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4APT-ARB

OCT 23 2000

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OCT 26 2000

DIVISION OF AIR
RESOURCES MANAGEMENT

Howard L. Rhodes, Director
Department of Environmental Protection
Division of Air Resources Management
Mail Station 5500
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

BUREAU OF AIR REGULATION

SUBJ: EPA's Objection to Proposed Title V Permit No. 1030117-002-AV
Pinellas County Resource Recovery Facility, Clearwater, Florida

OCT 26 2000

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Dear Mr. Rhodes:

The purpose of this letter is to acknowledge the receipt of the State of Florida's proposed changes to the Pinellas County Resource Recovery Facility, proposed title V permit, dated October 16, 2000, which was provided in response to a U.S. Environmental Protection Agency (EPA) title V objection on July 20, 2000. EPA Region 4 has completed its review of the proposed changes to the permit and believes that the State has adequately addressed each of the issues enumerated in the objection. Therefore, EPA considers the objection to be resolved. Once the State's proposed changes are incorporated into the permit, the State may proceed with permit issuance. Please note, however, that our opportunity for review and comment on this permit does not prevent EPA from taking enforcement action for issues that were not raised during permit review. After final issuance, this permit may be reopened if EPA or the permitting authority later determines that it must be revised or revoked to assure compliance with applicable requirements.

We commend the efforts of your staff for facilitating the resolution of the permit issues. If you have any questions about this letter, please contact Mr. Gregg Worley, Chief, Air Permits Section at (404) 562-9141.

Sincerely,

Winston A. Smith
Director
Air, Pesticides and Toxics
Management Division

cc: Pick Talley, Pinellas County Utilities Administration
Clair Fancy, P.E., FDEP



Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

October 16, 2000

Mr. R. Douglas Neeley, Chief
Air and Radiation Technology Branch
Air, Pesticides and Toxics Management Division
United States Environmental Protection Agency
Region 4
61 Forsyth Street, SW
Atlanta, GA 30303-8909

Re: Proposed Changes to Satisfy EPA Objections
Pinellas County Utilities Administration, Pinellas County Resource Recovery Facility, PROPOSED
Title V Permit 1030117-002-AV

Dear Mr. Neeley:

This letter is to document changes that the Department proposes to satisfy EPA Region 4 objections to Florida's PROPOSED Title V permit 1030117-002-AV for Pinellas County Utilities Administration, Pinellas County Resource Recovery Facility. These objections were detailed in a letter from EPA Region 4 dated July 20, 2000, in which EPA indicated the basis for objection was that the permit does not contain conditions that assure compliance with all applicable requirements, as required by 40 CFR 70.6(a), and does not contain the averaging time associated with several of the emission standards.

The changes proposed in this letter result primarily from correspondence with the permittee and past resolution to similar objections the EPA found acceptable. Hopefully these changes will allow Florida to issue the FINAL Title V permit for this plant. Please review the following proposed changes to the referenced permits. If you concur with our changes, we will issue the FINAL Title V permit with these changes.

I. EPA Objection Issues

1. Appropriate Averaging Times: The emission limits in conditions A.7, A.11, A.12, A.14, B.22, B.24, B.25, B.29, B.31, B.32, B.36, B.37, B.38, C.1, C.4, and C.5 do not contain averaging times. Because the stringency of emission limits is a function of both magnitude and averaging time, appropriate averaging times must be added to the permit in order for the limits to be practicably enforceable. An approach that may be used to address this deficiency is to include a general condition in the permit stating that the averaging times for all specified emission standards are tied to or based on the run time of the test method(s) used for determining compliance.

PERMITTEE RESPONSE: Pinellas County Utilities Administration acknowledges the comment.

