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



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

CERTIFICATE OF SERVICE

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





LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(941) 479-8181

Writer's Direct Dial Number: _____

John E. Manning
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

July 21, 1999

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

RECEIVED

AUG 06 1999

BUREAU OF AIR REGULATION

Re: Lee County Resource Recovery Facility;
Case No. PA90-30

Dear Mr. Oven:

On behalf of Lee County, I am sending this letter to the Department of Environmental Protection because Lee County wishes to clarify and modify the conditions of certification for the Lee County Resource Recovery Facility (Facility). The County also wants to clarify and amend the PSD permit (No. PSD-FL-151 (A)) for the Facility, which is necessary to ensure that the PSD permit and the conditions of certification for the Facility are consistent with each other. More specifically, Lee County requests the Department to:

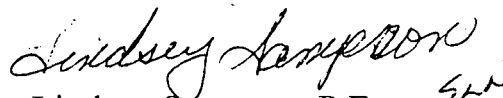
1. Clarify the testing and other requirements concerning the airborne emissions for the Facility;
2. Clarify the description of the fuels that may be used at the Facility;
3. Authorize the construction and operation of a yard waste processing facility on the certified site; and
4. Authorize the construction and operation of a materials recovery facility on the certified site.

Each of these items is discussed in more detail in the text that is attached hereto.

Enclosed with this letter is a check (No. 224197) from Lee County to the Department in the amount of \$10,000, which is to be used to pay the applicable DEP fee for a modification to the conditions of certification, pursuant to DEP Rule 62-17.293(1)(c)2., F.A.C. It is our understanding that a separate fee is not required for the changes to the Facility's PSD permit.

Please call me at (941) 479-8580 or call David S. Dee at (850) 681-0311 if you have any questions about the County's request.

Very truly yours,



Lindsey Sampson, P.E.
Deputy Director
Solid Waste

cc: Clair Fancy (Certified Mail-Return Receipt)
Susan Coughanour (Certified Mail-Return Receipt)
Al Linero (Certified Mail-Return Receipt)
Phil Barbaccia (Certified Mail-Return Receipt)
David Knowles (Certified Mail-Return Receipt)
Paul Darst (Certified Mail-Return Receipt)
Matthew P. Farmer (Certified Mail-Return Receipt)
Rob VanDiver (Certified Mail-Return Receipt)
Wayne Daltry (Certified Mail-Return Receipt)
Vernon Whittier (Certified Mail-Return Receipt)
Dexter Bellamy (Certified Mail-Return Receipt)
Jim Antista (Certified Mail-Return Receipt)
Tom Erickson (Certified Mail-Return Receipt)
Larry Johnson
David Owen
David S. Dee

1.0 CLARIFICATIONS TO AIR PERMIT PSD-FL-151 AND CONDITIONS OF CERTIFICATION

Lee County requests the Florida Department of Environmental Protection ("DEP") to clarify or amend the conditions of certification and air permit (PSD-FL-151) for the Facility. In general, the County requests changes to the conditions of certification and air permit so that these documents will be consistent, where necessary, with 40 CFR 60 Subpart Cb, which was adopted by reference in Rule 62-204.800(8)(b), F.A.C. The specific clarifications and/or amendments that Lee County proposes are:

- A. To eliminate the annual compliance test requirements for arsenic, beryllium, fluoride, sulfuric acid mist, ammonia, and volatile organic compounds (VOC);
- B. To change the annual compliance test requirement from two separate tests per unit for particulate matter/visible emissions (one for normal operation and one for soot blowing operation) to a single test of three runs per unit, with one run conducted during soot blowing operation and two runs conducted under normal operating conditions;
- C. To replace the general two-hour exemption for excess emissions during start-up, shutdown, and malfunctions with the industry specific three-hour exemption established by EPA in 40 CFR Section 60, Subpart Cb;
- D. To change the test method for mercury from EPA method 101A to EPA method 29, as required by DEP Rule 62-296.416(3)(d)1, F.A.C.;
- E. To reduce the permit limit for mercury from 140 $\mu\text{g}/\text{DSCM}$ to 70 $\mu\text{g}/\text{DSCM}$ or 85 percent reduction of mercury by weight, as required by DEP Rules 62-296.416(3)(a)1 and 62-204.800(8)(b), F.A.C.;
- F. To increase the allowable percentage of tires combusted from 3% to 7% of the total amount of waste processed; and
- G. To revise the roof temperature monitoring requirement

The County also would like DEP to clarify the description of the fuel that may be used at the Facility. The rationale for each one of the proposed changes is described in the following sections.

A. *Eliminate Annual Compliance Tests for Arsenic, Beryllium, Fluoride, Sulfuric Acid Mist, Ammonia, and VOC*

Pursuant to Specific Condition 3.c. of the Facility's PSD permit and Sections XIV.A.1.a and XIV.A.2.c of the Conditions of Certification, the Facility currently conducts annual compliance testing for arsenic, beryllium, fluoride, sulfuric acid mist, ammonia, and VOC. The County would like to eliminate the annual test requirement for these substances, based upon the Facility's previous compliance test results, which have repeatedly shown that the Facility's emissions are significantly below the permitted limits for these parameters and most are typically below detection limits. The results of the Facility's compliance tests have been summarized in Table 1.

The permit limits for arsenic, as given by Specific Condition 2.n. of the PSD permit and Specific Condition XIV.A.1.a (14) of the Conditions of Certification, are 9.10×10^{-6} lb/MMBtu, 2.50×10^{-3} lb/hr, and 0.01 ton/yr. As Table 1 shows, with the exception of Unit No. 2 during the 1998 test, arsenic emissions from the Facility have been consistently below the minimum detection limit. Even the highest emissions levels detected, for Unit No. 2 in 1998, are 90 percent less than the permit limits.

The permit limits for beryllium, as given by Specific Condition 2.l. of the PSD permit and Specific Condition XIV.A.1.a (12) of the Conditions of Certification, are 1.35×10^{-7} lb/MMBtu, 3.70×10^{-5} lb/hr, and 1.47×10^{-4} ton/yr. The test results for beryllium show only one value above the minimum detection limit, for Unit No. 2 in 1998, and this measurement was nearly 50 percent less than the permitted limit.

The permit limits for fluoride, as given by Specific Condition 2.j. of the PSD permit and Specific Condition XIV.A.1.a (10) of the Conditions of Certification, are 5 ppmdv @ 7% O₂, 0.0035 lb/MMBtu, 0.96 lb/hr, and 3.8 ton/yr. As shown in Table 1, with the exception of Unit No. 1 measurements during the 1996 test and one Unit No. 2 value in 1998, fluoride emissions from the Facility have consistently been below the minimum detection limit. Even the highest emissions detected, on Unit No. 1 in 1996, are 96 percent less than the permit limits.

The permit limits for sulfuric acid mist (H_2SO_4), as given by Specific Condition 2.i. of the PSD permit and Specific Condition XIV.A.1.a(9) of the Conditions of Certification, are 0.036 lb/MMBtu, 9.85 lb/hr, and 39.3 ton/yr. The test results for H_2SO_4 given in Table 1 show only two testing dates, 1994 and 1998, with emission values greater than 7% of the permitted limits. H_2SO_4 emissions from the Facility have been, on average, 98 percent less than the permitted limit, and even the highest emissions detected, for Unit No. 1 in 1998, was nearly 48 percent less than the permitted limit.

The permit limit for ammonia, as given by Specific Condition 2.p. of the PSD permit and Specific Condition XIV.A.1.a(16) of the Conditions of Certification, is 50 ppmv. As shown in Table 1, with the exception of the Unit No. 2 measurement during the 1996 test, ammonia emissions have been, on average, 98 percent less than the permitted limit. Even in 1996, emissions were nearly 96 percent less than the permitted limit.

The permit limits for VOC, as given by Specific Condition 2.g. of the PSD permit and Specific Condition XIV.A.1.a (7) of the Conditions of Certification, are 37 ppmv corrected to 7 percent O_2 , 0.021 lb/MMBtu, 5.80 lb/hr, and 23 ton/yr. The test results for VOC given in Table 1 show that, with the exception of the 1995 test, VOC emissions from the Facility have consistently been below minimum detectable limits. Even in 1995, emissions for both Unit Nos. 1 and 2 were nearly 95 percent less than the permitted limit.

As shown on Table 1, the Facility's emissions of these parameters are either not detectable or only a small fraction of the concentrations allowed by the PSD permit and the Conditions of Certification. Given these values, the County believes it is unnecessary and unwarranted to continue to incur the cost of stack testing for these parameters. Therefore, the annual test requirements should be eliminated.

The County's request is consistent with EPA's approach to stack testing at similar resource recovery facilities, as reflected in EPA's New Source Performance Standards (NSPS) and Emission Guidelines (EG) for municipal waste combustors (MWC), 40 CFR 60, Subparts Eb and Cb, respectively. EPA's NSPS and EG do not require stack testing for these substances because these materials generally are not present in meaningful concentrations in the emissions from MWCs. Instead, EPA requires testing and monitoring of surrogate parameters. Lee County believes EPA's approach should be followed here, especially given the stack test data for Lee

County's Facility.

B. Change the Annual Compliance Test Requirement for Particulate Matter/Visible Emissions

Pursuant to Specific Condition 3.c. of the PSD permit, the Facility currently conducts two separate tests (three runs each) on its boiler units for particulate matter/visible emissions. One test is conducted during normal operations and one test is conducted under soot blowing conditions. On a day-to-day basis, however, each unit conducts soot blowing activities for less than 10 percent of the total time the boilers are operated. Annual compliance test results for particulate matter/visible emissions indicate no significant difference in particulate matter/visible emissions detected for soot blowing versus normal operations. These results are presented in Table 2.

Based on these facts, the County proposes to replace the current requirement of two separate tests per unit with a single test for each unit. This test would consist of three runs, with one run conducted during soot blowing operations and two runs conducted during normal operations. It is the opinion of the County that the results of such a test would satisfactorily represent the Facility's emissions under actual operating conditions.

C. Replace DEP's General Two-Hour Exemption for Start-up, Shutdown, and Malfunctions with EPA's Industry-Specific Three-Hour Exemption

Pursuant to Specific Condition 4.b. of the PSD permit, the Facility has a two-hour exemption for excess emissions due to start-up, shutdown, and equipment malfunctions, during which time emissions exceeding the standards given in Specific Condition 2 are allowable. However, EPA authorized a three-hour exemption period in 40 CFR Section 60.58b, which applies to the Facility by reference pursuant to 40 CFR Section 60.38b (Subpart Cb). EPA's three hour period for excess emissions is industry-specific and, therefore, is a more appropriate time period for start-up, shutdown, and malfunctions associated with municipal waste combustors, like Lee's Facility. Additionally, the PSD Permit is not consistent with Specific Condition XIV.A.3.b of the Facility's Conditions of Certification, which indicates that "The emission standards for this facility shall apply at all times except during periods of start-up, shut-

down, or malfunction, provided that the duration of start-up, shut-down, or malfunction shall not exceed three hours per occurrence.” The County, therefore, requests that its PSD permit be revised to replace DEP’s standard two-hour period in Specific Condition 4.b. with the EPA approved, industry-specific three hour period set forth in 40 CFR 60.58b and the Conditions of Certification.

D. *Change Mercury Test Method for Mercury, Lead and Cadmium to EPA Method 29*

Specific Condition 3.a. of the PSD permit and Specific Condition XIV.A.2.a of the Conditions of Certification require the Facility to conduct annual mercury testing in accordance with EPA Method 101A. However, DEP Rule 62-296.416(3)(d)1, F.A.C., states that the test method for mercury shall be EPA Method 29, which was adopted by reference in Rule 62-204.800(8)(b), F.A.C. The County, therefore, requests that its PSD permit be revised to specify the use of EPA Method 29, consistent with the current DEP testing requirements for mercury.

EPA Method 29 also is required by EPA for lead and cadmium testing pursuant to 40 CFR 60, Subpart Cb. Therefore, the County would like DEP to modify the Facility’s PSD permit and Conditions of Certification to require the use of Method 29 for lead and cadmium.

E. *Reduce the Permit Limit for Mercury from 140 µg/DSCM to 70 µg/DSCM or 85 Percent Reduction of Mercury By Weight*

Pursuant to Specific Condition 2.m. of the PSD permit, the Facility’s mercury emissions shall be limited to 140 µg/DSCM at 7 percent oxygen or the Facility must achieve at least a 70 percent removal efficiency by weight. However, Rule 62-296.416(3)(a)1, F.A.C., provides that mercury emissions “shall not exceed 70 µg/DSCM of flue gas, corrected to 7 percent oxygen, or 20 percent by weight of the mercury in the flue gas upstream of the mercury control device (80 percent reduction by weight), whichever is less restrictive.” For facilities that are also subject to Rule 62-204.800(8)(b), F.A.C., the more restrictive mercury standard of 85 percent reduction shall apply. Therefore, the County requests DEP to update and reduce the permit limits for the Facility’s mercury emissions to (a) 70 µg/DSCM at 7 percent oxygen or (b) 85 percent removal efficiency by weight, whichever is less restrictive.

F. *Increase the Percentage of Tires Combusted from 3% to 7% of Total Waste Processed*

Pursuant to Specific Condition 4.f. of the PSD permit, the Facility is currently authorized to combust up to 3% (by weight) of used tires with the municipal solid waste. The County is aware of no requirement in Chapter 62 of the Florida Administrative Code, Chapter 40 of the Code of Federal Regulations, or any other rules or codes applicable to the Facility that would establish a specific limit on the percentage of tires used as fuel. The Facility has experienced lower energy production during periods of heavy rainfall due to factors such as the lower HHV of the wet MSW, seasonal fluctuations in waste deliveries, and the rate at which waste is processed. An increase in the percentage of tires combusted would improve the combustion process and the efficiency of the Facility during these periods. In addition, the Facility already has the resources available to accommodate an increase in the feed rate of waste tires, including sufficient scrubber capacity for the reduction of sulfur dioxide. This increase would also aid in converting to energy the growing number of waste tires generated in southwest Florida.

The County, therefore, requests its PSD permit be amended to increase the allowable percentage of tires combusted from 3% to 7% (by weight) of the total amount of waste processed, based upon the Facility's monthly throughput, as measured at the Facility's scalehouse. Given the test results in Table 1 for SO₂ and HCl, the County is confident that the Facility can comply with its permit limits while using an increased number of tires as fuel.

G. *Revise the Roof Temperature Monitoring Requirement*

Specific Condition 4.a of the PSD permit and Condition XIV.A.3.a of the Conditions of Certification state:

During start-up procedures, propane gas shall be used to preheat the combustion zone to achieve a minimum furnace roof temperature and a minimum temperature of 1800 degrees F above the grate (at a height specified by the vendor) prior to the ignition of MSW. The appropriate minimum roof temperature shall be established by the Department, based on the test data collected during the facility's initial start-up operations, and shall be correlated to the minimum temperature of 1800 degrees F above

the grate.

These conditions also state:

During all shutdown procedures, propane gas shall be used to ensure that the temperature above the grate, as specified above, does not drop below 1800 degrees F and the roof temperature is maintained above the correlated minimum roof temperature while any MSW is burning.

Lee County is not aware of any promulgated rule or other standard which requires the roof temperature of the boiler unit to be monitored on a continuous basis as an indicator that an 1800 degree F grate temperature has been achieved. Lee County requests that these permit conditions be revised to be consistent with the requirements that are used by the Department for other similar facilities.

For example, the Hillsborough County Resource Recovery Facility's permits (PSD-FL-121(B); PA 83-19) as modified on June 28, 1999, state:

During boiler start-up, the auxiliary burners shall be operated at their maximum capacity prior to the introduction of MSW to the boilers, and shall remain in operation until the lime spray dryer and particulate control device are fully operational.

This language is sufficient to ensure that good operating practices are followed during periods of star-up and shutdown. Lee County believes the same language should be adopted for Lee County's Facility.

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

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

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

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

Natural Gas

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

3.0 PROPOSED YARD WASTE PROCESSING OPERATION

Yard Waste Processing

For the purposes of this document, “yard waste” means vegetative material resulting from landscaping maintenance or land clearing operations, including tree and shrub trimmings, grass clippings, palm fronds, trees, and tree stumps. Lee County plans to develop a yard waste processing operation primarily to produce mulch.

Process Description

The basic mulching process is divided into three phases: staging; processing; and storage. Staging is where the yard waste is brought into the Facility, weighed, separated into categories, debugged, and shredded. Mulch can be immediately distributed after the initial shredding or it can be sent to processing. Processing is where the shredded material is placed in windrows, or piles, and allowed to sit and “cook”, ridding it of any pathogens, seeds, insects, or other undesirable characteristics, for the amount of time necessary to attain the desired product. The final phase is storage, where the mulch can be stock piled to await distribution.

Existing Operation

Currently Lee County has a contract with Gulf Disposal to operate a mulching facility at the Gulf Coast Landfill with a capacity of 17,000 cubic yards per year. The present facility utilizes a front-end loader to receive incoming yard waste that is both loose material and in plastic bags. The material is size reduced in a tub grinder, and then screened to remove the plastic remnants and the oversize fraction. It is then stockpiled, where it awaits distribution. The final product may be used as consumer mulch product, landfill cover, soil amendment, or for other similar purposes.

Proposed Operation

The proposed new yard waste operation will be very similar to the existing mulching facility at the Gulf Coast Landfill, but the proposed yard waste operation will be more cost-effective for the residents of Lee County because it will combine existing material weighing and accounting operations and because it will be performed by the County, which does not need to earn a profit.

Location and Land Area Requirements

The future yard waste processing operation for Lee County will be situated in the northwest corner of the 155-acre tract of land that is zoned as Industrial Planned Development (IPD) in the original Power Plant Site Certification application. (Figure 1). The land allotted for this proposed operation is approximately 13 acres. To the north and west is a large wooded area, with a conservation easement of approximately 21 acres to the south/southeast, and the existing Facility structures to the east. Lee County owns all of the land surrounding the proposed yard waste processing operation.

Site Requirements

The land area for the yard waste processing operation will be large enough to accommodate an entire year's volume of incoming material. Typical processing site capacities for a mulching facility require 1 acre per 1,500 to 3,000 tons per year of mulch processed. The yard waste processing operation is estimated to process approximately 40,000 tons annually, which equates to a land area of approximately 13.4 acres.

The proposed site will allow room for the three operational phases of mulching: staging; processing; and storage. A typical formula used in mulch production, to allocate space, utilizes the following percentages:

1. 25% for the staging area
2. 75% for the processing and storage area.

Of the total 13 acres, approximately 4 acres will be designated for staging. The function of the staging area is allow for receiving, unloading, inspecting, debuggng, mixing, and grinding yard waste. This area will allow for trucks to enter and exit.

There will be approximately 9.0 acres for processing, where windrow construction occurs, and for storage, where stockpiling of material will occur during and after any decomposition process.