PROPOSED CHANGE: The following will be added after Specific Conditions A.7, A.11, A.12, A.14, B.22, B.24, B.25, B.29, B.31, B.32, B.36, B.37, B.38, C.1, C.4, and C.5:

Add: {Permitting note: The averaging time for this condition is based on the run time of the specified test method.}

"More Protection, Less Process"

2. Applicable Requirements - Used Oil: Conditions A.9 and B.13 specify the methods of operation and the fuels that are allowed for combustion in the three MSW-fired steam generating units. In particular, paragraph (6)(g) states that used oil and used oil filters will be permitted for combustion, and 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). However, these conditions are insufficient to ensure compliance with the used oil requirements of 40 C.F.R. part 279 and PCB requirements of 40 C.F.R. part 761. At a minimum, if the source intends to burn "on-specification used oil," the permit must include requirements to demonstrate compliance with used oil specification requirements listed under § 279.11, and with the used oil PCB requirements of 761.20(e), which apply to used oil containing any quantifiable PCBs, i.e., PCB concentrations greater than 2 parts per million. Additional requirements from these sections would apply if the source burned off-specification used oil or used oil with quantifiable levels of PCBs. Please revise the permit as appropriate to meet these requirements.

PERMITTEE RESPONSE: Pinellas County Utilities Administration acknowledges the comment.

PROPOSED CHANGE: The Department acknowledges the comment but no change will be made. This item was downgraded to a general comment in an email received July 26, 2000 from Elizabeth Bartlett, EPA Region IV.

3. Federal Enforceability: Conditions A.40 and B.67 state the following:

*"Compliance with standards in 40 C.F.R. 60, other than opacity standards, shall be determined **only** by performance tests established by 40 C.F.R. 60.8, unless specified in the applicable standard."*

The language for this condition was taken from 40 C.F.R. 60.11(a), however, the words "in accordance with" were replaced with "only by". Since adding the word "only" precludes the use of credible evidence for determining compliance, this condition is not federally enforceable. Therefore, this condition must be changed so that it is consistent with 40 C.F.R. 60.11(a).

PERMITTEE RESPONSE: Pinellas County Utilities Administration acknowledges the comment.

PROPOSED CHANGE: Specific Conditions A.40 and B.67 will be changed to be consistent with 40 CFR 60.11(a) as follows:

From: Compliance with standards in 40 C.F.R. 60, other than opacity standards, shall be determined ~~only~~ by performance tests established by 40 C.F.R. 60.8, unless specified in the applicable standard.
[40 CFR 60.11(a)]

To: Compliance with standards in 40 CFR 60, other than opacity standards, shall be determined in accordance with performance tests established by 40 CFR 60.8, unless otherwise specified in the applicable standard.
[40 CFR 60.11(a)]

4. Practical Enforceability - Charging Rates: Condition C.1 contains operational limits for the charging rates to the lime storage silos; the activated carbon storage silo, the ash conditioning building and the metal recovery system. However, the permit does not contain adequate record keeping to demonstrate compliance with these operational limits. In order for an operational limit to be enforceable as a practical matter there must be a method of establishing compliance with that limit. Therefore, the permit should include requirements that the source keep daily records of the respective mass charging rates for each of these emission units.

PERMITTEE RESPONSE: See attached Pinellas County Utilities Administration's response letter, dated August 16, 2000.

PROPOSED CHANGE: The Department acknowledges the comment and will add the following permitting note to address the comment:

{Permitting note: The charging rate/filling rate limitations have been placed in each permit to identify the capacity of each unit for the purposes of confirming that emissions testing is conducted within 90 to 100 percent of the unit's rated capacity (or to limit future operation to 110 percent of the test load), to establish appropriate emission limits and to aid in determining future rule applicability.}

The Department will also change Specific Condition C.1. per Pinellas County Utilities Administration's response letter dated August 16, 2000 as follows:

From: C.1. Permitted Capacity.

- (1) ...
- (2) The filling rate for the activated carbon and lime storage silos shall ~~not exceed~~ 40,000 lbs/hr, each.
- (3) ...
- (4) ...

[(1) AC52-259351; (2-3) Revised Initial Title V Application received 03/25/99; (4) Initial Title V Application received June 14, 1996]

To: C.1. Permitted Capacity.

- (1) ...
- (2) The filling rates for the activated carbon and lime storage silos shall be at least 20,000 and 30,000 lbs/hr, respectively ~~40,000 lbs/hr, each.~~
- (3) ...
- (4) ...

[(1) AC52-259351; (2-3) Revised Initial Title V Application received 03/25/99; (4) Initial Title V Application received June 14, 1996]

II. EPA General Comments

1. Please note that our opportunity for review and comment on this permit does not prevent EPA from taking enforcement action for issues that have not been raised in these comments. After final issuance, this permit shall be reopened if EPA or the permitting authority determines that it must be revised or revoked to assure compliance with applicable requirements.