Setbacks

All local zoning and environmental requirements relating to setbacks and buffers will be met. In the last five years, there have been no reported adverse effects on the environment from yard waste

2.0 CLARIFICATION OF THE DESCRIPTION OF FUEL

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

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

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

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

- biohazardous waste
- sewage sludge
- hazardous waste

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

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

operations regarding setback requirements. This is based on industry experience and stated in the Florida Organics Recyclers Association Handbook of Best Management Practices for Recycling Yard Trash in Florida.

Buffers

All yard waste facilities should have buffers, such as distance, vegetation (trees), bodies of water, and/or structures, to properly control potential dust and odors. These buffers depend upon the location of the facility, materials received, and site management. Lee County owns approximately 300 acres of land surrounding the proposed site for the yard waste processing facility, which will provide a sufficient buffer to ensure on-site control of dust and odors.

Ingress and Egress to the Yard Waste Operation

Presently, there is a tire processing area located approximately 60 feet to the east of the proposed yard waste operation area, which is serviced by a paved road from within the Facility. An extension of this road will be constructed to the yard waste operation.

The road will be designed to support the anticipated vehicle types and volumes. It will also be designed to minimize any delay or back-up of vehicles entering and exiting the facility. A circular traffic flow design into the facility will allow adequate turning and dumping areas. The road will also be sufficient for shipments of mulch from the processing area.

Percolation

The yard waste operation will be conducted in an area made up of native soils and soil fill material (similar to native soils) with a surface cover of mulch material. The material receiving area and the processing equipment area will have a surface cover of crushed rock, asphalt, or shell. The minimum distance between the surface soils and the water table will be 2-5 feet.

Slope

The surface of the site will be graded to avoid standing pools of water. Lee County will provide fill sufficient to achieve a slope between 1% and 3%.

Processing Operation

Staging

As material is received at the yard waste processing operation, it will first be weighed at the existing Facility scale house, to ensure proper recording and managing. Incoming materials will be identified and directed to separate areas designated for different types of waste. For example, some materials may need grinding, while others may not require this process.

Size Reduction

The initial grinding of material will result in a size reduction of approximately two thirds, leaving one third the volume of the initial volume of material. By placing the material into windrows, further compaction will result in the material being approximately one fourth of the initial incoming volume.

Processing Times

The required processing time is dependent upon the desired end product. Fresh mulch takes only the time needed to grind and screen it before it is completely processed. Sanitized mulch must go through the windrow process for a time period sufficient to attain the heat necessary to destroy seeds, pathogens, plant propagules, insects, and other unwanted characteristics of fresh mulch. Piles should remain 8 to 12 feet high in the case of mulch with low nitrogen content. Since the carbon content is high in the material that will be processed at the Lee County facility, the piles may be slightly higher.

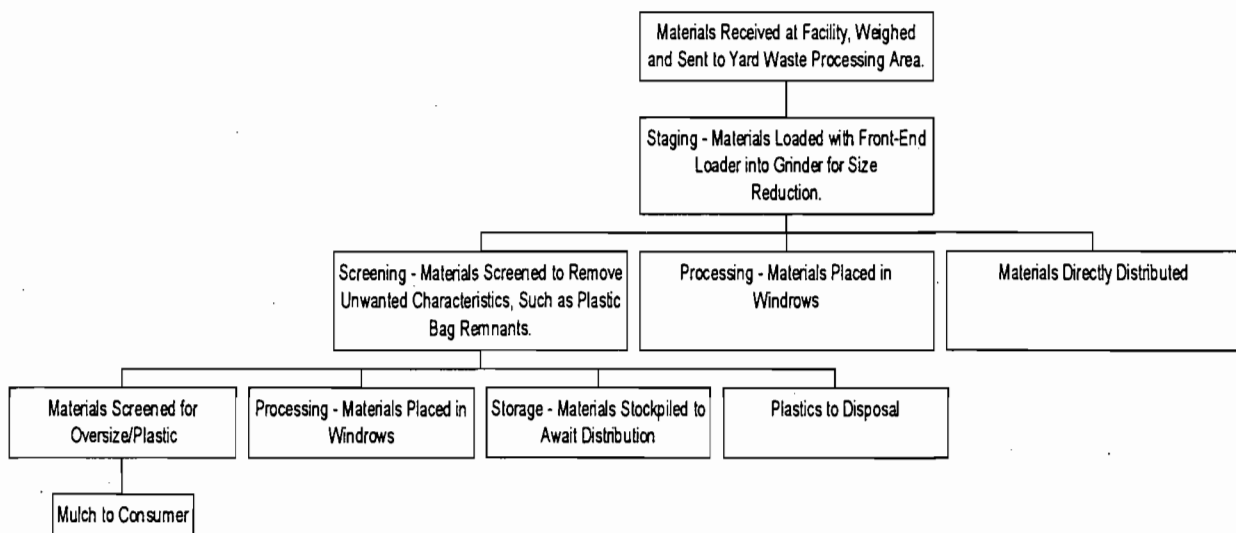
Storage

Storage area depends on the amount and type of material being received, the products to be produced, the size of the facility, and the proximity to neighboring properties. The proposed yard waste operation will be receiving mostly carbonaceous material and producing only mulch. Therefore, odors will be minimal and buffers are sufficient based on the location of the proposed operation. With material that is predominantly carbonaceous, no turning is necessary and processing time is expeditious. Processing windrows can be left in place for long periods of time, as well as the stockpiled material in the storage area.

Process Schematic

Figure 2 provides a schematic for the proposed yard waste processing operation.

Figure 2: Lee County Yard Waste Processing Operation



Storm Water Runoff Considerations

To accommodate the storm water runoff from the proposed yard waste operation, a storm water Retention Pond (Pond No.4) is proposed to be constructed on the northwest portion of the Site. Currently, it is planned that Pond No.4 will be retention only and will maintain adequate storage capacity to retain post development flow from a 25-year, 72-hour storm. The yard waste operation is proposed to create an additional 13.0 acres of storm water runoff area. The proposed Receiving/Grinding Area will have a 4-acre impervious surface area. The proposed Yard Waste Processing/Storage Area will have a 9 acre pervious surface area comprised predominantly of mulch. To provide adequate storage, Pond No.4 will need to meet the following requirements:

- 10-year, 24 hour storm: A storage capacity of 4.3 Ac.-ft below stage elevation 23.8

ft. NGVD.

- 25-year, 72 hour storm: A storage capacity of 8.7 Ac.-ft. below the lowest elevation of the 13.0 acre yard waste processing operation.

The 100-year, 72 hour storm was not considered because no buildings are planned to be constructed at the yard waste processing operation. Due to existing contours and length of overland flow, flooding of current structures at the Facility is not expected to occur as a result of the development of the yard waste processing operation.

Pond No. 4 will be constructed in the lowest lying area in close proximity to the proposed yard waste receiving/grinding area. To accommodate the post development flow from a 25 year, 72 hour storm, Pond No. 4 is currently planned to be 1.5 to 2.2 acres with an average depth of approximately 4.0 to 6.0 feet. Emergency spillway(s) will be constructed at the highest stage elevation to allow a controlled runoff in the event the pond's capacity is reached. Final depth and surface area of Pond No. 4 are dependent upon final elevations of the 13.0 acre yard waste processing area and depth to groundwater.

The actual design of the pond will be determined after the County receives conceptual approval for the yard waste facility. The detailed design will be submitted to DEP and the South Florida Water Management District at least 30 days before the commencement of construction.

4.0 PROPOSED MATERIALS RECOVERY FACILITY

In Lee County's "Application for Power Plant Certification" (dated June, 1990), Section 5.4.1 "Solid Waste", the County noted that a materials recovery facility (MRF) would be incorporated in the County's solid waste management program. The County now wishes to relocate its MRF to an area adjacent to the County's resource recovery facility.

Existing Operation

Currently Lee County's MRF is located in North Fort Myers. The MRF is housed in a 45,000 square feet building and consists of two process lines that handle fiber and commingled recyclables. Figure 3 represents the present and proposed flow of materials at the MRF. Corrugated cardboard, phone books, magazines, and newspaper are separated on the fiber line. Steel cans, aluminum cans, plastics (PET, HDPE, and mixed), and glass (clear, brown, and green) are sorted on the commingled line. The MRF has 40 employees who operate the facility from 7:30 a.m. to 6:00 p.m., Monday through Friday, and process an average of 115 tons per day of recyclables.

Proposed Location

Lee County proposes to relocate its existing MRF to an area within the northeast quadrant of the Solid Waste Energy Recovery Facility Site, immediately north of the Facility's fenced boundary. (See Fig. 1).

Location and Land Area Requirements

Relocation of the existing MRF will enable all of the major components of the Lee County solid waste management system to be situated in one location. This approach will reduce impacts on highways, allow for the coordinated use of the County's personnel and equipment, and allow the County to use a single set of scales.

The proposed MRF encompasses a total area of approximately 100,000 square feet as shown in Figure 1. Approximately 50,000 square feet will be used for the MRF building, which will house the sorting and processing equipment, and will provide a tipping floor and storage areas within the structure. This will be a "free-standing" structure, rather than one that requires the structural support

from walls. The building will be designed for future expansion and the relocation of equipment as the recycling business changes.

The remaining area will be paved for the storage of roll-off containers, personnel parking and other rolling stock associated with the operation.

Site Requirements

The proposed MRF site has access to necessary utilities including sewer, water, and electricity from the Facility. Based on historical power generation and export data, the in-plant electric usage has been on the order of 90,000 kWh/day, and the export has been on the order of 500,000 kWh/day. Therefore, all of the electrical needs for the MRF, which is approximately 300-350 kWh/day, will be provided from in-house power produced by the combustion of refuse at the Facility.

Access to the MRF will be provided from the extension of a paved two-lane road which presently serves the Facility. All internal roadways are designed to minimize cross-traffic conflicts between trucks. The location of the MRF allows for the continuance of existing traffic patterns.

Process Operation

Initially the MRF will have approximately 40 employees. There will be approximately 35 workers hand-sorting goods. Conveyors will carry waste through a magnetic separator, screens, an air classifier, and glass crushers. While the overall process will remain virtually the same as the present operation, specific equipment and the layout of such equipment will need to remain flexible so that the MRF can respond to changes in recycling markets. As the waste stream composition changes, gradual adjustments in processing may occur (e.g., reducing the number of hand sorters in a station, or eliminating a station altogether, and/or adding automation).

Trucks bringing in recyclables will enter the Facility, as do other trucks presently bringing in municipal solid waste (MSW). The trucks with recyclables will be tared, so that an exit trip to the scale house will not be required, and will not delay the traffic flow. The incoming trucks will enter the MRF and off-load their contents on the fully enclosed tipping floor. The tipping floor will be large enough to allow an adequate buffer between rates of materials delivery and processing. It will also be large enough to eliminate awkward truck maneuvers. The floor will be designed at a uniform grade with minimal special equipment foundations, which will allow configuration changes or

replacements as necessary.

A "bobcat" loader will place the recyclable materials in the hoppers for commingled and fiber materials, respectively. (See Figure 3). The fiber waste stream will travel down one straight-line conveyor, where approximately 12-15 sorters will hand separate the paper products and any rejects. The commingled waste stream will travel down a separate conveyor. The commingled waste stream will go through a magnetic separator to remove the ferrous materials, a shaker screen to remove "fines", an air classifier to separate plastics, an eddy current to separate aluminum cans, and a hand-sorting line to separate plastics and glass.

The MRF will operate Monday through Friday, from 7:30 a.m. to 6:00 p.m., and will have a daily throughput of up to 200 tons. After the waste streams are sorted, the fiber recyclables, plastics, aluminum, and steel will be baled for storage and shipment, while the crushed glass will be placed in roll-off containers. Forklifts will be utilized for moving, storing, and loading the bales of recyclables.

Stormwater Runoff Considerations

The expansion of the MRF is anticipated to create approximately 2.3 acres of additional impervious areas. Stormwater runoff will be diverted to the existing stormwater retention ponds located in the northeast portion of the Site—i.e., Storm Water Retention Pond No.1 (Pond No. 1) and Storm Water Retention Pond No.2 (Pond No.2). Stormwater control features such as diversion berms and conveyance channels may be constructed to divert run-off to the appropriate ponds.

Pond No.1 currently retains run-off from 31.6 acres, of which 1.6 acres are impervious (Raytheon Stormwater Management Calculations, 8/19/92). An additional 1.1 acres, all impervious, will be routed to Pond No.1. In the event of a 100-year, 72 hour storm, Pond No.1 is adequately sized to prevent flooding at the minimum floor elevation of 25.0 ft National Geologic Vertical Datum (NGVD).

Currently 14.8 acres, including 1.3 acres impervious, are routed to Pond No.2 (Raytheon Stormwater Management Calculations, 8/19/92). Due to the construction of the MRF, an additional 1.2 acres, all impervious, will be routed to Pond No.2. Pond No.2 has adequate capacity to prevent flooding of surrounding structures at a basin stage elevation of 25.0 ft. NGVD.

The minimum road elevation is 23.8 ft. NGVD. Additional storage capacity below stage

elevation 23.8 ft. NGVD may be required on both Ponds No.1 and No.2 in the event of a 10-year, 24 hour storm. Current calculations show both ponds provide marginal protection to roadways. Another option available is to construct a berm along the roadway low point to prevent facility storm water runoff flooding of the roadway.

The actual design of the stormwater management facilities will be determined after the County receives conceptual approval for the MRF. The detailed design will be submitted to DEP and the South Florida Water Management District at least 30 days before the commencement of construction on the MRF.

TABLE 1
ANNUAL COMPLIANCE TEST RESULTS^{1,2} FOR ARSENIC, BERYLLIUM, FLUORIDE,
SULFURIC ACID MIST, AMMONIA, AND VOC'S
Lee County Solid Waste Energy Recovery Facility

POLLUTANT	ANNUAL COMPLIANCE TEST RESULTS									
	October 1994		October 1995		June 1996		June 1997		June 1998	
	Unit No.1	Unit No. 2	Unit No. 1	Unit No. 2	Unit No. 1	Unit No. 2	Unit No. 1	Unit No. 2	Unit No. 1	Unit No. 2
Arsenic <i>Permit Limits:</i> 9.1E-06 lb/MMBtu 2.5E-03 lb/hr 0.01 ton/yr	< 1.58E-7	< 1.5E-7	< 4.05E-7	< 3.94E-7	< 1.77E-7	< 1.5E-7	< 3.41E-7	< 5.5E-7	< 4.26E-7	5.90E-07
	< 4.35E-5	< 4.29E-5	< 1.05E-4	< 1.01E-4	< 4.78E-5	< 3.92E-5	< 8.94E-5	< 1.43E-4	< 1.16E-4	1.53E-04
	< 1.84E-4	< 1.8E-4	< 4.6E-4	< 4.41E-4	< 1.84E-4	< 1.53E-4	< 3.63E-4	< 5.8E-4	< 4.2E-4	5.80E-04
Beryllium <i>Permit Limits:</i> 1.35E-07 lb/MMBtu 3.7E-07 lb/hr 1.47E-04 ton/yr	< 1.5E-8	< 1.6E-8	< 4.05E-8	< 3.94E-8	< 4.42E-8	< 4.61E-8	< 8.80E-8	< 8.9E-8	< 8.0E-8	< 8.02E-8
	< 4.3E-6	< 4.3E-6	< 1.05E-5	< 1.01E-5	< 1.20E-5	< 1.21E-5	< 2.31E-5	< 2.3E-5	< 2.16E-5	< 2.08E-6
	< 1.9E-5	< 1.9E-5	< 4.6E-5	< 4.41E-5	< 4.59E-5	< 4.75E-5	< 9.38E-5	< 9.36E-5	< 7.80E-5	7.87E-05
Fluoride <i>Permit Limits:</i> 5 ppmdv @ 7% O ₂ 0.0035 lb/MMBtu 0.96 lb/hr 3.8 ton/yr	< 0.044	< 0.053	< 0.0303	< 0.0311	0.18	< 0.046	< 0.104	< 0.116	< 0.11	< 0.11
	< 1.5E-8	< 1.6E-8	< 2.15E-5	< 2.21E-5	0.00013	< 0.000036	< 7.39E-5	< 8.28E-5	< 7.8E-5	< 7.75E-5
	< 4.3E-6	< 4.3E-6	< 0.00541	< 0.00531	0.034	< 0.009	< 0.0199	< 0.0209	< 0.02	< 0.02
	< 1.9E-5	< 1.9E-5	< 0.024	< 0.023	0.13	< 0.037	< 0.081	< 0.085	< 0.072	0.08
VOC's (Total Hydrocarbons) <i>Permit Limits:</i> 37 ppmdv @ 7% O ₂ 0.021 lb/MMBtu 5.8 lb/hr 23 ton/yr	< 2.0	< 2.0	1.91	2.04	< 1.7	< 1.6	< 0.335	< 0.351	< 0.366	< 0.378
	< 2.7E-3	< 2.9E-3	0.000858	0.000914	< 0.0028	< 0.0027	< 2.01E-4	< 2.1E-4	< 2.19E-4	< 2.26E-4
	< 0.8	< 0.9	0.217	0.222	< 0.8	< 0.7	< 0.0536	< 0.0523	< 0.060	< 0.060
	< 3.3	< 3.8	0.95	0.97	< 2.9	< 2.7	< 0.22	< 0.2	< 0.22	< 0.23
Sulfuric Acid Mist <i>Permit Limits:</i> 9.85 lb/hr 39.3 ton/yr 0.036 lb/MMBtu	3.2	3.1	< 0.0368	< 0.0358	0.5	0.68	0.39	0.469	5.23	3.65
	14	14	< 0.16	< 0.16	1.9	2.7	1.58	1.91	18.9	13.8
	0.012	0.012	< 1.47E-4	< 1.47E-4	0.0019	0.0026	0.0015	0.00198	0.02	0.013
Ammonia <i>Permit Limits:</i> 50 ppmdv	0.91	1.25	0.756	0.705	0.86	2.1	1.43	1.15	0.93	0.52

¹ Based on compliance test reports previously submitted to the Florida Department of Environmental Protection.

² A value preceded by the "<" symbol indicates results which are below minimum detectable limits.

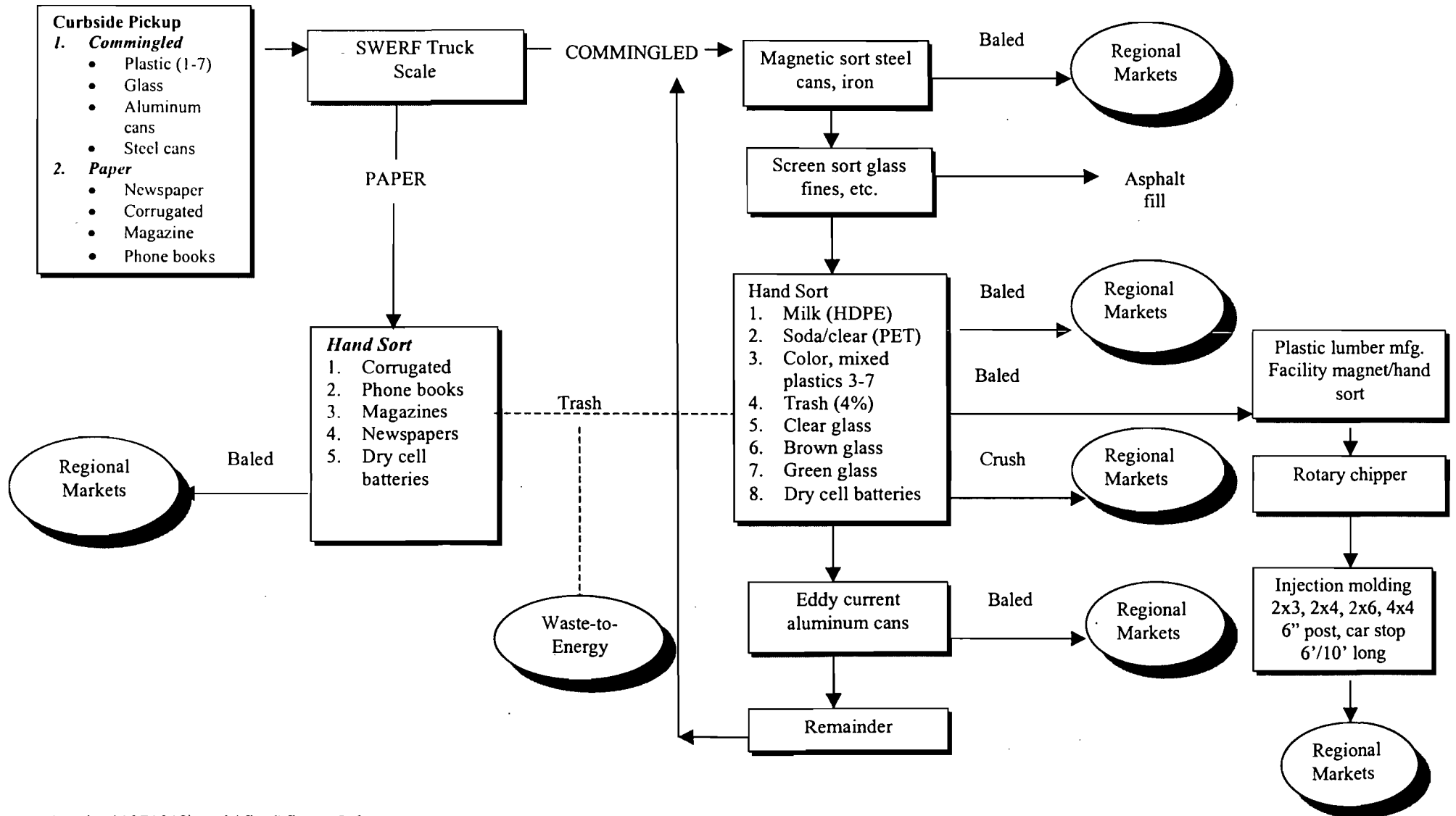
TABLE 2
ANNUAL COMPLIANCE TEST RESULTS¹ FOR PARTICULATE MATTER (NORMAL AND SOOTBLOWING CONDITIONS)
Lee County Solid Waste Energy Recovery Facility

POLLUTANT	ANNUAL COMPLIANCE TEST RESULTS									
	October 1994		October 1995		June 1996		June 1997		June 1998	
	Unit No.1	Unit No. 2	Unit No. 1	Unit No. 2	Unit No. 1	Unit No. 2	Unit No. 1	Unit No. 2	Unit No. 1	Unit No. 2
Particulate Matter										
<i>Permit Limits: 0.01 gr/dscf @ 7% O₂</i>	0.0006	0.0007	1.09E-03	5.05E-04	0.0005	0.0018	0.00162	0.00199	0.004	0.003
5.34 lb/hr	0.297	0.369	0.578	0.267	0.259	0.976	0.905	1.07	2.29	1.49
21.3 ton/yr	1.34	1.64	2.5	1.2	0.99	3.82	3.7	4.3	8.27	5.62
Particulate Matter										
(under normal soot blowing conditions)										
<i>Permit Limits: 0.01 gr/dscf @ 7% O₂</i>	0.0009	0.0006	0.00345	0.00204	0.0001	0.0002	0.00158	0.00159	0.004	0.002
5.34 lb/hr	0.5	0.35	1.82	1.05	0.073	0.094	0.783	0.848	1.98	1.19
21.3 ton/yr	2.05	1.47	8	4.6	0.28	0.37	3.2	3.5	7.14	4.5

¹ Based on compliance test reports previously submitted to the Florida Department of Environmental Protection.

FIGURE 3

MATERIALS RECOVERY FACILITY





BOARD OF COUNTY COMMISSIONERS

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEC 26 1997

SITING COORDINATION

*AL ✓
copy to Ed Suss*

P.O. Box 398
Fort Myers, Florida 33902-0398
(941) 335-2111
(941) 479-8181

Writer's Direct Dial Number

John E. Manning
District One

December 19, 1997

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Mr. Hamilton Oven
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

RE: Lee County Waste To Energy Plant

James G. Yaeger
County Attorney

Dear Mr. Oven:

PSO-FI-151

Diana M. Parker
County Hearing Examiner

Lee County is considering several additions to our integrated solid waste management system that will provide better efficiencies through consolidation of our facilities. In addition, we are looking at other options that will enhance the cost effectiveness of the system through additional revenues and reduced cost. Several of these options will require a modification to our Power Plant Site Certification while other options appear to us to be simple additions or changes that will not require modification to the conditions of certification.

The following list summarizes the items that we are considering. We recognize that the items involving construction may require permits from the Water Management District, DEP, and/or other applicable agencies even if no modifications to the conditions are required.

1. Provide modifications for one (or both) furnace to combust landfill gas. It is anticipated that the gas will be collected, compressed and dried at the Gulf Coast Landfill and sent through a pipeline approximately three miles to the facility.
2. Change the annual testing requirement for arsenic, beryllium, and fluoride from an annual basis to once every five years. Testing for these parameters has consistently shown no measurable quantities at the Lee County facility.
3. Increase the percentage of tires permitted to be combusted from 3% to 5% of the total amount of waste combusted.
4. Provide for the acceptance and combustion of additional homogenous solid waste at the facility that may be generated by manufacturers or other entities. Waste that is generally found in all municipal solid waste but may require specific documentation regarding the handling and ultimate disposal is anticipated to be accepted.

RECEIVED

DEC 31 1997

BUREAU OF AIR REGULATION

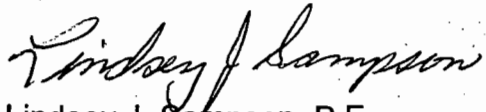
Mr. Hamilton Owen
December 20, 1997
Page 2

5. Provide for the construction of a small household hazardous waste collection and transfer facility on the site. This facility will complement our existing central collection facility by providing citizens a location to drop off certain household wastes. It is planned that this waste will be accepted "by appointment only" during certain hours of the week. This facility will be manned during all acceptance periods.
6. Eliminate the requirement for annual VOC testing at the stack.
7. Allow for an area at the site to mulch and process yard waste and other horticultural material in order to produce soil supplements, mulch, and/or wood fuel stock.
8. Allow for the construction of an onsite material recovery facility (MRF) for the purpose of separating, processing, and packaging recyclable materials ready to be shipped to buyers.
9. Allow for the construction of a facility to recover nonferrous metal from the ash and/or process and densify ferrous metals in order to increase marketability.

We are currently preparing a site plan that shows the various planned facilities in relation to the plant and will forward that drawing to you. We would like to meet with you and discuss these items within the next few weeks particularly regarding the items that will require a modification to the conditions.

Please call me if you have any questions.

Sincerely,



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

LJS/rl

cc: L. Johnson
D. Owen
T. Eriksen
"Chip" Colette
D. Dee

Z 031 391 883

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

Sent to <i>Lindsey Sampson</i>	
Street/ & Number <i>Lee Co</i>	
Post Office, State, & ZIP Code <i>Fl. Myers Fl</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date <i>PSD-Fl-151 3-21-00</i> <i>151A + B</i>	

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

3. Article Addressed to:
Mr. Lindsey Sampson
Deputy Director, Solid Waste
Lee Co.
P O Box 398
Fl. Myers, Fl
33902-0398

4a. Article Number
2031 391 883

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

7. Date of Delivery
3-23-00

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)
[Signature]
 X

Thank you for using Return Receipt Service

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED

MAR 28 2000

BUREAU OF AIR REGULATION

Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation, NSRS
2600 Blair Stone Road, MS 5505
Tallahassee, Florida 32399-2400



2 031 391 930

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to <i>Lindsey Sampson</i>	
Street & Number <i>Lee Co</i>	
Post Office, State, & ZIP Code <i>Ft. Myers FL</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date <i>PSD-FI-151B 2-2-00</i>	

PS Form 3800, April 1995

<p>SENDER:</p> <ul style="list-style-type: none"> ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered. 	<p>I also wish to receive the following services (for an extra fee):</p> <p>1. <input type="checkbox"/> Addressee's Address</p> <p>2. <input type="checkbox"/> Restricted Delivery</p> <p>Consult postmaster for fee.</p>
	<p>3. Article Addressed to: <i>Lindsey Sampson, PE Deputy Director, SW Lee Co. PO Box 398 Ft. Myers, FL 33902-0398</i></p>
<p>5. Received By: (Print Name)</p>	<p>8. Addressee's Address (Only if requested and fee is paid)</p>
<p>6. Signature (Addressee or Agent) <i>X [Signature]</i></p>	

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RECEIVED

FEB 07 2000

BUREAU OF AIR REGULATION

• Print your name, address, and ZIP Code in this box •

Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation, NSRS
2600 Blair Stone Road, MS 5505
Tallahassee, Florida 32399-2400

Z 031 391 963

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sender	Rindsey Sampson	
Street & Number	Lee Co	
Post Office, State, & ZIP Code	Ft. Myers FL	
Postage	\$	
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, & Addressee's Address		
TOTAL Postage & Fees	\$	
Postmark or Date	PSO-FI-151B 10/18/99	

PS Form 3800, April 1995

RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Rindsey Sampson, PE
 Deputy Director, S.W.
 Lee County
 PO Box 3980
 Ft. Myers, FL 33902-0398

4a. Article Number

Z 031 391 963

4b. Service Type

- Registered
- Express Mail
- Return Receipt for Merchandise
- Certified
- Insured
- COD

7. Date of Delivery

10-20-99

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

x RAO O. Perez

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

Thank you for using Return Receipt Service

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RECEIVED

OCT 22 1999

BUREAU OF AIR REGULATION

• Print your name, address, and ZIP Code in this box •

Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation, NSRS
2600 Blair Stone Road, MS 5505
Tallahassee, Florida 32399-2400

Lee PSD

- agency comment
- corresp



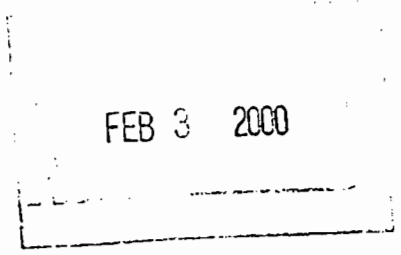
Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

January 31, 2000



CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

Re: PSD-FL-151B
Revised Draft PSD Permit Modification
Lee County Resource Recovery Facility

Dear Mr. Sampson:

Enclosed is one copy of the draft PSD permit modification for the Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County, 33905. The Technical Evaluation and Preliminary Determination, the Department's Intent to Issue PSD Permit Modification and the Public Notice of Intent to Issue PSD Permit Modification are also included. Because provisions of the initial draft permit modification are being changed by this action, the Department requires another public notice and public comment period before this PSD permit modification may become final.

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

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

Sincerely,

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

CHF/jk

Enclosures

In the Matter of an
Application for Permit by:

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

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

INTENT TO ISSUE PSD PERMIT MODIFICATION

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

The applicant applied on August 6, 1999 to the Department for a modification to PSD permits number PSD-FL-151 and PSD-FL-151A for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County, 33905. The modification is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels. This permitting action is PSD-FL-151B. The Department mailed the initial intent to issue and draft PSD permit modification to the applicant on October 18, 1999, and the applicant published the public notice on November 6, 1999 but subsequently commented on the initial draft. The Department has revised the provisions of the PSD permit modification. Principal changes from the initial draft are a change to allow combustion of up to 5% tires as segregated loads after demonstration tests are conducted, removal of the predominantly combustible fraction of sorted construction and demolition debris from the percentage limitation on wastes fired, deletion of the minimum roof temperature requirement, changes in allowable excess emissions to match federal requirements, and minor changes to testing requirements. Because provisions of the initial draft permit modification are being changed by this action, the Department requires another public notice and public comment period before this PSD permit modification may become final.

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

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

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue PSD Permit Modification. The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/ 922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) & (11), F.A.C.

BEST AVAILABLE COPY

Lee County Resource Recovery Facility
PSD-FL-151B
Page 2 of 4

The Department will issue the final PSD permit modification with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of the Public Notice of Intent to Issue PSD Permit Modification. Written comments and requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the PSD permit modification unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons

whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

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

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

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

Executed in Tallahassee, Florida.



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

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Intent to Issue PSD Permit Modification (including the Public Notice of Intent to Issue PSD Permit Modification, Technical Evaluation and Preliminary Determination, and the draft PSD permit modification) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 2-2-00 to the person(s) listed:

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

Clerk Stamp

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

Keri Teber
(Clerk)

2-2-00
(Date)

PUBLIC NOTICE OF INTENT TO ISSUE PSD PERMIT MODIFICATION

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PSD-FL-151B

Lee County Resource Recovery Facility
Lee County

The Department of Environmental Protection (Department) gives notice of its intent to issue a PSD permit modification to Lee County for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County. A Best Available Control Technology (BACT) determination was not required for any pollutant pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The applicant's mailing address is: PO Box 398, Ft. Myers, Florida 33902-0398. Potential emissions of air pollutants will not increase as a result of this action.

The modification is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels. The Department mailed an initial intent to issue and draft PSD permit modification to the applicant on October 18, 1999, and the applicant published the public notice on November 6, 1999 but subsequently commented on the initial draft. The Department has revised the provisions of the PSD permit modification. Principal changes from the initial draft are a change to allow combustion of up to 5% tires as segregated loads after demonstration tests are conducted, removal of the predominantly combustible fraction of sorted construction and demolition debris from the percentage limitation on wastes fired, deletion of the minimum roof temperature requirement, changes in allowable excess emissions to match federal requirements, and minor changes to testing requirements. Because provisions of the initial draft permit modification are being changed by this action, the Department requires another public notice and public comment period before this PSD permit modification may become final.

Air pollution control equipment will not be changed as a result of this action and consists of: spray dryer absorber and baghouse combination for acid gas emissions and particulate matter; carbon injection for mercury control; combustion controls for volatile organic compounds, carbon monoxide and dioxins/furans; and selective non-catalytic reduction for nitrogen oxides.

This project is subject to review under Section 403.506 F.S. (Power Plant Siting Act) because the applicant has simultaneously requested a modification of the conditions of site certification.

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

The Department will issue the final PSD permit modification with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of this Public Notice of Intent to Issue PSD Permit Modification. Written comments requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed PSD permit modification and require, if applicable, another Public Notice.

The Department will issue the PSD permit modification unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

Mediation is not available in this proceeding.

NOTICE TO BE PUBLISHED IN THE NEWSPAPER

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Dept. of Environmental Protection	Dept. of Environmental Protection
Bureau of Air Regulation	South Florida District
Suite 4, 111 S. Magnolia Drive	Suite 364, 2295 Victoria Avenue
Tallahassee, Florida, 32301	Fort Myers, Florida 33901-3381
Telephone: 850/488-0114	Telephone: 941/332-6975
Fax: 850/922-6979	

The complete project file includes the application, technical evaluations, draft permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Source Review Section, or the Department's reviewing engineer for this project, Joseph Kahn, P.E., at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

NOTICE TO BE PUBLISHED IN THE NEWSPAPER

ADDITIONAL TECHNICAL EVALUATION

AND

PRELIMINARY DETERMINATION

Lee County Resource Recovery Facility

Revised PSD Permit Modification

Lee County

PSD-FL-151B

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

January 31, 2000

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

1. GENERAL INFORMATION

1.1 APPLICANT NAME AND ADDRESS

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

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

1.2 REVIEWING AND PROCESS SCHEDULE

August 6, 1999	Received application for modification of site certification conditions and PSD permit in Bureau of Air Regulation
August 6, 1999	Application for modification of PSD permit complete
October 18, 1999	Intent to issue and draft PSD permit modification mailed to applicant
November 6, 1999	Public notice published by applicant in Ft. Myers News-Press
November 23, 1999	Received comments from applicant by letter dated November 22, 1999
December 7, 1999	Received comments from South District office staff
December 18, 1999	Received additional comments from applicant in response to revisions by Department
December 23, 1999	Received additional comments from applicant's attorney in response to revisions by Department
December 30, 1999	Received additional comments from applicant's attorney in response to revisions by Department
January 18, 2000	Received additional comments from applicant in response to revisions by Department
January 19, 2000 & January 24, 2000	Received additional comments from applicant in response to revisions by Department by fax and mail, respectively
January 21, 2000	Received additional comments from applicant in response to revisions by Department

2. FACILITY INFORMATION

2.1 FACILITY LOCATION

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

2.2 STANDARD INDUSTRIAL CLASSIFICATION CODES (SIC)

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

2.3 FACILITY CATEGORY

The facility consists of a municipal waste combustion facility with two mass burn municipal waste combustion units. Each unit has a capacity of 275 mmBtu/hour and 660 tons of solid waste per day, based on a heat value for solid waste of 5000 Btu/pound. Each unit is equipped with a slaked lime scrubber followed by a baghouse, an SNCR system for reduction of NO_x emissions, and a carbon injection system for control of mercury emissions. The units were started up in 1994 and together have the capability of generating 40 MW of electrical power.

This facility is classified as a Major or Title V Source of air pollution because emissions of at least one regulated air pollutant, such as particulate matter (PM/PM₁₀), sulfur dioxide (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), or volatile organic compounds (VOC) exceeds 100 tons per year (TPY).

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

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

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

3. PROJECT DESCRIPTION

This project addresses the following emissions unit(s):

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

Generally, this project is a modification of the existing PSD permits to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, substitute operation requirements for roof temperature monitoring, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels.

The applicant provided comments on the Department's original draft PSD permit modification mailed on October 18, 1999. The applicant's original requests and the Department's original proposed actions are described in the initial Technical Evaluation issued with the original intent. The applicant's subsequent comments and the Department's responses are summarized below.