PERMITTEE RESPONSE: Pinellas County Utilities Administration acknowledges the comment.

PROPOSED CHANGE: The Department acknowledges the comment and no change will be made.

2. Section I, Subsection A - The first paragraph provides a narrative summary of the facility which references a cooling tower. However, this cooling tower is not listed elsewhere in the permit as a regulated unit, unregulated unit, or as an insignificant unit. 40 C.F.R. 63 Subpart 0 - National Emission Standards for Hazardous Air Pollutants for Industrial Cooling Towers may apply to this unit if the industrial cooling tower is operated with chromium based water treatment chemicals on or after September 8, 1994. Please provide additional information to confirm that this unit is not subject to above-referenced MACT standards.

PERMITTEE RESPONSE: As stated in an attached letter dated July 27, 2000, the cooling tower at the Pinellas County Resource Recovery Facility (PCRRF) has not used chromium based water treatment programs.

PROPOSED CHANGE: The cooling tower is not subject to 40 CFR 63 Subpart O - National Emission Standards for Hazardous Air Pollutants for Industrial Cooling Towers because it is not operated with chromium based water treatment chemicals. The Department will change the first paragraph to address this issue as follows:

From: This facility consists of three municipal solid waste combustors (Unit Nos. 1, 2, and 3) with auxiliary burners, lime storage and processing facilities, an activated carbon storage facility, ash storage and processing facilities, a metals recovery system, a cooling tower

To: This facility consists of three municipal solid waste combustors (Unit Nos. 1, 2, and 3) with auxiliary burners, lime storage and processing facilities, an activated carbon storage facility, ash storage and processing facilities, a metals recovery system, a cooling tower (not operated with chromium based water treatment chemicals).....

3. Section II, Condition 11 - 40 C.F.R. Part 70.6 (c)(5)(iii) lists the necessary components of a Title V compliance certification, and requires that those components be included in Title V permits. However, Facility-Wide Condition # 11 of this permit does not specify that the source submit compliance certifications to EPA that contain those required components. This portion of the permit should specifically state that the source is required to submit compliance certifications consisting of the required components. Further, those required components should be listed in the permit.

One option for resolving this concern would be to add the following condition to Section II:
The "Statement of Compliance" required to be submitted to this office and U.S. EPA Region 4 shall be submitted at the same time as the Annual Operating Report.
[Rules 62-213.420(4), 62-213.440(3), and 62-4.070(3), F.A.C.]
{Note to Permittee: See Appendix TV-3 Items 23 and 51}

PERMITTEE RESPONSE: Pinellas County Utilities Administration acknowledges the comment.

PROPOSED CHANGE: The Department acknowledges the comment but no change will be made. Item 51 of Appendix TV-3, which is a part of the permit (see Facility-Wide Condition #1), requires the source to submit a statement of compliance that contains the required components of 40 CFR 70.6(c)(5)(iii).

4. Section III, Subsection A - During review of this section, it was noted that annual testing for particulate matter, sulfur dioxide, and visible emissions did not appear to be sufficient to provide a reasonable assurance of continuous compliance with the associated limits. However, EPA Region 4 will not require correction of this issue because this section will become obsolete upon completion of retrofit construction for Unit 1, which is currently under way.

PERMITTEE RESPONSE: Pinellas County Utilities Administration acknowledges the comment.

PROPOSED CHANGE: The Department acknowledges the comment and no change will be made.

5. Section III, Subsection B - Given the complexity of the regulatory requirements for municipal waste combustors, it is understandable that the permit is also very complex. To improve flow and readability of this subsection, Region 4 recommends that condition B.13, Methods of Operation - Fuels, be moved to follow condition B.10, so that the combustor unit load information can be together, and that the "Operator Training

and Certification” section be moved to the back of the section, before the “Miscellaneous Requirements” section.

PERMITTEE RESPONSE: Pinellas County Utilities Administration acknowledges the comment.

PROPOSED CHANGE: The Department agrees with the comment and will move Specific Condition **B.13.** to follow Specific Condition **B.10.** and will move the “Operator Training and Certification” section to the back of Subsection **B.**, before the ‘Miscellaneous Requirements’ section.