The applicant requested that the modification be changed to allow for the combustion of up to 5% segregated tires instead of the 3% limit originally proposed, and provided supporting information to show that it may receive this quantity of tires because of local solid waste collection issues. The Department agreed with this request but will require a test burn before the limit is automatically increased. The applicant again requested deletion of the minimum roof temperature requirement and provided information from EPA's NSPS rulemaking to support the request. The Department agreed with the request. The applicant also requested that the limit on construction and demolition (C&D) debris be raised to 20% to account for uncertainty related to future local solid waste collection of C&D debris. The Department did not agree with this request but was able to accommodate the applicant's concerns by revising the permit modification to allow the applicant to burn the predominantly combustible fraction of sorted C&D debris without a percentage limitation. The applicant may either receive this material as a segregated load, or may sort the predominantly combustible fraction from segregated loads of unsorted C&D debris that it sorts at the facility. Segregated loads of unsorted C&D debris that are not later sorted and the predominantly non-combustible fraction of sorted C&D debris remains subject to the overall 5% limitation imposed on certain segregated wastes. The applicant requested that it be allowed to keep records on a calendar month basis rather than on a 30 day rolling basis, and the Department agree with the applicant's request.

The applicant also requested that previously approved changes to test methods for VOC, beryllium, arsenic, and NOx be incorporated into this permit modification, and that the specific duration of Method 9 tests be included, and the Department agreed to make these changes for clarity. The applicant requested changes in allowable excess emissions during startup and shutdown periods. The Department was not able to accommodate the applicant's request but was able to revise the modification to match the

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

provisions of federal rule which allows for 3 hours for excess emissions from startup, shutdown and malfunction.

The applicant requested that the modification refer specifically to Lee County's battery collection program rather than to a general requirement for a source separation program. The Department revised the language as requested. Finally, the applicant requested that it be allowed to substitute a VE limit of 5% opacity for an annual particulate matter test for the ash handling building baghouse.

The Department's Bureau of Solid and Hazardous Waste requested the addition of limitations on the burning of nickel-cadmium batteries and mercury containing devices, and the applicant and its attorney expressed concerns about the proposed language. The Department revised these new limitations to accommodate the applicant's concerns by requiring that the facility shall not knowingly burn these materials pursuant to statutory provisions.

The comments received from South District office staff were related to the applicant's request to revise the limitations on tires and C&D debris, and the Department's revised modification addresses adequately those comments.

4. PROJECT EMISSIONS

There may be minor emissions increases in actual emissions associated with this project, principally as a result of increasing the allowable percentage of segregated loads of tires. However, the Department believes that such increases will not be significant for purposes of PSD, and the Department will require the applicant to demonstrate the emissions via CEMS by test while firing 5% tires. Potential emissions will not increase as a result of this action. The revision in the mercury standard may result in a decrease in potential emissions. The applicant's requested changes require modification of the conditions of the previous PSD permit, PSD-FL-151, and a subsequent modification, PSD-FL-151A. Because the previous PSD permits are being modified by this action, it is being processed as a PSD permit application.

5. RULE APPLICABILITY

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

This facility is located in an area designated, in accordance with Rule 62-204.340, F.A.C., as attainment for the criteria pollutants ozone, carbon monoxide, and nitrogen dioxide; and designated as unclassifiable for PM₁₀, lead and sulfur dioxide.

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

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

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

Because provisions of the initial draft permit modification are now being changed, the Department will require another public notice and public comment period before this modification may become final.

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

6. SOURCE IMPACT ANALYSIS

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

7. CONCLUSION

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

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

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REVISED DRAFT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

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

The applicant applied on August 6, 1999 to the Department for a modification to PSD permits number PSD-FL-151 and PSD-FL-151A for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County, 33905. This project is PSD-FL-151B. The Department mailed an initial intent to issue and draft PSD permit modification to the applicant on October 18, 1999, and the applicant published the public notice on November 6, 1999 but subsequently commented on the initial draft. This modification addresses the original and subsequent requests of the applicant. This modification is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions and make other minor changes to testing requirements, revise certain requirements to conform to federal standards for municipal waste combustion facilities, delete the minimum roof temperature requirement, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels. The Department has reviewed the modification requests and the referenced permits are hereby modified as follows:

Specific condition 2.m. Emission Standards.

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

Hg (Mercury): In no case shall mercury emissions exceed 70 ug/dscm @ 7% O₂ or 85% reduction by weight, whichever is less stringent. Emissions of mercury shall also not exceed 1.38 x 10⁻⁴ lb/mmBtu, 0.0379 lb/hr per unit, and 0.166 tons/year per unit.
[Rules 62-296.416(3)(a)1 and 62-204.800(8)(b)3.d, F.A.C., 40 CFR 60.33b(a)(3) and PSD-FL-151]

Specific condition 3.a. Test Methods.

The table entry for Method 101A shall be replaced by Method 29. The table entry for Method 12 shall be replaced by Method 29. The table entry for EPA Method 25 shall be replaced by Method 25A to demonstrate compliance with VOC emissions. The table entries for EPA Methods 104 and 108 (beryllium and arsenic) shall each be replaced by EPA Method 29. The table entry for EPA Methods 7, 7C, or 19 shall be supplemented with Method 7E to demonstrate compliance with nitrogen oxides. The table entries for EPA Methods 201 and 201A shall be supplemented with Method 5 to demonstrate compliance with PM₁₀ emissions.

The table entry for 'Visible emission determination of opacity.' shall be replaced in its entirety by the following:

9. Visible emission determination of opacity.

- At least one one-hour run to be conducted simultaneously with particulate testing for the emissions from the dry scrubber/baghouse.

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- At least one 30-minute run to be conducted for the ash handling building baghouse.
- At least one 30-minute run to be conducted for the lime silo baghouse while a truck is unloading lime into the lime silo. If the unloading is completed before 30 minutes duration, the duration of unloading shall be sufficient to meet this requirement, provided it exceeds 12 minutes.

[Rules 62-4.070(3), 62-296.416(3)(d)1, and 62-297.310(4)(a)2., F.A.C., 40 CFR 60.38b and 40 CFR 60.58b, and applicant request]

Specific condition 3.c. Testing Frequency.

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

Compliance with the emission limitations of specific condition 2 of this permit shall be determined by annual emission testing, except that testing for arsenic, beryllium, fluoride, sulfuric acid mist, ammonia and VOC shall be performed prior to renewal of each operation permit. Testing of the MWC units for particulate matter shall be performed using three one-hour test runs so that two one-hour runs are conducted during normal operation and one one-hour run is conducted during soot blowing conditions. Compliance for visible emissions shall be determined in accordance with Rule 62-297.310(4)(a), F.A.C. [Rules 62-4.070(3), 62-297.310(4)(a), and 62-297.310(7)(a)3, F.A.C., and request of the applicant]

The sixth sentence of this condition, "Compliance testing for the flyash handling building (baghouse) and the lime silo loading operation (V.E. test) shall be conducted within 120 days of completion of construction and annually thereafter.", shall be replaced entirely by the following:

Compliance testing for particulate matter emissions from the ash handling building baghouse is waived, and an alternative standard of 5% opacity is imposed, pursuant to Rule 62-297.620(4), F.A.C. If the Department has reason to believe that the particulate weight emission standard is not being met, it shall require that compliance be demonstrated using EPA Method 5. Compliance testing for visible emissions from the ash handling building baghouse and the lime silo baghouse shall be conducted annually. [Rules 62-4.070(3) and 62-297.620(4), F.A.C., and request of the applicant]

Specific condition 4.a. Start-up and Shut-down Procedures.

This condition shall be replaced entirely by the following:

4.a. Start-up and Shut-down Procedures. During start-up and shut-down, the auxiliary burners shall be fired as needed to ensure proper combustion of wastes consistent with good operating practices as specified in 40 CFR 60.53b.

Specific condition 4.b. Operating Procedures.

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

The emission limitations for this facility shall apply at all times, except during periods of startup, shut down, or malfunctions, provided that the duration of startup, shut down and malfunction periods shall not exceed three hours per occurrence. The startup period commences when the affected facility begins the continuous burning of municipal solid waste and does not include any warm-up period when the affected facility is combusting natural gas or propane, and no municipal solid waste is being fed to the combustor. Continuous burning is the continuous, semi-continuous, or batch feeding of municipal solid waste for purposes of waste disposal, energy production, or providing heat to the combustion system in preparation for waste disposal or energy production. The use of municipal solid waste solely to provide thermal

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protection of the grate or hearth during the startup period when municipal solid waste is not being fed to the grate is not considered to be continuous burning. During all periods of startup, shut down and malfunction, the owner or operator shall use best operational practices to minimize air pollutant emissions. The owner or operator shall maintain a manual that identifies and describes best operational practices that will be used during periods of startup, shut down and malfunction at this facility.

[Rules 62-4.070(3), and 62-210.700(1) and (5). F.A.C., 40 CFR 60.38b and 40 CFR 60.58b(a), and request of the applicant]

4.d. Auxiliary Burners.

This condition shall be replaced entirely by the following:

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

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

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

This condition shall be replaced entirely by the following:

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

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

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

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

Further, the facility shall not knowingly burn:

- (i) nickel-cadmium batteries pursuant to Section 403.7192(3);
- (j) mercury containing devices and lamps pursuant to Sections 403.7186(2) & (3).

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

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

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The facility operator shall prepare and maintain records concerning the description and quantities of all segregated loads of non-MSW material which are received and used as fuel at the facility, and subject to percentage weight limitations, below. For the purposes of this permit, a segregated load is defined to mean a container or truck that is almost completely or exclusively filled with a single item or homogeneous composition of waste material, as determined by visual observation.

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

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

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

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

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

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

Subject to the conditions and limitations contained in this permit, waste tires may be used as fuel at the facility. The total quantity of waste tires received as segregated loads and burned at the facility shall not exceed 3%, by weight, of the facility's total fuel, except as provided in the following sentence. Subsequent to an initial test burn scheduled to allow Department representatives to observe, while firing 5% (by weight) tires at each of the combustion units while operating each unit at capacity that demonstrates via the CEMS that each unit can comply with the emission limits for pollutants monitored by the CEMS while firing 5% (by weight) tires, this quantity limitation shall rise from 3% to 5%. Compliance with this limitation shall be determined on a calendar monthly basis.

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

- (a) Unsorted mixtures of construction and demolition debris, or that fraction of sorted construction and demolition debris that is predominantly non-combustible. Non-combustible construction and

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- demolition debris shall include concrete, metals, gypsum products, plaster, rock, brick, and masonry.
- (b) Oil spill debris from aquatic, coastal, estuarine or river environments. Such items or materials include but are not limited to rags, wipes, and absorbents.
 - (c) Items suitable for human, plant or domesticated animal use, consumption or application where the item's shelf-life has expired or the generator wishes to remove the items from the market. Such items or materials include but are not limited to off-specification or expired consumer products, pharmaceuticals, medications, health and personal care products, cosmetics, foodstuffs, nutritional supplements, returned goods, and controlled substances.
 - (d) Consumer-packaged products intended for human or domesticated animal use or application but not consumption. Such items or materials include but are not limited to carpet cleaners, household or bathroom cleaners, polishes, waxes and detergents.
 - (e) Waste materials that:
 - (i) are generated in the manufacture of items in categories (c) or (d), above and are functionally or commercially useless (expired, rejected or spent); or
 - (ii) are not yet formed or packaged for commercial distribution. Such items or materials must be substantially similar to other items or materials routinely found in MSW.
 - (f) Waste materials that contain oil from:
 - (i) the routine cleanup of industrial or commercial establishments and machinery; or
 - (ii) spills of virgin or used petroleum products. Such items or materials include but are not limited to rags, wipes, and absorbents.
 - (g) Used oil and used oil filters. Used oil containing a PCB concentration equal or greater than 50 ppm shall not be burned, pursuant to the limitations of 40 CFR 761.20(e).
 - (h) Waste materials generated by manufacturing, industrial or agricultural activities, provided that these items or materials are substantially similar to items or materials that are found routinely in MSW, subject to prior approval of the Department.

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

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

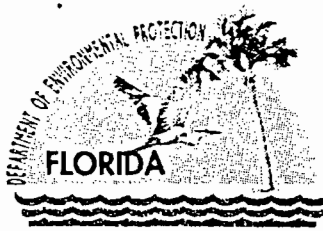
Each day the total weight of segregated tires received shall be computed, and the daily total shall be added to the sum of the daily totals from the previous days in the current calendar month. At the end of each calendar month, the resultant monthly total weight of tires shall be divided by the total weight of all waste materials received in the same calendar month, and the resultant number shall be multiplied by 100 to express the ratio in percentage terms. The percentage computed shall be compared to the 3% or 5% limitation, whichever is applicable.

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

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

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

Any party to this order (permit modification) has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the



Jeb Bush
Governor

Department of Environmental Protection

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

Lee RRF

- file w/ PSD permit
- agency comments
- copy Dec.

David B. Scruhs
Secretary

October 18, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

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

Dear Mr. Sampson:

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

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

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

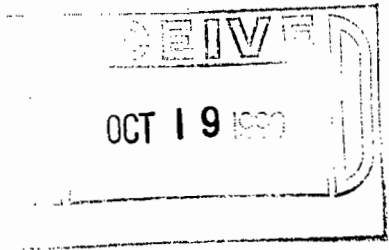
Sincerely,

A.A. Linero P.E. 10/18
for C. H. Fancy, P.E., Chief,
Bureau of Air Regulation

CHF/jk

Enclosures

BEST AVAILABLE COPY



In the Matter of an
Application for Permit by:

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

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

INTENT TO ISSUE PSD PERMIT MODIFICATION

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

The applicant applied on August 6, 1999 to the Department for a modification to PSD permits number PSD-FL-151 and PSD-FL-151A for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County, 33905. The modification is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels. This permitting action is PSD-FL-151B.

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

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

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue PSD Permit Modification. The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/ 922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) & (11), F.A.C.

The Department will issue the final PSD permit modification with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of the Public Notice of Intent to Issue PSD Permit Modification. Written comments and requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-

2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the PSD permit modification unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

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

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

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

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

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

Executed in Tallahassee, Florida.

 , P.E. 10/18
for C. H. Fancy, P.E., Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

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

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

Clerk Stamp

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

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

PUBLIC NOTICE OF INTENT TO ISSUE PSD PERMIT MODIFICATION

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PSD-FL-151B

Lee County Resource Recovery Facility
Lee County

The Department of Environmental Protection (Department) gives notice of its intent to issue a PSD permit modification to Lee County for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County. The modification is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels. The applicant's mailing address is: PO Box 398, Ft. Myers, Florida 33902-0398. A Best Available Control Technology (BACT) determination was not required for any pollutant pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). Potential emissions of air pollutants will not increase as a result of this action.

This project is subject to review under Section 403.506 F.S. (Power Plant Siting Act) because the applicant has simultaneously requested a modification of the conditions of site certification.

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

The Department will issue the final PSD permit modification with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of this Public Notice of Intent to Issue PSD Permit Modification. Written comments requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed PSD permit modification and require, if applicable, another Public Notice.

The Department will issue the PSD permit modification unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

Mediation is not available in this proceeding.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

NOTICE TO BE PUBLISHED IN THE NEWSPAPER

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Dept. of Environmental Protection	Dept. of Environmental Protection
Bureau of Air Regulation	South Florida District
Suite 4, 111 S. Magnolia Drive	Suite 364, 2295 Victoria Avenue
Tallahassee, Florida, 32301	Fort Myers, Florida 33901-3381
Telephone: 850/488-0114	Telephone: 941/332-6975
Fax: 850/922-6979	

The complete project file includes the application, technical evaluations, draft permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Source Review Section, or the Department's reviewing engineer for this project, Joseph Kahn, P.E., at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

TECHNICAL EVALUATION
AND
PRELIMINARY DETERMINATION

Lee County Resource Recovery Facility
PSD Permit Modification
Lee County

PSD-FL-151B

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

October 15, 1999

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

1. GENERAL INFORMATION

1.1 APPLICANT NAME AND ADDRESS

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

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

1.2 REVIEWING AND PROCESS SCHEDULE

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

August 6, 1999 Application for modification of PSD permit complete

2. FACILITY INFORMATION

2.1 FACILITY LOCATION

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

2.2 STANDARD INDUSTRIAL CLASSIFICATION CODES (SIC)

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

2.3 FACILITY CATEGORY

The facility consists of a municipal waste combustion facility with two mass burn municipal waste combustion units. Each unit has a capacity of 275 mmBtu/hour and 660 tons of solid waste per day, based on a heat value for solid waste of 5000 Btu/pound. Each unit is equipped with a slaked lime scrubber followed by a baghouse, an SNCR system for reduction of NO_x emissions, and a carbon injection system for control of mercury emissions. The units were started up in 1994 and together have the capability of generating 40 MW of electrical power.

This facility is classified as a Major or Title V Source of air pollution because emissions of at least one regulated air pollutant, such as particulate matter (PM/PM₁₀), sulfur dioxide (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), or volatile organic compounds (VOC) exceeds 100 tons per year (TPY).

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

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

3. PROJECT DESCRIPTION

This project addresses the following emissions unit(s):

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

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

Generally, this project is a modification of the existing PSD permits to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, substitute operation requirements for roof temperature monitoring, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels.

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

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

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

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

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

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

The applicant requested to reduce the mercury emission limit to 70 ug/dscm @ 7% O₂ or 85% reduction by weight pursuant to Rules 62-296.416(3)(a)1 and 62-204.800(8)(b)3.d, F.A.C., is acceptable. This will provide consistency with the state rule requirements for this facility, as well as the requirements of 40 CFR 60.33b(a)(3).

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

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

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

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

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

4. PROJECT EMISSIONS

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

5. RULE APPLICABILITY

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

This facility is located in an area designated, in accordance with Rule 62-204.340, F.A.C., as attainment for the criteria pollutants ozone, carbon monoxide, and nitrogen dioxide; and designated as unclassifiable for PM₁₀, lead and sulfur dioxide.

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

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

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

6. SOURCE IMPACT ANALYSIS

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

7. CONCLUSION

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

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

DRAFT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

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

The applicant applied on August 6, 1999 to the Department for a modification to PSD permits number PSD-FL-151 and PSD-FL-151A for its Lee County Resource Recovery Facility located at 10500 Buckingham Rd., Fort Myers, Lee County, 33905. The modification is to reduce testing requirements for certain pollutants with emissions that are well below limitations, consolidate testing for particulate matter emissions, revise certain requirements to conform to federal standards for municipal waste combustion facilities, allow for the use of natural gas as an auxiliary fuel, and revise the definition of allowable solid waste fuels. The Department has reviewed the modification request. The referenced permits are hereby modified as follows:

Specific condition 3.c. Testing Frequency.

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

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

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

Specific condition 4.b. Operating Procedures.

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

The emission limitations for this facility shall apply at all times, except during periods of startup, shut down, or malfunctions, provided that the duration of startup and shut down periods shall not exceed three hours per occurrence, and the duration of excess emissions from malfunctions shall not exceed two hours in any 24 hour period. The startup period commences when the affected facility begins the continuous burning of municipal solid waste and does not include any warm-up period when the affected facility is combusting natural gas or propane, and no municipal solid waste is being fed to the combustor. Continuous burning is the continuous, semi-continuous, or batch feeding of municipal solid waste for purposes of waste disposal, energy production, or providing heat to the combustion system in preparation for waste disposal or energy production. The use of municipal solid waste solely to provide thermal protection of the grate or hearth during the startup period when municipal solid waste is not being fed to the grate is not considered to be continuous burning. During all periods of startup, shut down and malfunction, the owner or operator shall use best operational practices to minimize air pollutant

emissions. The owner or operator shall maintain a manual that identifies and describes best operational practices that will be used during periods of startup, shut down and malfunction at this facility.

[Rules 62-4.070(3), and 62-210.700(1) and (5), F.A.C., 40 CFR 60.38b and 40 CFR 60.58b(a), and request of the applicant]

Specific condition 3.a. Test Methods.

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

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

Specific condition 2.m. Emission Standards.

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

Hg (Mercury): In no case shall mercury emissions exceed 70 ug/dscm @ 7% O₂ or 85% reduction by weight, whichever is less stringent. Emissions of mercury shall also not exceed 1.38×10^{-4} lb/mmBtu, 0.0379 lb/hr per unit, and 0.166 tons/year per unit.

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

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

This condition shall be replaced entirely by the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.d. Auxiliary Burners.

This condition shall be replaced entirely by the following:

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

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

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

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

Executed in Tallahassee, Florida.

Howard L. Rhodes, Director
Division of Air Resources
Management

CERTIFICATE OF SERVICE

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

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

Clerk Stamp

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

(Clerk)

(Date)

LANDERS & PARSONS, P.A.

ATTORNEYS AT LAW

310 WEST COLLEGE AVENUE

POST OFFICE BOX 271


TALLAHASSEE, FLORIDA 32302



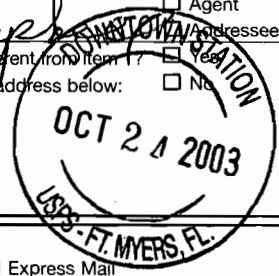
PSD 7L-151C

1/12/04

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

32399+2400 

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Received by (Please Print Clearly) E. Campbell	B. Date of Delivery
1. Article Addressed to: The Honorable James Humphrey Mayor, City of Fort Myers City Hall Post Office Box 2217 Fort Myers, FL 33902-2217	C. Signature X E. Campbell	
2. FIM 7001 0320 0001 3692 6013	D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:	
PS Form 3811, July 1999	Domestic Return Receipt	102595-99-M-1789



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OFFICIAL USE	
Postage \$ Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$	Postmark Here
Sent To James Humphrey Street, Apt. No., or PO Box PO Box 2217 City, State, ZIP+4 Ft. Myers, FL 33902-2217	
PS Form 3800, January 2001 See Reverse for Instructions	

7001 0320 0001 3692 6013

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
OFFICIAL USE	
Postage \$ Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$	Postmark Here
Sent To Lindsey Sampson Street, Apt. No., or PO Box PO Box 398 City, State, ZIP+4 Ft. Myers, FL 33902-0398	
PS Form 3800, January 2001 See Reverse for Instructions	

7001 0320 0001 3692 5993

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
OFFICIAL USE	
Postage \$ Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$	Postmark Here
Sent To Ray Judah Street, Apt. No., or PO Box PO Box 398 City, State, ZIP+4 Ft. Myers, FL 33902-0398	
PS Form 3800, January 2001 See Reverse for Instructions	

7001 0320 0001 3692 6009

LANDERS & PARSONS, P.A.

ATTORNEYS AT LAW

DAVID S. DEE
RONALD A. LABASKY
JOSEPH W. LANDERS, JR.
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FRED A. McCORMACK
PHILIP S. PARSONS
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310 WEST COLLEGE AVENUE
TALLAHASSEE, FL 32301

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POST OFFICE BOX 271
TALLAHASSEE, FL 32302-0271

TELEPHONE (850) 681-0311
TELECOPY (850) 224-5595
www.landersondparsons.com

October 22, 2003

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

RECEIVED

OCT 23 2003

BUREAU OF AIR REGULATION

Re: Lee County Solid Waste Energy Recovery Facility;
Permit No. PSD-FL-151C

Dear Trina:

On October 13, 2003, the Florida Department of Environmental Protection issued a PSD permit (No. PSD-FL-151C) for the construction of the third municipal waste combustor at the existing Lee County Solid Waste Energy Recovery Facility. After reviewing the Department's permit, the County noted a few inconsistencies between the requirements of the PSD permit and the "Summary of Best Available Control Technology Determination (BACT)" that is attached to the permit as Appendix BD. On behalf of Lee County, I am sending you this letter to identify the inconsistencies for your records.

1. In Appendix BD, on page BD-2, third full paragraph, the first sentence states that "a BACT emission limit of 110 ppmvd @ 7% O₂ shall be established on a 30-day rolling average." This sentence should refer to a 12-month rolling average, consistent with the provisions of Sections III.B.4 and III.B.8 in the permit.

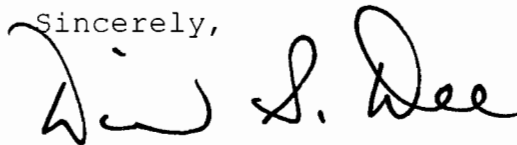
2. Similarly, on page BD-3, in the initial paragraph, the last sentence states that the "Department will establish two CO limits as BACT, the NSPS as well as a 30-day rolling average of 80 ppmvd @ 7% O₂." This sentence also should refer to a 12-month rolling average.

Ms. Trina Vielhauer
October 22, 2003
Page 2

3. On page BD-4, the table indicates that the emission limit for carbon monoxide is "80 ppm @ 7% O₂ -- 30-day rolling average." Here, too, a 12-month average should be utilized.

None of these comments warrant any further action by the Department. The County simply wishes to identify the inconsistencies for the record and thus help avoid potential confusion in the future concerning the emission limits that are applicable to the County's Facility.

Sincerely,

A handwritten signature in black ink, appearing to read "David S. Dee". The signature is fluid and cursive, with a large initial "D" and "S".

David S. Dee

cc: Lindsey Sampson
David Owen
Don Elias
Sam Rosania
Hamilton Oven

LANDERS & PARSONS, P.A.

ATTORNEYS AT LAW


310 WEST COLLEGE AVENUE

POST OFFICE BOX 271

TALLHASSEE, FLORIDA 32302



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

32399+2400 

Florida Department of
Environmental Protection

Memorandum

TO: Michael G. Cooke

THRU: Trina Vielhauer *TV*
Al Linero

FROM: Michael P. Halpin *MH*

DATE: October 8, 2003

SUBJECT: Lee County Waste To Energy Facility

Attached for approval and signature is a PSD permit for the subject facility. The new Unit No. 3 Municipal Waste Combustor (MWC) will be constructed at the existing municipal waste combustion facility. The municipal waste combustion unit will not exceed a nominal tonnage capacity of 660 TPD and maximum heat input of 291.5 million Btu per hour (MMBtu/hr). This project was subject to the Power Plant Siting Act (PPSA).

In the PSD analysis we determined the emission limits for the project that represent BACT. All of the BACT emission limits determined for Unit No. 3 are as low as the limits established by the United States Environmental Protection Agency (EPA) in the NSPS (40 CFR 60, Subpart Eb) for new MWC units, based on the use of Maximum Achievable Control Technology (MACT). Indeed, our BACT emission limits for Unit No. 3 are lower than EPA's MACT emissions limits for: (a) particulate matter; (b) sulfur dioxide; (c) carbon monoxide; (d) nitrogen oxides; and (e) mercury. The BACT emission limits are appropriately included in the proposed Conditions of Certification for Unit No. 3.

The Siting Board met on September 30 and approved the Recommended Order of Judge Hixson.

I recommend your approval and signature.

Attachments

/mph

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF PERMIT

In the Matter of an
Application for Permit by:

Lee County
10500 Buckingham Road
Fort Myers, Florida 33905

DRAFT Permit No. PSD-FL-151C
Energy Recovery Facility
Municipal Waste Combustor Unit
No. 3 Lee County

Enclosed is the Final Permit Number PSD-FL-151C. This permit authorizes Lee County to construct a third municipal waste combustor at the existing Lee County Energy Recovery Center in Fort Myers, Lee County. This permit is issued pursuant to Chapter 403, Florida Statutes and 40CFR52.21.

Any party to this order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Legal Office; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 (thirty) days from the date this Notice is filed with the Clerk of the Department.

In addition to the appeal process described above, federal appeals procedures concerning this PSD permit are outlined in 40CFR 124.19, which is attached. Any person who filed comments on the draft permit may petition the Environmental Appeals Board to review any condition of the permit decision. Any person who failed to file comments on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision.

The petition must be filed with the Environmental Appeals Board within 30 days of issuance of this Notice. Petitions may be addressed to the Environmental Appeals Board, MC 1103B, U.S. Environmental Protection Agency, 401 M Street, Washington, D.C. 20460. Further details are available at www.epa.gov/eab.

Executed in Tallahassee, Florida.



Trina Vielhauer, Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF FINAL PERMIT (including the FINAL permit) was sent by certified mail* and copies were mailed by U.S. Mail before the close of business on 10/13/03 to the person(s) listed:

- Lindsey Sampson, Lee County*
- Chair, Lee County BCC*
- Mayor, City of Fort Myers*
- Samuel M. Rosania, Malcolm Pirnie, Inc.
- Amit Chattopadhyay, P.E., Malcolm Pirnie, Inc.
- Gregg Worley, EPA
- John Bunyak, NPS
- Ron Blackburn, DEP-SD
- Hamilton Oven, DEP- Siting
- Donald Elias, RTP
- David S. Dee, Landers & Parsons

Clerk Stamp

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

Victoria Gibson October 13, 2003
(Clerk) (Date)

FINAL DETERMINATION

Lee County Solid Waste Division
Fort Myers, Florida
Lee County

DEP FILE: 0710119-002-AC (PSD-FL-151C)

The Department distributed a revised public notice package on June 12, 2003 to allow the applicant to construct a third municipal waste combustor (MWC), along with a lime storage silo and associated appurtenances. The new MWC will be constructed at the existing municipal waste combustion facility in Fort Myers, Lee County. The Public Notice of Intent to Issue was published in the Fort Myers News-Press on June 13, 2003.

COMMENTS/CHANGES

Comments were received from the EPA on July 11, 2003.

Comments on the draft permit were received from the applicant on June 30, 2003.

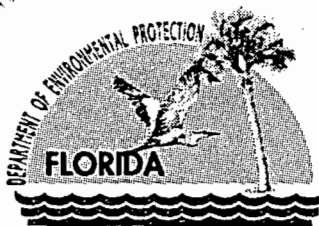
Comments were reviewed and appropriately incorporated into the final permit.

Pursuant to notice, the Division of Administrative Hearings, by its duly designated Administrative Law Judge, Richard A. Hixson, conducted a formal site certification hearing (Case No. 02-4573EPP) in this proceeding on July 29, 2003 in Fort Myers, Florida. On August 19, 2003, it was recommended that the Siting Board grant full and final certification to Lee County, under Section 403, Part II, Florida Statutes, for the location, construction, and operation of the third MWC, as described in the Draft Conditions of Certification and the evidence presented at the certification hearing.

On September 30, 2003 the Siting Board concurred with the Administrative Law Judge's recommendation and authorized issuance of related permits via its Final Order.

CONCLUSION

The final action of the Department is to issue the permit consistent with requirements above.



Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

PERMITTEE:

Lee County
Lee County Resource Recovery Facility
P.O. Box 398
Fort Myers, Florida 33902

ID No.	0710119
Permit No.	0710119-002-AC
PSD No.	PSD-FL-151C
SIC No.	4953
Expires:	December 31, 2006

Authorized Representative:

Mr. Lindsey Sampson
Director, Solid Waste Division

PROJECT AND LOCATION:

This permit allows the applicant to construct a third municipal waste combustor (MWC), along with a lime storage silo and associated appurtenances. The new MWC will be constructed at the existing municipal waste combustion facility. The municipal waste combustion unit will not exceed a nominal tonnage capacity of 660 TPD and maximum heat input of 291.5 million Btu per hour (MMBtu/hr).

The facility is located at 10500 Buckingham Rd., Fort Myers, Lee County. The UTM coordinates of this facility are Zone 17; 424.21 km E; 2945.7 km N.

STATEMENT OF BASIS:

This construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and the Florida Administrative Code (F.A.C.) Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297 and Subpart Eb of the NSPS of 40CFR60. The above named permittee is authorized to modify the facility in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department of Environmental Protection (Department).

Attached appendix is part of this permit:

Appendix GC Construction Permit General Conditions
Appendix BD BACT Determination

Michael G. Cooke, Director
Division of Air Resources
Management

"More Protection, Less Process"

Printed on recycled paper.

SECTION I. FACILITY INFORMATION

SUBSECTION A. FACILITY DESCRIPTION

The existing facility consists of a municipal waste combustion facility with two mass burn municipal waste combustion (MWC) units. The facility currently has a capacity of 660 tons/day per unit for a total of 1,320 tons per day of solid waste fuel with a nominal HHV of 5,000 Btu/lb. This is equal to a maximum heat input of 275 MMBtu/hour per unit, for a total heat input not to exceed 550 MMBtu/hr. The facility converts solid waste into saleable energy. It produces up to 40 MW of electricity. The facility is self-sufficient and operates on a small portion of the power it generates. The remaining electricity is sold to an electric utility market. The facility is owned by Lee County, and was designed, built and is currently operated by Ogden-Martin Systems of Lee, Inc. (although the corporate name changed to Covanta Energy Corporation, effective March 14, 2001). The Lee County Resource Recovery Facility began operation in August 1994.

The facility's existing mass burn combustion system incorporates the technology of German-based Martin GmbH. The waterwall furnaces are equipped with Martin® reverse-reciprocating grates and ash handling systems. Waste is combusted and reduced to an inert ash residue. Each existing unit is equipped with a slaked lime scrubber followed by a baghouse, an SNCR system for reduction of NO_x emissions, and a carbon injection system for control of mercury emissions.

This permit allows the applicant to construct a third MWC unit, which is substantially similar to the existing two units, albeit with additional controls as required in order to comply with the more stringent NSPS and BACT limits. The new municipal waste combustion unit will not exceed a nominal tonnage capacity of 660 TPD and maximum heat input of 291.5 MMBtu/hr. Accordingly, as a large MWC, this unit is subject to the requirements of 40 CFR 60, Subpart Eb. Dry flue gas scrubbers, baghouse, SNCR, and carbon injection will be utilized to control emissions from the combustor. Flue Gas Recirculation (FGR) is authorized but not required. The existing facility also contains existing lime silo and ash handling systems, which will be impacted via increased throughput of the new unit. An additional lime silo will be constructed, which stores pebble lime, used to make lime slurry.

SUBSECTION B. REGULATORY CLASSIFICATION

This facility is classified as a Major or Title V Source of air pollution because emissions of at least one regulated air pollutant, such as particulate matter (PM/PM₁₀), sulfur dioxide (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), or volatile organic compounds (VOC) exceeds 100 tons per year (TPY).

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

Project: Lee County Resource Recovery Facility
Facility ID No. 0710119
SIC: 4953

Lee County
Fort Myers, Florida

AIR CONSTRUCTION PERMIT 0710119-002-AC, PSD-FL-151C

SECTION I. FACILITY INFORMATION

Based on the initial Title V permit application received June 17, 1996, this facility is a major source of hazardous air pollutants (HAPs).

SUBSECTION C. PERMIT SCHEDULE:

- June 13, 2003 notice of intent published in Ft. Myers News-Press
- June 12, 2003 issued revised notice of intent to issue permit
- April 14, 2003 notice of intent published in Ft. Myers News-Press
- April 4, 2003 issued notice of intent to issue permit
- February 28, 2003 application deemed complete

SUBSECTION D. RELEVANT DOCUMENTS:

The documents listed below are the basis of the permit. They are specifically related to this permitting action. These documents are on file with the Department.

- Application received (Bureau of Air Regulation) on November 12, 2002
- Department's Request For Additional Information dated December 11, 2002
- Applicant's response to Department's Request and related information submitted by Lee County and its consultants (various dates)

AIR CONSTRUCTION PERMIT 0710119-002-AC, PSD-FL-151C

SECTION II. EMISSION UNIT(S) GENERAL REQUIREMENTS

SUBSECTION A. ADMINISTRATIVE

- A.1 Regulating Agencies: All documents related to applications for permits to construct, operate or modify an emissions unit should be submitted to the Bureau of Air Regulation (BAR), Florida Department of Environmental Protection (FDEP) at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 and phone number 850/488-0114. All documents related to reports, tests, and notifications should be submitted to the Department's South District Office (DEPSD), 2295 Victoria Avenue, Suite 364, Fort Myers, Florida 33902 and phone number 239/332-6975.
- A.2 General Conditions: The owner and operator are subject to and shall operate under the attached General Permit Conditions G.1 through G.15 listed in Appendix GC of this permit. General Permit Conditions are binding and enforceable pursuant to Chapter 403 of the Florida Statutes. **[Rule 62-4.160, F.A.C.]**
- A.3 Terminology: The terms used in this permit have specific meanings as defined in the corresponding chapters of the Florida Administrative Code.
- A.4 Forms and Application Procedures: The permittee shall use the applicable forms listed in Rule 62-210.900, F.A.C. and follow the application procedures in Chapter 62-4, F.A.C. **[Rule 62-210.900, F.A.C.]**
- A.5 Application for Title V Permit: An application for a modification of the Title V operating permit, pursuant to Chapter 62-213, F.A.C., must be submitted to the DEP's Bureau of Air Regulation and a copy to DEPSD. **[Chapter 62-213, F.A.C.]**
- A.6 New or Additional Conditions: Pursuant to Rule 62-4.080, F.A.C., for good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time.

SECTION II. EMISSION UNIT(S) GENERAL REQUIREMENTS

SUBSECTION B. CONSTRUCTION REQUIREMENTS

- B.1 Unless otherwise indicated in this permit, the construction and operation of the subject emissions unit (s) shall be in accordance with the capacities and specifications stated in the application. The unit is subject to all applicable provisions of Chapter 403, F.S. and Florida Administrative Code Chapters 62-4, 62-204, 62-212, 62-213, 62-296, 62-297 and the Code of Federal Regulations Section 40, Part 60, adopted by reference in the Florida Administrative Code (F.A.C.) regulations [Rule 62-204.800, F.A.C.]. Issuance of this permit does not relieve the facility owner or operator from compliance with any applicable federal, state, or local permitting or regulations [Rule 62-210.300, F.A.C.]