6. Section III, Condition A.65 - The first sentence should be changed to read “36 months after EPA approves the State of Florida’s Section 111(d) plan or by December 19, 2000, whichever is earlier.”

PERMITTEE RESPONSE: Pinellas County Utilities Administration acknowledges the comment.

PROPOSED CHANGE: The Department agrees with the comment and will change Specific Condition **A.65.** as follows:

From: A.65. Closure Agreement. The permittee shall cease operation of any unit that has not completed on-site construction or installation of emission control equipment and is not involved in performance testing within 36 months after EPA approves the State of Florida’s Section 111(d) plan.....
[40 CFR 60.39b; and, State Plan approved 01/12/98]

To: A.65. Closure Agreement. The permittee shall cease operation of any unit that has not completed on-site construction or installation of emission control equipment and is not involved in performance testing within 36 months after EPA approves the State of Florida’s Section 111(d) plan or by December 19, 2000, whichever is earlier.....
[40 CFR 60.39b; and, State Plan approved 01/12/98]

7. Section III, Condition B.17 - The first sentence should be changed to read “paragraphs (1) through (11).” Paragraphs (3) to (12) should be renumbered as (2) to (11).

PERMITTEE RESPONSE: Pinellas County Utilities Administration acknowledges the comment.

PROPOSED CHANGE: The Department agrees with the comment and will change Specific Condition **B.17.** as follows:

From: B.17. Operating Requirements. The procedures specified in paragraphs (1) through (12) shall be used for determining compliance with the operating requirements under 40 CFR 60.53b.

(1)
(3)

(12)
[40 CFR 60.38b and 40 CFR 60.58b(i)]

To: B.17. Operating Requirements. The procedures specified in paragraphs (1) through (11) shall be used for determining compliance with the operating requirements under 40 CFR 60.53b.

(1)
(2)

(11)

[40 CFR 60.38b and 40 CFR 60.58b(i)]

8. Section III, Condition B.86 - The first sentence should be changed to read "paragraphs (1) through (14)." Paragraphs (12) to (15) should be renumbered as (11) to (14).

PERMITTEE RESPONSE: Pinellas County Utilities Administration acknowledges the comment.

PROPOSED CHANGE: The Department agrees with the comment and will change Specific Condition **B.86** as follows:

From: B.86. The owner or operator of an affected facility subject to the standards under 40 CFR. 60.53b, 60.54b, and 60.55b shall maintain records of the information specified in paragraphs (1) through (15), as applicable, for each affected facility for a period of at least 5 years.

(10)

(12)

(15)

[40 CFR 60.39b and 40 CFR 60.59b(d)]

To: B.86. The owner or operator of an affected facility subject to the standards under 40 CFR. 60.53b, 60.54b, and 60.55b shall maintain records of the information specified in paragraphs (1) through (14), as applicable, for each affected facility for a period of at least 5 years.

(10)

(11)

(14)

[40 CFR 60.39b and 40 CFR 60.59b(d)]

9. Section III, Condition D.5 - The first sentence should delete the "(2)" at the beginning, since no number (1) is included in this condition.

PERMITTEE RESPONSE: Pinellas County Utilities Administration acknowledges the comment.

PROPOSED CHANGE: The Department agrees with the comment and will delete the "(2)" at the beginning of Specific Condition **D.5**.

10. Section III, Condition D.8 - Paragraph (i) should include the equation for " M_{NMOC} " from §60.754(a)(1)(i) which was omitted from this condition.

PERMITTEE RESPONSE: Pinellas County Utilities Administration acknowledges the comment.

PROPOSED CHANGE: The Department acknowledges the comment, but no change will be made since the equation for M_{NMOC} was included in this condition. Conversion between different word processing applications (i.e., Word and Wordperfect) may have omitted the condition from the version read by EPA.