SUBSECTION C. OPERATIONAL REQUIREMENTS

- C.1 Changes/Modifications: The owner or operator shall submit to the Department's Bureau of Air Regulation, for review any changes in, or modifications to: the method of operation; process or pollution control equipment; increase in hours of operation; equipment capacities; or any change which would result in an increase in potential/actual short term or long term emissions. Depending on the size and scope of the modification, it may be necessary to submit an application for, and obtain, an air construction permit prior to making the desired change. [Rule 62-4.030, 62-210.300 and 62-4.070(3), F.A.C.]
- C.2 Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the owner or operator shall notify the DEPSD as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; the steps being taken to correct the problem and prevent future recurrence; and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit and the regulations. [Rule 62-4.130, F.A.C.]
- C.3 Operating Procedures shall include good combustion practices and proper training and certification of all operators. The good combustion practices shall meet the guidelines established in 40 CFR 60, Subpart Eb and procedures as established by recognized industry standards. All operators (including supervisors) of air pollution control device shall be properly trained and certified in plant specific equipment. A list of all such certified personnel shall be submitted to the DEPSD. Department's staff shall be given notice of any formal training sessions related to operation and maintenance of air pollution control devices. [Rule 62-204.800(8), F.A.C. and 62-4.070 (3), F.A.C.]

SECTION II. EMISSION UNIT(S) GENERAL REQUIREMENTS

- C.4 Exceptions and Approval of Alternate Procedures and Requirements: An Alternate Sampling Procedure (ASP) may be requested from the Bureau of Air Monitoring and Mobile Sources of the Florida Department of Environmental Protection in accordance with the procedures specified in **Rule 62-297.620, F.A.C.**

SUBSECTION D. MONITORING OF OPERATIONS

Determination of Process Variables

- D.1 The permittee shall operate and maintain equipment and/or instruments necessary to determine process variables, such as heat input, when such data is needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.
- D.2 Equipment and/or instruments used to directly or indirectly determine such process variables, including devices such as belt scales, weigh hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value. [Rule 62-297.310(5), F.A.C.]

SUBSECTION E. OTHER REQUIREMENTS

- E.1 Waste Disposal: The owner or operator shall treat, store, and dispose of all liquid, solid, and hazardous wastes in accordance with all applicable Federal, State, and Local regulations. This air pollution permit does not relieve the permittee from securing any other types of required permits, licenses, or certifications.

AIR CONSTRUCTION PERMIT 0710119-002-AC, PSD-FL-151C

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

SUBSECTION A. 40 CFR 60, NSPS, GENERAL PROVISIONS

The following emission limitations shall apply to the affected emissions unit after compliance testing is completed. As used in this permit, initial operations shall mean after the initial compliance testing is complete. This section addresses the following emissions unit:

EMISSIONS UNIT NO.	EMISSIONS UNITS DESCRIPTION	SYSTEM
-006	660 Tons per day nominal MSW Incinerator	MSW Unit 3

The affected emissions units shall comply with all applicable requirements of 40 CFR 60, General Provisions, Subpart A.

- A.1 [40 CFR 60.7, Notification and record keeping]
- A.2 [40 CFR 60.8, Performance tests]
- A.3 [40 CFR 60.11, Compliance with standards and maintenance requirements]
- A.4 [40 CFR 60.12, Circumvention]
- A.5 [40 CFR 60.13, Monitoring requirements]
- A.6 [40 CFR 60.19, General notification and reporting requirements]

The affected emissions units shall comply with all applicable provisions of the 40 CFR 60, Subpart Eb-Standards of Performance for 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. In addition the emissions unit shall also comply with all the conditions listed in Section II (Emissions Unit General Requirements) of this permit.

[Rule 62-4.070(3), 62-204.800(8) and 62-296.416, F.A.C.]

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

SUBSECTION B. SPECIFIC CONDITIONS:

The following specific conditions apply to the following emissions unit.

EMISSIONS UNIT No.	EMISSIONS UNITS DESCRIPTION
-006	660 Tons per day nominal MSW Incinerator

OPERATIONAL REQUIREMENTS

- B.1 The combustor (boiler) shall have a metal name plate affixed in a conspicuous place on the shell showing manufacturer, model number, type waste, and rated capacity.
[Rule 62-4.070(3), F.A.C.]
- B.2 Process Operating Rates: The municipal waste combustor unit (MWC) shall have a nominal rated capacity of 660 tons of waste per day. Maximum heat input shall be 291.5 MMBtu/hr.
[Rules 62-4.070(3) and 62-204.800(8), F.A.C., 40 CFR 60.51b and 60.58b(j)]
- B.3 Load Level : *Unit load* means the steam load of the municipal waste combustor (MWC) measured as specified in 40 CFR 60.58b(i)(6). Compliance with load level requirements shall be determined by a steam meter using ASME Power Test Code for Steam Generating Units, Power Test Code 4.1, section 4 (see 40 CFR 60.58b(i)(6)(ii) & (iii)). The MWC unit shall not operate at a load level greater than 110 percent of the unit's *maximum demonstrated unit load* based on 4-hour block averaged measurements of steam flow. The maximum demonstrated unit load is the highest arithmetic averaged measurement of steam flow recorded for four consecutive hours during the most recent dioxin/furan performance stack test in which compliance with the dioxin/furan emission limit was achieved. Higher loads are allowed for testing purposes as specified at 40 CFR 60.53b(b) and condition D.7 of this permit. [Rule 62-204.800(8), F.A.C., 40 CFR 60.51b; 60.53b(b); and 60.58b(i) (6)&(8)]
- B.4 Emission Control Equipment

Particulate Matter

The unit shall be equipped with a particulate control baghouse designed, constructed and operated so as not to exceed a maximum emission rate of 20.6 mg/dscm corrected to 7 percent O₂. The baghouse shall be equipped with pressure drop monitoring equipment.

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

Spray Dryer Scrubber

The unit shall be equipped with a spray dryer scrubber designed, constructed and operated so as to remove SO₂ at an efficiency of 80 percent, or not to exceed a maximum emission rate of 26 ppmvd corrected to 7 percent O₂ based upon a 24-hour block geometric mean, whichever is less stringent.

Carbon Injection

The unit shall be equipped with a carbon injection system. The carbon injection rate must be measured continuously and maintained in compliance with the requirements set forth in this permit as well as 40 CFR 60.58b(m).

Selective Non-Catalytic Reduction System

The unit shall be equipped with a selective non-catalytic reduction system designed, constructed and operated so as not to exceed a maximum NO_x emission rate of 150 ppmvd corrected to 7 percent O₂ on a 24-hour block arithmetic mean (midnight to midnight) as well as 110 ppmvd corrected to 7 percent O₂ on a 12-month rolling average and designed to meet 15 ppmvd @ 7% O₂ ammonia slip on a 24 hour average. Notwithstanding these requirements, the unit shall be granted a period of 12 calendar months from the initial compliance test of the MWC, in order to meet the 110 ppmvd NO_x and the 30 ppm ammonia slip limits identified within this permit. During this initial calendar year of operation, the 12-month rolling average limit for NO_x shall be 140 ppmvd @ 7% O₂ based upon the actual number of calendar months since initial operation. For each month after the initial calendar year of operation, the 12-month rolling average limitation shall be reduced by 2.5 ppmvd @ 7% O₂ until reaching the BACT limit of 110 ppmvd @ 7% O₂ on a 12-month rolling average. The ammonia slip limit shall be 50 ppmvd @ 7% O₂ for the first 12 calendar months from initial operation and shall be adjusted as set forth in paragraph B.10 (5), below. Note: Nothing in this permit shall be construed as an authorization to exceed the opacity standard specified herein.

Within 30 days after it becomes available, but before commencement of construction of the air pollution control equipment, the Permittee shall submit to the DEPSD copies of technical data pertaining to the selected emission control systems. This data should include, but not be limited to the manufacturer's guarantees, design inlet and outlet emission rates, and major design parameters. [Rule 62-4.070(3), F.A.C.]

- B.5 Stack Height: The height of the boiler exhaust stack shall not be less than 276 feet above grade (271 feet for structural stack plus 5 feet for flue).
- B.6 Fuels: The primary fuel for the unit is municipal solid waste (MSW), including the items and materials that fit within the definition of MSW contained in either 40 CFR 60.51b or

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

Section 403.706(5), Florida Statutes (1995). [Rule 62-4.070(3), F.A.C., and request of applicant]

B.6.1 Subject to the limitations contained in this permit, the authorized fuels for the unit also include the other solid wastes that are not MSW which are described below. However, the unit shall not burn:

- (a) those materials that are prohibited by state or federal law;
- (b) those materials that are prohibited by this permit;
- (c) lead acid batteries;
- (d) hazardous waste;
- (e) nuclear waste;
- (f) radioactive waste;
- (g) sewage sludge;
- (h) explosives;
- (i) beryllium-containing waste, as defined in 40 CFR 61, Subpart C.

Further, the facility shall not knowingly burn:

- (j) nickel-cadmium batteries pursuant to Section 403.7192 (3);
- (k) mercury containing devices and lamps pursuant to Sections 403.7186(2) & (3);
- (l) untreated biomedical waste from biomedical waste generators regulated pursuant to Chapter 64E-16, F.A.C., and from similar generators (or sources); and
- (m) segregated loads of biological waste.

B.6.2 The fuel may be received either as a mixture or as a single-item stream (segregated load) of discarded materials. If the unit intends to use an authorized fuel that is segregated non-MSW material, the fuel shall be either:

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

B.6.3 The unit operator shall prepare and maintain records concerning the description and quantities of all segregated loads of non-MSW material which are received and used as fuel at the unit, and subject to a percentage weight limitation, below (B.6.6. and B.6.7). For the purposes of this permit, a segregated load is defined to mean a container or truck that is almost completely or exclusively filled with a single item or homogeneous composition of waste material, as determined by visual observation.

B.6.4 To ensure that the unit's fuel does not adversely affect the unit's combustion process or emissions, the unit operator shall:

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

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

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

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

B.6.5 Subject to the conditions and limitations contained in this permit, the following other solid waste may be used as fuel at the unit:

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

B.6.6 Subject to the conditions and limitations contained in this permit, waste tires may be used as fuel at the unit. The total quantity of waste tires received as segregated loads and burned at the unit shall not exceed 3%, by weight, of the unit's total fuel. Compliance with this limitation shall be determined by using a calendar monthly average in accordance with specific condition B.24 below.

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

B.6.7 Subject to the conditions and limitations contained in this permit, the following other solid waste materials may be used as fuel at the unit (i.e. the following are authorized fuels that are non-MSW material). The total quantity of the following non-MSW material received as segregated loads and burned at the unit shall not exceed 5% by weight of the unit's total fuel. Compliance with this limitation shall be determined by using a calendar monthly average in accordance with specific condition B.24 below.

- (a) Unsorted mixtures of construction and demolition debris, or that fraction of sorted construction and demolition debris that is predominantly non-combustible. Non-combustible construction and demolition debris shall include concrete, metals, gypsum products, plaster, rock, brick, and masonry.
- (b) Oil spill debris from aquatic, coastal, estuarine or river environments. Such items or materials include but are not limited to rags, wipes, and absorbents.
- (c) Items suitable for human, plant or domesticated animal use, consumption or application where the item's shelf-life has expired or the generator wishes to remove the items from the market. Such items or materials include but are not limited to off-specification or expired consumer products, pharmaceuticals, medications, health and personal care products, cosmetics, foodstuffs, nutritional supplements, returned goods, and controlled substances.
- (d) Consumer-packaged products intended for human or domesticated animal use or application but not consumption. Such items or materials include but are not limited to carpet cleaners, household or bathroom cleaners, polishes, waxes and detergents.
- (e) Waste materials that:
 - (i) are generated in the manufacture of items in categories (c) or (d), above and are functionally or commercially useless (expired, rejected or spent); or
 - (ii) are not yet formed or packaged for commercial distribution. Such items or materials must be substantially similar to other items or materials routinely found in MSW.
- (f) Waste materials that contain oil from:
 - (i) the routine cleanup of industrial or commercial establishments and machinery; or
 - (ii) spills of virgin or used petroleum products. Such items or materials include but are not limited to rags, wipes, and absorbents.
- (g) Used oil and used oil filters. Used oil containing a PCB concentration equal or greater than 50 ppm shall not be burned, pursuant to the limitations of 40 CFR 761.20(e).
- (h) Waste materials generated by manufacturing, industrial or agricultural activities, provided that these items or materials are substantially similar to items or materials that are found routinely in MSW, subject to prior approval of the Department.

B.7 Startup/Shutdown/Malfunctions

- (a) Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. See also NSPS requirements set forth in paragraphs b, c and d below. **[Rule 62-210.700, F.A.C.]**

- (b) The emission limitations for this unit shall apply at all times, except during periods of warm-up, startup, shutdown, or malfunctions (SSM), provided that the duration of startup, shutdown, or malfunction periods do not exceed 3 hours per occurrence. The duration of warm-up periods is not limited. The startup period commences when the affected unit begins the continuous burning of waste and does not include any warm-up period when the affected unit is combusting only natural gas or propane and waste is not being introduced to the combustor. The use of waste solely to provide thermal protection to the grate during the warm-up periods when waste is not being fed to the combustor is not considered to be continuous burning. During all startups, shutdowns, and malfunctions, the owner/operator shall use best operational practices to minimize air pollutant emissions. **[Rule 62-204.800(8), F.A.C. and 40 CFR 60.58]**
- (c) A malfunction means any unavoidable failure of air pollution control equipment or process equipment to operate in a normal or usual manner. Excess emissions that are caused entirely or in part by poor maintenance, careless operation, any other preventable upset condition, or preventable equipment breakdown shall not be considered malfunctions. Excess emissions resulting from startup, shutdown or malfunction of any source shall be permitted providing: (1) best operational practices to minimize emissions are adhered to, and (2) the duration of excess emissions shall be minimized but in no case exceed 3 hours per occurrence, except as noted in Condition B.7(d). **[Rule 62-204.800(8), F.A.C. and 40 CFR 60.58]**
- (d) Due to safety and equipment concerns, the SSM exemption period is allowed to be extended to a maximum of 15 hours in certain circumstances. The extended exemption applies only to CO emission limits in 40 CFR 60.53b(a) i.e., combustor operating practices during the following two situations:
- A loss of boiler water control (e.g., boiler waterwall tube failure); or
 - A loss of combustion air control (loss of a combustion air fan, loss of an induced draft fan, or combustion grate bar failure).

Normal operating practices for controlling CO emissions involves the use of auxiliary fuel burners. However, use of these burners when operators cannot control boiler water or combustion air could result in the possibility of an explosion or severe damage to the MWC. **Rule 62-210.700, and 62-204.800(8), F.A.C. and 40 CFR 60.58b(a)(1)]**

AIR CONSTRUCTION PERMIT 0710119-002-AC, PSD-FL-151C

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

EMISSION LIMITATIONS & STANDARDS

B.8 Emissions from the MWC unit shall not exceed the limits listed in the following table.
[BACT]

Pollutant Name	Standard(s)	Lbs/hour	TPY
Particulate Matter (PM ₁₀)	20.6 mg/dscm, corrected to 7% O ₂	5.12	22.3
MWC Metals (PM)	20.6 mg/dscm, corrected to 7% O ₂	5.12	22.3
Sulfur Dioxide (SO ₂)	26 ppm, or 80% reduction, at 7% O ₂ ⁽¹⁾	56.9	249.4
Sulfuric Acid Mist (SAM)	15 ppmvd @ 7 % O ₂	15.1	66.1
Nitrogen Oxides (NO _x)	110 ppm@ 7% O ₂ – 12-month rolling avg. 140 ppm @ 7% O ₂ - 12-month rolling avg. * 150 ppm @ 7% O ₂ – 24 hour average	70.8	289.4
Carbon Monoxide (CO)	80 ppm @ 7% O ₂ – 12-mo rolling avg. 100 ppm @ 7% O ₂ – 4 hr average	23.0 28.73	100.6
Mercury (Hg)	0.028 mg/dscm @ 7% O ₂ or 85% reduction ⁽¹⁾	0.0168	0.0736
Visible Emissions (VE)	10 %, 6 minute average		
Lead (Pb)	0.2 mg/dscm, corrected to 7% O ₂	0.05	0.22
MWC Acid Gas (HCl)	25 ppm or 95% reduction @ 7% O ₂ ⁽¹⁾	46.76	204.8
Hydrogen Fluoride (HF)	3.5 ppmvd @ 7% O ₂	0.718	3.145
Cadmium (Cd)	0.02 mg/dscm @ 7% O ₂	.005	0.022
Dioxin/Furan (PCDD/F)	13 ng/dscm, corrected to 7% O ₂	3.2 x 10 ⁻⁶	1.4 x 10 ⁻⁵
Ammonia	15 ⁽²⁾ / 30 ppmvd @ 7% O ₂ 50 ppmvd @ 7% O ₂ *		

Notes to table:

* - For the 12-month calendar period following initial operation only.

Abbreviations

ug/dscm: Micrograms per dry standard cubic meter

mg/dscm: Milligrams per dry standard cubic meter

ng/dscm: Nanograms per dry standard cubic meter

ppm: Part per million dry volume

Dioxins/ furans: Total tetra through octa-chlorinated dibenzo-p-dioxins and dibenzofurans

Note (1) Whichever standard is less stringent.

Note (2) Design Standard.

[40 CFR 60.58b, Rules 62-210.200, 62-212.400 (BACT), 62-204.800(8) and 62-4.070(3), F.A.C., and request of applicant]

B.9 Auxiliary Burners: Auxiliary burners shall be fired only with natural gas or propane.
[Rule 62-4.070(3), F.A.C.]

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

COMPLIANCE AND PERFORMANCE TESTING

B.10 Stack Testing

Compliance with the emission limits for visible emissions (opacity), carbon monoxide (CO), nitrogen oxides (NO_x), and sulfur dioxide (SO₂) in specific condition B.8 of this permit shall be demonstrated by continuous emission monitoring systems (CEMS) as required by specific condition B.13.

Compliance tests for the other pollutants listed in specific condition B.8 shall be performed annually (unless indicated otherwise) 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. With the exception of mercury testing, emission determinations based on stack tests shall be the average of three valid test runs pursuant to Rule 62-297.310(1), F.A.C. A test protocol shall be submitted for approval to the DEPSD at least 45 days prior to the initial testing. **[Rule 62-204.800(8), F.A.C. and Chapter 62-297, F.A.C.]**

- Method 5** ⁽¹⁾ Determination of Particulate Matter Emissions from Stationary Sources.
- Method 9** Visual Determination of the Opacity of Emissions from Stationary Sources.
- Method 13A/B** ⁽⁴⁾ Determination of Total Fluoride Emission from Stationary Sources.
- Method 23** ⁽²⁾ Determination of Dioxin/Furan Conc. from Stationary Sources.
- Method 26** ⁽³⁾ Determination of HCl emissions.
- or 26A**
- Method 29** ^{(3) (4)} Determination of Metals Emissions from Stationary Sources.
- Method CTM-027** ⁽⁵⁾ Conditional Test Method for Collection and Analysis of Ammonia.

(1) Pursuant to 40 CFR 60.58b(c)(3) EPA Reference Method 5 shall be used for determining compliance with the particulate matter emission limit. The minimum sample volume shall be 1.7 cubic meters. The probe and filter holder heating systems in the sample train shall be set to provide a gas temperature no greater than 160 ± 14 °C. An oxygen or carbon dioxide measurement shall be obtained simultaneously with each Method 5 run. Since the limit for MWC Metals (as PM) is identical to the limit for PM₁₀, one annual test may suffice in determining compliance with both limits.

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

- (2) Dioxin/Furan emission limit expressed as the total mass of tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans. The unit may perform less frequent testing for dioxin/furan emissions, as allowed by 40 CFR 60.38b(b) and 60.58b(g)(5)(iii) and (6) with prior notice to the Department, if the unit's dioxin/furan emissions do not exceed 7 ng/dscm corrected to 7% O₂ and if the existing two MWC units' dioxin/furan emissions do not exceed 15 ng/dscm each, corrected to 7% O₂.
- (3) SO₂, Mercury and HCl stack tests upstream and downstream of the control device(s) shall be conducted to calculate percent control. Demonstration of the SO₂ emission limit shall be used as a surrogate for determining compliance with the SAM emission limit.
- (4) The mercury emission rate shall be limited to no more than 0.028 mg/dscm at 7% O₂ or an 85% reduction (whichever is less stringent) based upon three valid test runs (annually) pursuant to Rule 62-297.310(1), F.A.C. However, the applicant may eliminate one test run per year in the event that the single run yields an inlet Hg concentration above 0.450 mg/dscm at 7% O₂, and the carbon injection system can be shown to have been operating properly. In the alternative, the applicant may retest within 30 days after receiving test results showing that the inlet Hg concentration was above 0.450 mg/dscm at 7% O₂ in two or more test runs, provided the applicant demonstrates that the carbon injection system was working properly during the test runs.
- (5) The ammonia slip rate shall be initially established for a 12-month period at 50 ppmvd @ 7% O₂ and based upon quarterly stack test results. Thereafter, the ammonia slip rate shall be established at 30 ppmvd @ 7% O₂ based upon quarterly stack test results. However, if the ammonia CEMS demonstrates that the quarterly ammonia slip average for the calendar quarter preceding the scheduled quarterly test is 15 ppmvd @ 7% O₂ or less, then CEMS data shall substitute for the required quarterly stack test.

B.11. Test Procedures: Compliance tests shall meet all applicable requirements (i.e., testing frequency, minimum compliance duration, etc.) of Chapter 62-297, F.A.C. The Method 9 test shall be conducted during one run of the particulate matter test. The particulate matter test shall be conducted under conditions representative of normal operations and at least one test run shall be conducted during a normal (soot blowing) cycle. Initial performance tests for SO₂, CO and NO_x shall be conducted using CEMS in accordance with the methods and requirements of 40 CFR 60.58b(e)(4), (h)(3) and (i)(3) respectively. Simultaneous CEMS data for NO_x shall be submitted with the quarterly ammonia stack test data and results. All test reports shall include the information required by 40 CFR 60.59b(f). [Rules 62-4.070(3), 62-297.310 and 62-204.800(8), F.A.C.; 40 CFR 60.58b and 40 CFR 60.59b]

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

- B.12 Stack Testing Facilities: The owner or operator shall install stack testing facilities in accordance with Rule 62-297.310(6), F.A.C. The owner or operator shall provide ports in the air pollution control equipment outlet duct or stack and shall provide access to the sampling ports. [Rule 62-297.310(6)(c), F.A.C.]

MONITORING OF OPERATIONS

- B.13 Continuous Monitoring: Compliance with the emission limits for carbon monoxide (CO), nitrogen oxides (NO_x) and sulfur dioxide (SO₂) in specific condition B.8 of this permit shall be demonstrated by continuous emission monitoring systems (CEMS) operated in accordance with the requirements of 40 CFR 60.58b. Oxygen (O₂), and opacity shall be monitored by continuous monitoring systems. Monitors for sulfur dioxide and oxygen shall be located both upstream of the dry scrubber and downstream of the baghouse in order to calculate percentage removal efficiency. A CEMS shall be installed for the purpose of measuring ammonia slip from this emissions unit (with a range of 100ppm), and used for informational purposes rather than continuous compliance (other than as allowed for in specific condition B.10). For purposes of the RATA, this CEMS shall be compared to CTM-027. All continuous monitoring systems shall be installed, calibrated, maintained and operated as required by 40 CFR 60.13 and shall conform to all applicable Performance Specifications in 40 CFR 60, Appendix B. Quality assurance procedures shall conform to all applicable sections of 40 CFR 60, Appendix F. Initial performance evaluations shall be completed within 180 days after initial startup of the unit. Data on continuous monitor equipment specifications, manufacturer, type, calibration and maintenance needs, and proposed locations shall be provided to the DEPSD for review at least 90 days prior to installation. [Rules 62-4.070(3) and 62-204.800(8), F.A.C.; 40 CFR 60.58b]
- B.14 Continuous Load Monitoring: The owner or operator shall install, calibrate, maintain, and operate a steam flow meter, measure steam flow in kilograms (or pounds) per hour on a continuous basis, and record the output of the monitor (in accordance with the ASME method described in 40 CFR 60.58b(i)(6)). Steam flow shall be calculated in 4-hour block arithmetic averages. Higher loads are allowed for testing purposes pursuant to 40 CFR 60.53b(b). [Rule 62-204.800(8), F.A.C., 40 CFR 60.51b; 60.53b(b); and 60.58b(i)(6)]
- B.15 Charging Rate Monitoring: The average daily solid waste charging rate shall be determined on a monthly basis and recorded for the MWC unit. The daily charging rate shall be determined each month on an average daily basis for the MWC unit using the facility's truck scale weight data, refuse pit inventory data and MWC operating data for the preceding calendar month. Monthly truck scale weight records of the weight of solid waste received and processed at the unit, and refuse pit inventory data, shall be used to determine the amount of solid waste charged during the preceding calendar month on an average daily basis. The MWC load level measurements or other operating data shall be used to

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

determine the number of operating hours for each day during the preceding calendar month. [Rules 62-204.800(8) and 62-4.070(3), F.A.C.]

- B.16 Compliance with the PM Control Device Temperature: The MWC unit is required to continuously monitor and record the flue gas temperature at the inlet to the PM control device in accordance with the requirements at 40 CFR 60.58b(i)(7). The PM control device temperature shall be calculated in 4-hour block arithmetic averages. The MWC unit shall be allowed to operate up to 17°C (30° F) above the unit's maximum demonstrated PM control device temperature. The maximum demonstrated PM control device temperature is the highest 4-hour arithmetic measurement of temperature at the inlet to the PM control device recorded for 4 consecutive hours during the most recent dioxin/furan performance test which complied with the limits given above. The PM control device inlet temperature and the steam flow for the unit during the stack test shall be continuously monitored and recorded in accordance with 40 CFR 60, Subpart Eb. Higher temperatures are allowed for testing purposes, as specified at 40 CFR 60.53b(c). [Rule 62-204.800(8), F.A.C., 40 CFR 60.53b(c) and 60.58b(i)(7) and (9)]
- B.17 Carbon Injection Rate: The optimal carbon injection rate in pounds-per hour shall be determined preceding and during the initial compliance test. Optimization should be based upon the maximum expected mercury inlet concentrations as well as necessary operating parameters such as the screw feeder speed, hopper volume, hopper refill frequency, or other parameters appropriate to the feed system being employed. During operation of the MWC unit, the carbon injection system shall be provided with a continuous indication of the injection rate and the carbon mass feed rate must equal or exceed the level which was determined as optimal. The owner or operator shall estimate the total carbon usage for the unit for each calendar quarter by utilizing the measured carbon mass feed rate (lb/hr) for each hour of operation of the MWC unit based on the continuous indicator for carbon mass feed rate, and the total number of operating hours of operation during the calendar quarter. [Rule 62-204.800(8), F.A.C. and 40 CFR 60.58b(m)]
- B.18 Continuous Monitors: Continuous monitors with recorders shall be installed, calibrated, maintained and operated for the unit subject to review by the DEPSD for the following operational parameters:
- Total steam production (mass/hr, pressure and temperature)
 - Carbon injection system feed rate (kg/hr or lb/hr)
 - Particulate matter control device inlet temperature
- [Rule 62-204.800(8), F.A.C. and 40 CFR 60.58b]

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

RECORD KEEPING AND REPORTING REQUIREMENTS

B.19 Reports and Records:

All measurements, records and other data (test reports, etc.) required to be maintained by this facility shall be retained for at least five (5) years following the date on which such measurements, records and other data are recorded. Such records shall be maintained at the facility and shall include but not be limited to the items listed below. These records shall be made available upon request to the DEPSD for inspection at the facility. [Rules 62-4.070(3) and 62-4.160(14)(b), F.A.C., 40 CFR 60.59b]

- (a) Data collected from all monitoring instruments, including continuous monitoring systems, steam flow measurements and PM control device temperatures;
- (b) Continuous steam flow records on a 4-hour block average basis;
- (c) Records of daily solid waste charging rates and hours of operation derived from monthly truck scale data, refuse pit inventory, and operational records;
- (d) Results of all source tests or performance tests; and records of the maximum demonstrated unit load specified by condition B.3 of this permit.
- (e) Amounts of activated carbon used for emissions control;
- (f) Calibration logs for all instruments subject to this permit;
- (g) Maintenance/repair logs for any work performed which is subject to this permit;
- (h) Records showing the names of facility personnel who have been provisionally or fully certified, and who have completed the MWC operator training course, and who have completed reviews of the operating manual, including the dates and documentation of certification/review.
- (i) Records demonstrating compliance with the percentage limitations on segregated solid wastes required by specific condition B.24 of this permit.

B.20 Excess Emission Reports:

B.20.1 Quarterly Reports:

The owner or operator shall submit excess emission reports for any calendar quarter during which there are excess emissions from the unit pursuant to 40 CFR 60.7(c). If there are no excess emissions during the calendar quarter, the owner or operator shall submit a report quarterly stating that no excess emissions occurred during the quarterly reporting period. The report shall include the following:

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

- (a) The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factors used, and the date and time of commencement and completion of each period of excess emissions. **[40 CFR 60.7(c)(1)]**
- (b) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the furnace boiler system. The nature and cause of any malfunction (if known) and the corrective action taken or preventive measures adopted. **[40 CFR 60.7(c)(2)]**
- (c) The date and time identifying each period during which the continuous monitoring system (CEM/COM) was inoperative except for zero and span checks, and the nature of the system repairs or adjustments. **[40 CFR 60.7(d)(2) as applicable]**
- (d) When no excess emissions have occurred or the continuous monitoring system (CEM/COM) has not been inoperative, repaired, or adjusted, such information shall be stated in the report. **[40 CFR 60.7(c)(4)]**

B.20.2 Other Excess Emission Reports:

In case of excess emissions resulting from malfunctions*, the owner or operator shall notify the DEPSD in accordance with Section 62-4.130, F.A.C. The DEPSD shall be notified within one working day excluding weekends and holidays of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. In addition, the DEPSD may request a written summary report of the incident. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the DEPSD.

* Malfunction is defined at Rule 62-210.200, F.A.C. to mean any unavoidable mechanical and/or electrical failure of air pollution control equipment or process equipment or of a process resulting in operation in an abnormal or unusual manner.
[Rules 62-4.130 and 62-210.700(6), F.A.C.]

- B.21 Continuous Emission Monitoring System Reports:** For CEM and other monitoring systems required by this permit, data on monitoring equipment specifications, manufacturer, type, calibration and maintenance needs, and proposed sampling location shall be provided to the DEPSD for review at least 90 days prior to installation.
[Rule 62-4.070(3), F.A.C.]

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

- B.22 Operating Reports: Before March 1st of each year, the owner or operator shall submit to the DEPSD the Annual Operating Report [DEP Form No. 62-210.900(5)], which summarizes operations for the previous calendar year.

No later than February 1st of each year, the owner or operator shall submit an annual report for the previous calendar year including the information required by 40 CFR 60.59b(g)(1) through (4), as applicable.

In addition, if applicable, the owner or operator shall submit to the DEPSD the information required in 40 CFR 60.59b(h) on a semiannual basis.

[Rule 62-210.370(3), F.A.C. and 40 CFR 60.59b(g) and, if applicable, 40 CFR 60.59b(h)]

- B.23 Sampling Reports: Drawings of testing facilities including sampling port locations as required by Section 62-297.310(8)(c) shall be submitted to the DEPSD for review at least 60 days prior to construction of the sampling ports.

- B.24 Segregated Solid Waste Record Keeping: The following records shall be made and kept to demonstrate compliance with the segregated non-MSW percentage limitations of specific condition B.6.6 and B.6.7:

Each segregated load of non-MSW materials, that is subject to the percentage weight limitations of specific condition B.6.6 and B.6.7, which is received for processing shall be documented as to waste description and weight. The weight of all waste materials received for processing shall be measured using the facility truck scale and recorded.

Each day the total weight of segregated tires received shall be computed, and the daily total shall be added to the sum of the daily totals from the current month. The resultant weight of tires at the end of each calendar month (excluding tires stored at the waste tire processing facility) shall be divided by the total weight of all waste materials received during each calendar month, and the resultant number shall be multiplied by 100 to express the ratio as a percent. The percentage computed shall be compared to the 3% limitation.

Each day the total weight of segregated non-MSW materials received that are subject to the 5% restriction (restricted materials) shall be computed, and the daily total shall be added to the sum of the daily totals of the current month. The resultant total weight of restricted materials at the end of each calendar month shall be divided by the total weight of all waste materials received during each calendar month, and the resultant number shall be multiplied by 100 to express the ratio as a percent. The percentage computed shall be compared to the 5% limitation.

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

Subsequent to an initial test burn scheduled to allow Department representatives to observe, while firing 5% (by weight) tires at the combustion unit while operating the unit at capacity that demonstrates via the CEMS that the unit can comply with the emission limits for pollutants monitored by the CEMS while firing 5% (by weight) tires, this quantity limitation shall rise from 3% to 5%. Compliance with this limitation shall be determined on a calendar monthly basis.

- B.25 Heat Input Reporting Requirements. The owner or operator shall submit to the DEPSD notification of the date of initial startup as provided by 40 CFR 60.7. Such notification shall include the design heat input capacity of the affected unit, and the annual capacity factor at which the owner or operator anticipates operating the unit based on the fuels fired. **[40 CFR 60.59b(b)]**
- B.26 Report of Vendor and Equipment Selection. Within 60 days of selection of a primary vendor for this project, a report detailing the design features of the MWC equipment to be installed shall be submitted to the DEPSD. Such report shall include the nominal and maximum design capacities of the furnace, grates and boiler, and shall detail operating rates such as heat input, steam production, mass throughput and turndown capability. **[Rule 62-4.070(3), F.A.C.]**

OPERATOR TRAINING AND CERTIFICATION

B.27 Requirements

- (a) One of the following persons must be on duty at the facility at any time during which the MWC unit is operating: a fully certified chief facility operator or shift supervisor; or a provisionally certified chief facility operator or shift supervisor who is scheduled to take the full certification exam according to the schedule specified in Specific Condition III.B.27(b). This requirement shall take effect 6 months after the date of startup of the unit. If this person must leave the facility during his or her operating shift, a provisionally certified control room operator who is on site may fulfill this requirement. A qualified, provisionally certified control room operator may temporarily replace the fully certified shift supervisor during specific periods when the certified shift supervisor is excused from work due to vacation or illness and after notification to the Department's South District Office. **[40 CFR 60.54b(c)]**
- (b) No later than the date 6 months after the date of startup of the unit, each chief facility operator and shift supervisor shall obtain and maintain a current provisional operator certification and be scheduled for a full certification exam, or receive a full

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

certification, from either the ASME or an equivalent State-approved certification program. **[40 CFR 60.54b(a) and (b)]**

- (c) Each chief facility operator, shift supervisor, and control room operator must complete the EPA or State approved MWC operator training course no later than 6 months after the date of startup of the unit. **[40 CFR 60.54b(d)]**

- (d) A site-specific operating manual shall be developed and updated on an annual basis which meets the requirements of 40 CFR 60.54b(e). A training program shall be established to review the operating manual with each person who has responsibilities affecting the operation of the MWC including but not limited to chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel, and crane/load handlers. Each person must undergo initial training no later than the date 6 months after the date of startup of the unit or the date prior to the day that person assumes responsibilities affecting operation of the facility, whichever is later, and annually thereafter pursuant to 40 CFR 60.54b(f). The operating manual must be kept in a readily accessible location for all persons required to undergo training. **[40 CFR 60.54b(e), (f) and (g)]**

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

SUBSECTION C. SPECIFIC CONDITIONS:

The following specific conditions apply to the indicated emissions unit.

EMISSIONS UNIT NO.	EMISSIONS UNITS DESCRIPTION
-007	Lime Silo
(existing)	Ash and Carbon Handling

EMISSION LIMITATIONS

C.1 Lime & Carbon Silos and Ash Handling System:

Particulate emissions from these emissions units shall be limited as follows:

- (a) PM emissions from the lime storage silo shall be controlled by a baghouse. Visible emissions shall not exceed 5% opacity in accordance with specific condition C.3.
- (b) PM emissions from the activated carbon storage silo exhaust shall be controlled by a baghouse. Visible emissions shall not exceed 5% opacity in accordance with specific condition C.3.
- (c) Visible emissions from the ash conveyor systems, transfer points, buildings, or enclosures of ash conveying systems shall not occur more than 5 percent of the time during the observation period, except during times of maintenance or repair of these systems.
- (d) The potential for dust generation by ash handling activities will be mitigated by quenching the ash prior to loading in ash transport trucks. The ash handling facilities shall be enclosed. Residue from the grates, grate siftings, and ash from the combustor/boiler and fabric filter hoppers during normal operations shall be discharged into the ash quenching system, or otherwise handled in a manner to minimize visible dust. The ash/residue in the ash handling building shall remain sufficiently moist to prevent dust during storage and handling operations.

[Rule 62-4.070(3), F.A.C., and 40 CFR 60.55b]

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

COMPLIANCE AND PERFORMANCE TESTING

- C.2 Fugitive Emissions Compliance: The compliance method for the ash handling facilities shall be EPA Method 22, Visual Determination of Fugitives Emissions From Material Sources.
- (a) The minimum observation time will be three hours, and will include periods when ash is being transferred from the MWC unit to the storage area, and when ash is being loaded for disposal.
- (b) Compliance testing shall be conducted within 180 days of completion of construction and initial operation and annually thereafter.
[Rule 62-4.070(3), F.A.C., and 40 CFR 60.55b]
- C.3. Carbon and Lime Storage Silos PM Compliance Requirements: Compliance testing for the lime and carbon silos shall be conducted within 180 days of completion of construction and initial operation and annually thereafter. The visible emission tests shall be performed for each silo during filling operations using EPA Method 9. Permanent stack testing facilities are not required for the lime and carbon silos. The owner or operator may install temporary stack sampling facilities to conduct such a test, if required.
[Rule 62-297.620(4), F.A.C.]