11. Periodic Monitoring: As you are aware, on April 14, 2000, the U.S. Court of Appeals for the D.C. Circuit issued an opinion addressing industry's challenge to the validity of portions of EPA's periodic monitoring guidance. See, *Appalachian Power Co. V. EPA*, No. 98-1512 (D.C. Cir., April 14, 2000). The Court found that "State permitting authorities may not, on the basis of EPA's guidance or 40 C.F.R. 70.6(a)(3)(i)(B), require in permits that the regulated source conduct more frequent monitoring of its emission than that provided in the applicable State or federal standard, unless that standard requires no periodic testing, specifies no frequency, or requires only a one-time test." While the permit contains testing from "time to time," as discussed in the court opinion, EPA does not consider these conditions sufficient to ensure compliance. In light of the court case, EPA is withholding formal objection on the following item:

- a. Particulate Matter Emissions - The permit does not appear to not require sufficient periodic monitoring to ensure compliance with the particulate matter emission limits in condition C.4 for the lime storage silos (EU-004 and EU-007), the metal recovery system (MRS, EU-005), the activated carbon storage silo (EU-006), or the ash conditioning building (ACB, EU-008). Particulate monitoring was replaced with visible emissions monitoring for the lime storage silos and the activated storage silos, therefore, periodic monitoring for these units is discussed under item b. below.

Although the permit requires particulate matter testing upon renewal for the MRS and ACB, this infrequent testing is not sufficient to provide a reasonable assurance of compliance with emission limits. All Title V permits must contain monitoring that is sufficient to assure compliance with the applicable permit requirements. In particular, 40 C.F.R. Part 70.6 (a)(3)(B) requires that permits include periodic monitoring that is sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the applicable emission limits. In addition to demonstrating compliance, a system of periodic monitoring will also provide the source with an indication of their emission unit's performance, so that periods of excess emissions and violations of the emission limits can be minimized or avoided. Therefore, the permit should include a periodic monitoring scheme that will provide data which is representative of the source's actual performance.

Since the MRS primarily handles ash in a wet state, the most reasonable approach may be to provide a more detailed technical demonstration in the statement of basis explaining why the State has chosen not to require any additional particulate matter testing for this unit. The demonstration needs to identify the rationale for basing the compliance certification on data from a short-term test performed once a year.

For the ACB, which is controlled by a wet venturi scrubber, the best approach to address the periodic monitoring requirements may be to utilize parametric monitoring of the control equipment. In order to do this, a correlation needs to be developed between the control equipment parameter(s) to be monitored and the particulate emission levels. The source needs to provide an adequate demonstration (historical data, performance test, etc.) to support the approach used. In addition, an acceptable performance range for each parameter that is to be monitored should be established. The range, or the procedure used to establish the parametric ranges that are representative of proper operation of the control equipment, and the frequency for re-evaluating the range needs to be specified in the permit. Also, the permit must include a condition requiring a performance test to be conducted if an emission unit operates outside of the acceptable range for a specified percentage of the normal operating time. The Department must set the appropriate percentage of the operating time that would serve as trigger for this testing requirement. If additional monitoring is not required, a technical demonstration must be included in the statement of basis explaining why the State has chosen not to require any additional particulate matter testing for this unit. The demonstration needs to

identify the rationale for basing the compliance certification on data from a short-term test performed once a year.

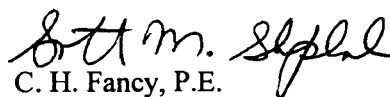
b. Visible Emissions - The permit does not require sufficient monitoring of visible emissions from the lime storage silos (EU-004 and EU-007) or the activated carbon storage silo (EU-006). Condition C.13 allows the facility to comply with a 5 percent visible emissions limit in lieu of particulate matter testing for these units. However, Condition C.10 only requires the facility to conduct an annual Method 9 visible emissions test for these units. In most cases, this infrequent testing does not constitute adequate periodic monitoring to ensure continuous compliance with the visible emissions standard. The permit should require the source to conduct visible emissions observations on a daily basis (Method 22), and that a Method 9 test be conducted within 24 hours of any abnormal qualitative survey. As an alternative to the approach described above, a technical demonstration can be included in the statement of basis explaining why the State has chosen not to require any additional visible emissions testing for these units. The demonstration needs to identify the rationale for basing the compliance certification on data from a short-term test performed once a year.

PERMITTEE RESPONSE: Pinellas County Utilities Administration acknowledges the comment.

PROPOSED CHANGE: The Department acknowledges the comment, but no change will be made.

As you know, the 90 day period ends October 17th. All parties involved have been expeditiously seeking resolution of these issues. We feel that EPA's concerns have been adequately addressed and we look forward to issuing a final permit. Please advise as soon as possible if you concur with the specific changes detailed above. Please call me at 850/921-9503 if you have any questions. You may also contact Mr. Scott M. Sheplak, P.E., at 850/921-9532, or Ms. Wendy Alexander at 850/921-9559, if you need any additional information.