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

SUBSECTION D. COMMON CONDITIONS:

The following specific conditions apply to the following emissions units.

EMISSIONS UNIT NO.	EMISSIONS UNITS DESCRIPTION
-006	660 Tons per Day nominal MSW Incinerator
-007	Lime Silo
(existing)	Ash and Carbon Handling

OPERATIONAL REQUIREMENTS

- D.1 These emissions units are allowed to operate continuously (8760 hours/year).
[Rule 62-210.200, F.A.C. Definitions-Potential to emit (PTE)]

- D.2 Odor Control: No objectionable odors are allowed from this facility. The truck access doors to the unit shall remain closed except during normal working shifts when MSW is being received at the storage pit area. To minimize odors at the unit, a negative pressure shall be maintained on the tipping floor and air from within the building will be used as combustion air. **[Rule 62-296.320(2), F.A.C.]**

- D.3 Startup/Shutdown/Malfunctions
 - (a) In order to minimize excess emissions during startup/shutdown/malfunction these emissions units shall adhere to best operational practices to minimize emissions.

The duration of excess emissions from the lime silo or the carbon silo shall be minimized but in no case exceed 2 hours per 24 hour period.
[Rule 62-210.700, F.A.C.]

 - (b) Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown, or malfunction shall be prohibited.
[Rule 62-210.700(4), F.A.C.]

 - (c) Within 90 days prior to completion of construction of the unit, the owner or operator shall submit to the DEPSD an operational procedures manual that identifies and describes best operational practices that will be used during startup, shutdown, and malfunctions.

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

EMISSION LIMITATIONS

- D.4 Facility Fugitive (Unconfined) Emissions: Fugitive emissions at this facility shall be adequately controlled at all times. All roads shall be adequately paved, and vacuum swept if appropriate, to minimize accumulations of ash and dust. Speed limit signs shall be posted. Unprocessed refuse storage areas which must be open for operational purposes (e.g., tipping floor or the refuse bunker while trucks are entering and leaving) shall be under negative air pressure. **[Rule 62-296.320(4)(c), F.A.C.]**

COMPLIANCE AND PERFORMANCE TESTING

- D.5 Test Notification: The owner or operator shall notify the DEPSD in writing at least *30 days* (for the initial test) and *15 days* (for the annual tests) prior to each scheduled compliance test to allow witnessing. The notification shall include the compliance test date, place of such test, the expected test time, the facility contact person for the test, and the person or company conducting the test. The 30 or 15 day notification requirement may be waived at the discretion of the DEPSD. Likewise, if circumstances prevent testing during the test window specified for the emissions unit, the owner or operator may request an alternate test date before the expiration of this window. **[Rule 62-297.310, F.A.C. and 40 CFR 60.8]**
- D.6 Special Compliance Tests: When the Department, after investigation, has good reason (such as substantiated complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in Rule 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. or in a permit issued pursuant to those rules is being violated, it may require the owner or operator of the facility to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions units and to provide a report on the results of said tests to the DEPSD. **[Rule 62-297.310(7)(b), F.A.C.]**
- D.7 Operating Rate During Testing: Testing of emissions shall be conducted with the emissions unit in operation at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impracticable to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. See also specific conditions B.2 and B.3 of this permit for limitations related to unit load for the MWC unit. Higher loads are allowed for testing purposes as specified at 40 CFR 60.53b(b) and condition B.3 of this permit. **[Rule 62-297.310(2) and (2)(b), F.A.C., and 40 CFR 60.53b(b)]**

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

RECORD KEEPING AND REPORTING REQUIREMENTS

D.8 Emission Compliance Stack Test Reports:

[Rule 62-297.310(8), F.A.C., and 40 CFR 60.59b(f)]

- (a) A *test report* indicating the results of the required compliance tests shall be filed with the DEPSD as soon as practical, but no later than 60 days after the last sampling run is completed.
- (b) The *test report* shall provide sufficient detail on the tested emissions unit and the procedures used to allow the Department to determine if the test was properly conducted and if the test results were properly computed. At a minimum, the test report shall provide the applicable information listed in Rule 62-297.310(8), F.A.C.

APPENDIX BD
SUMMARY OF BEST AVAILABLE CONTROL TECHNOLOGY DETERMINATION (BACT)

DEPARTMENT BACT REVIEW

In evaluating BACT, Department Rules (62-212, F.A.C.) require that the Department must give consideration to:

- a) Any Environmental Protection Agency determination of Best Available Control Technology pursuant to Section 169 of the Clean Air Act, and any emission limitation contained in 40 CFR Part 60 (Standards of Performance for New Stationary Sources) or 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants).
- b) All scientific, engineering, and technical material and other information available to the Department.
- c) The emission limiting standards or BACT determinations of any other state.
- d) The social and economic impact of the application of such technology.

During the pre-application process, Lee County (through its consultant, RTP Environmental Associates, Inc.) provided a statistical analysis of emission data from the existing Lee County MSW units. This data was intended to indicate appropriate limits for establishing BACT, suggesting the setting of BACT emission limits at a Six Sigma Upper Prediction Limit (UPL) or other statistical basis, unless the NSPS is lower. According to the submittal, the Six Sigma UPL should correspond to a predicted failure (exceedance) rate of once every 125 years. The Department takes no issue with the mathematical accuracy of the analysis, but finds it to be an unacceptable means of establishing BACT emission limits, for multiple reasons. The legislative history is clear, that Congress intended BACT to perform a technology-forcing function. With this in mind, the Department will attempt to utilize the relevant portions of the analysis in the establishment of BACT emission limits.

Additionally, Eastern Research Group conducted a study entitled Compliance Test Data Analysis For Lee County Solid Waste Resource Recovery Facility in September of 2002 for the EPA. EPA Region IV provided this study to the Department for use as appropriate. As indicated above, the Department will utilize relevant portions of this study, as it sees fit in the establishment of BACT.

NO_x Summary

The applicant supplied cost analyses for SCR to the Department, concluding that the cost of that NO_x control technology may be greater than \$13,000 per ton of NO_x removed. These analyses were reviewed by the Department and rejected for multiple reasons, although many questions remain as to an accurate cost effectiveness calculation. Cost effectiveness values exceeding \$10,000 per ton are not considered within the range of cost effectiveness by EPA or FDEP.

The Department has reached no definitive conclusion as to the appropriate cost effectiveness of SCR and will continue to investigate it prior to evaluating the application of additional MWC's in Florida. However, FDEP does not accept the applicant's proposal of a conventional SNCR (meeting the NSPS) as BACT. However, the Department notes that:

- a) No large-scale refuse burning WTE facilities have been permitted in Florida for over a decade. During this time, a number of landfills have been permitted in the US and Florida.

APPENDIX BD

SUMMARY OF BEST AVAILABLE CONTROL TECHNOLOGY DETERMINATION (BACT)

- b) Consideration is given to the social impacts of landfilling versus combusting waste. In the EU waste disposal hierarchy, WTE is regarded as a form of recycling of energy and is considered preferable to landfill disposal, though less preferable than primary recycling of waste products. As a growing state, it is important for the State of Florida to ensure that a balance is achieved between the alternatives of landfilling and burning of waste. During the past 10 years, that balance has not been achieved.

Given the above factors, this facility's past excellent environmental performance (with respect to air pollution) along with the apparent capabilities of advanced SNCR systems, justification is warranted to authorize the use of such an advanced SNCR for NO_x control. The advanced SNCR will use furnace pyrometry and additional process enhancements, such that high NO_x reductions can be achieved without excessive amounts of ammonia slip or other unwanted byproduct gases. According to EPA's document EPA/600/SR-94/208, such a system requires less reagent than that required for conventional SNCR and should achieve 60% NO_x reductions (an approximate Lee County emission equivalent of 104 ppmvd @ 7% O₂).

An additional factor considered by the Department is that on September 9, 1999 the State of Illinois issued a permit to West Suburban Recycling and Energy Center, L.P. for the construction of two 900 TPD MWC's, with NO_x emission limits of 100 ppmvd on a 24 hour average. Lastly, based upon the touted guarantees of the Martin GmbH SNCR (http://www.martingmbh.de/englisch/technologie/e_sncr.htm) NO_x emissions are achievable at levels approaching 60 ppm, and three European facilities (Brescia, London SELCHP and Limmattal) have guarantees averaging 106 ppm. Similar to Martin, Von Roll (a Swiss company) is a major builder of plants in Europe, with Wheelabrator as the domestic licensee. In discussions with Von Roll, NO_x emissions at or below 100 ppmvd are also guaranteeable.

In consideration of all of the above items, a BACT emission limit of 110 ppmvd @ 7% O₂ shall be established on a 30-day rolling average. As an additional means of achieving this limit, the Department encourages the applicant to consider the application of flue gas recirculation (http://www.martingmbh.de/englisch/technologie/e_abgasrezirk.htm) as well as water-cooled grates (http://www.martingmbh.de/englisch/technologie/e_gek_rost.htm), both of which have been developed by Martin GmbH. The application of water-cooled grates allows for a higher percentage of overfire air, in turn enabling lower combustion temperatures and therefore better control of NO_x. Lastly, the Department notes that the latest advances to the Martin GmbH combustion control system (e.g. SYNCOM - http://www.martingmbh.de/englisch/technologie/e_syncom.htm) may be designed to incorporate many of the features identified herein, such as FGR and the use of furnace temperature optimize oxygen distribution in the combustion zone. Although not yet fully commercialized, such a system is likely applicable for this installation.

CO Summary

State-of-the-art mass burn waterwall MWC's have inherently stable combustion characteristics and low CO levels. A 100-ppm CO emission limit with a 4-hour averaging time has been established as the NSPS for these types of units. In an EPA sponsored test at a mass burn combustor in Marion County, Oregon in 1987, the combustor was subjected to a number of different operating conditions including changes to the under-to-overfire air ratio and the overfire air distribution. CO concentrations at the inlet to the unit's spray dryer never exceeded 37 ppm and emissions under normal operating conditions were typically less than 20 ppm. While the unit was not attempting to control CO, the computerized distributed combustion control system maintained high combustion

APPENDIX BD

SUMMARY OF BEST AVAILABLE CONTROL TECHNOLOGY DETERMINATION (BACT)

efficiency and low concentrations of CO. Evaluation of long term emission data from other state-of-the-art mass burn waterwall facilities indicate that these types of facilities can achieve a 100 ppm CO emission limit on a 4-hour basis. In most cases these mass burn combustors will operate at long term averages of less than 50 ppm to comply with the 100 ppm (4 hour) emission limit. Experience indicates that operation at CO concentrations between 50 and 100 ppm may be required due to problems associated with the burning of wet waste. The Department will establish two CO limits as BACT, the NSPS as well as a 30-day rolling average of 80 ppmvd @ 7% O₂.

SO₂, SAM and PM Summary

The NSPS limit for SO₂ is 30 ppmvd at 7% O₂ on a 24-hour average, or an 80% reduction in SO₂ on a 24-hour average. Since the 24-hour CEMS data as well as the 3-run stack test averages for SO₂ at the existing Lee County units was 25 ppm or less, the Department will set the SO₂ emission limit at 26 ppmvd @ 7% O₂ on a 24-hour average, or an 80% reduction. The SAM limit will be reduced from the applicant's proposal by an amount equivalent to the SO₂ reduction which the Department has established (a ratio of 26/30) for an equivalent limit of 15 ppmvd @ 7% O₂.

The NSPS for PM is 24 mg/dscm. The Department agrees with the applicant's proposed BACT for PM of 20.6 mg/dscm, which is 90% of the equivalent PM limit (22.88 mg/dscm) on the existing emission units.

Mercury Summary

The applicant proposed the NSPS of 70 mg/dscm at 7% O₂ as the appropriate BACT limit. However, the Department is aware that many states in the northeast U.S. have established 28 mg/dscm at 7% O₂ as the standard for large MWC's. In fact, the Department review revealed that at least 15 N.E. facilities with large MWC's (of varying vintage, size and design) are required to meet such a limit, and six of these facilities are Covanta-operated. Three of these facilities (Bristol/Connecticut, Union/New Jersey and Haverhill/Massachusetts) are of the Martin design and use a combination of a mercury separation plan plus carbon injection to meet the subject limit. The Department will establish 28 mg/dscm as BACT and allow a 12-month period during which quarterly testing and carbon injection optimization shall be completed while meeting only the NSPS. Permit conditions will describe a means of allowing for occasional sample spikes.

Dioxins and Furans Summary

A review of past data suggests that 13 ng/dscm at 7% O₂ for dioxins and furans (MWC organics) represents an appropriate level of BACT for this unit. These are the emission limits proposed by the applicant and are lower than those of any other existing waste incinerator within Florida.

HCl, Pb, Cd and HFl

The Department accepts the applicant's analysis for these 4 pollutant emissions. Specifically, emission limits of 25 ppmvd (or 95% removal), 0.2 mg/dscm, 0.02 mg/dscm and 3.5 ppmvd for HCl, Pb, Cd and HFl (respectively), all corrected to 7% O₂. However, the limit for Cadmium is not established via this BACT review.

APPENDIX BD

SUMMARY OF BEST AVAILABLE CONTROL TECHNOLOGY DETERMINATION (BACT)

The following table represents a summary of the BACT Determination for this project:

Pollutant Name	Standard(s)	Lbs/hour	TPY
Particulate Matter (PM ₁₀)	20.6 mg/dscm, corrected to 7% O ₂	5.12	22.3
MWC Metals (PM)	20.6 mg/dscm, corrected to 7% O ₂	5.12	22.3
Sulfur Dioxide (SO ₂)	26 ppm, or 80% reduction, at 7% O ₂	56.9	249.4
Sulfuric Acid Mist	15 ppmvd @ 7% O ₂	15.1	66.1
Nitrogen Oxides (NO _x)	110 ppm @ 7% O ₂ - 12-month rolling avg. 140 ppm @ 7% O ₂ - 12-month rolling avg. * 150 ppm @ 7% O ₂ - 24 hour average	70.8	289.4
Carbon Monoxide (CO)	80 ppm @ 7% O ₂ - 30-day rolling average 100 ppm @ 7% O ₂ - 4 hr average	23.0 28.73	100.6
Mercury (Hg)	0.028 mg/dscm @ 7% O ₂ or 85% reduction ⁽¹⁾	0.0168	0.0736
Visible Emissions (VE)	10 %, 6 minute average		
Lead (Pb)	0.2 mg/dscm, corrected to 7% O ₂	0.05	0.22
MWC Acid Gas (HCl)	25 ppm or 95% reduction @ 7% O ₂ ⁽¹⁾	46.76	204.8
Hydrogen Fluoride (HF)	3.5 ppmvd @ 7% O ₂	0.718	3.145
Dioxin/Furan (PCDD/F)	13 ng/dscm, corrected to 7% O ₂	3.2 x 10 ⁻⁶	1.4 x 10 ⁻⁵
Ammonia	15 ⁽²⁾ / 30 ppmvd @ 7% O ₂ 50 ppmvd @ 7% O ₂ *		

Notes to table:

* - For the 12-month calendar period following initial operation only.

Abbreviations

ug/dscm: Micrograms per dry standard cubic meter

mg/dscm: Milligrams per dry standard cubic meter

ng/dscm: Nanograms per dry standard cubic meter

ppm: Part per million dry volume

Dioxins/ furans: Total tetra through octa-chlorinated dibenzo-p-dioxins and dibenzofurans

Note (1) Whichever standard is less stringent.

Note (2) Design Standard.

DETAILS OF THE ANALYSIS MAY BE OBTAINED BY CONTACTING:

A. A. Linero, P.E. Administrator, New Source Review Section

Deborah Nelson, Meteorologist, New Source Review Section

Michael P. Halpin, P.E. Review Engineer

Department of Environmental Protection

Bureau of Air Regulation

2600 Blair Stone Road

Tallahassee, Florida 32399-2400

APPENDIX GC
GENERAL PERMIT CONDITIONS [F.A.C. 62-4.160]

- G.1 The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
- G.2 This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings or exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
- G.3 As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
- G.4 This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
- G.5 This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
- G.6 The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
- G.7 The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:
- a) Have access to and copy and records that must be kept under the conditions of the permit;
 - b) Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
 - c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.
- Reasonable time may depend on the nature of the concern being investigated.
- G.8 If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
- a) A description of and cause of non-compliance; and
 - b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

APPENDIX GC
GENERAL PERMIT CONDITIONS [F.A.C. 62-4.160]

The permittee shall be responsible for any and all damages, which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

- G.9 In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- G.10 The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
- G.11 This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
- G.12 This permit or a copy thereof shall be kept at the work site of the permitted activity.
- G.13 This permit also constitutes:
- a) Determination of Best Available Control Technology (X)
 - b) Determination of Prevention of Significant Deterioration (X); and
 - c) Compliance with New Source Performance Standards (X).
- G.14 The permittee shall comply with the following:
- a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - c) Records of monitoring information shall include:
 - 1. The date, exact place, and time of sampling or measurements;
 - 2. The person responsible for performing the sampling or measurements;
 - 3. The dates analyses were performed;
 - 4. The person responsible for performing the analyses;
 - 5. The analytical techniques or methods used; and
 - 6. The results of such analyses.
- G.15 When requested by the Department, the permittee shall within a reasonable time furnish any information required by law, which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

The Honorable James Humphrey
 Mayor, City of Fort Myers
 City Hall
 Post Office Box 2217
 Fort Myers, FL 33902-2217

2. 7001 0320 0001 3692 6013

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

E. Campbell

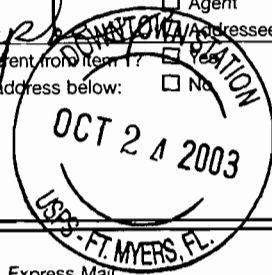
C. Signature

X E. Campbell

Agent
 Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below: Yes No



3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

7001 0320 0001 3692 6013

**U.S. Postal Service
 CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)**

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent To
James Humphrey
 Street, Apt. No., or P.O. Box No.
PO Box 2217
 City, State, ZIP+4
Ft. Myers, FL 33902-2217

PS Form 3800, January 2001

See Reverse for Instructions

7001 0320 0001 3692 5993

**U.S. Postal Service
 CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)**

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent To
Lindsey Sampson
 Street, Apt. No., or P.O. Box No.
PO Box 398
 City, State, ZIP+4
Ft. Myers, FL 33902-0398

PS Form 3800, January 2001

See Reverse for Instructions

7001 0320 0001 3692 6006

**U.S. Postal Service
 CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)**

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent To
Ray Judah
 Street, Apt. No., or P.O. Box No.
PO Box 398
 City, State, ZIP+4
Ft. Myers, FL 33902-0398

PS Form 3800, January 2001

See Reverse for Instructions