Sincerely,



C. H. Fancy, P.E.

Chief

Bureau of Air Regulation

CF/wa

Attachments

cc: Scott M. Sheplak
Pat Comer
Pick Talley, Pinellas County Utilities Administration

File: Sew/Plant/Title II Permit



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August 16, 2000

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

RE: Pinellas County Resource Recovery Facility Proposed
 Title V Permit No. 1030117-002-AV

Dear Mr. Sheplak:

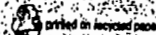
We are in receipt of the U.S.EPA's July 20, 2000, letter and enclosure with Region IV objections to our proposed Title V permit. We appreciate the opportunity to comment on these issues. Pinellas County acknowledges U.S.EPA's comments and would like to supply additional information relating to two specific comments as follows:

Section I: EPA Objection Issues - Number 4: Practical Enforceability - Charging Rates

It is our understanding that Condition C.1 is listed to ensure that emissions testing while filling the silos is at a rate that is representative of the normal silo filling rate. This is typified by the condition for the hydrated lime storage silo (see Specific Condition No. 7, Permit No. A052-268853: "The Permittee shall conduct emissions testing while filling the silo at a rate that is representative of the normal silo filling rate."). Condition C.1(2) for the activated carbon and pebble lime storage silos differs significantly from Condition C.1(1) for the hydrated lime storage silo in that it specifies a "not to exceed" fill rate rather than a minimum filling rate during testing. Based on a review of the available data collected during tests and plant operating procedures, we would propose that Condition C.1(2) be changed to:



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Mr. Scott Sheplak
August 16, 2000
Page 2

During testing, the filling rate for the activated carbon silo shall be at least 10 tons per hour and the filling rate for the pebble lime storage silo shall be at least 15 tons per hour.

Additionally, a permitting note should be added for the entire Condition C.1 as follows:

(Permitting Note: This requirement for the storage silos applies only during testing and recordkeeping of the fill rate is only required during the test.)

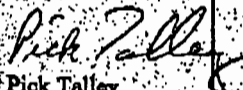
Section II: General Comments - Number 2: Section I, Subsection A

In this General Comment, a question was raised concerning the status of the cooling towers. A letter is attached from the vendor indicating that chromium-based water treatment chemicals have not been used for the cooling towers at this facility, and hence, Subpart O is not applicable. Therefore, the cooling towers would represent unregulated emission units.

Should you require any additional information, please feel free to contact us. Thank you for your time and consideration.

Sincerely,

PINELLAS COUNTY UTILITIES


Pick Talley
Director

Attachment

cc: P. Stasis
W. Smith
R. Larson
D. Dec, Esq.
D. Elias
S. Reinhart
T. Porter



WMSLABRATOR PINELLAS INC.
A WASTE MANAGEMENT COMPANY

3001 110th Avenue N.
St. Petersburg, FL 33716-2002
(727) 572-9163
(727) 572-4370 Fax

July 27, 2000

Mr. Warren Smith, Director
Pinellas County Department of Solid Waste
3095 - 114th Avenue North
St. Petersburg, Florida 33716

08-16-00 09:50 RCVD

Re: PCRRF Cooling Tower

Dear Warren:

The cooling tower at the Pinellas County Resource Recycling Facility (PCRRF) has not used chromium based water treatment programs. 40 CFR 63 Subpart O - National Emission Standards for Hazardous Air Pollutants for Industrial Cooling Towers applies to industrial cooling towers that operated with chromium based water treatment chemicals on or after September 8, 1994. Therefore, the cooling tower is an unregulated unit.

If you have any questions or concerns please feel free to contact me at (727) 572 - 9163.

Sincerely,

Robert Henson
Plant Manager

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JUL 31 2000 2:45D
SOLID WASTE DIVISION



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BUREAU OF AIR REGULATION

PINELLAS COUNTY UTILITIES
SOLID WASTE OPERATIONS

3095 - 114TH AVENUE NORTH
ST. PETERSBURG, FLORIDA 33716
PHONE: (727) 464-7565
FAX: (727) 464-7713

October 9, 2000

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

**RE: Pinellas County - Resource Recovery Facility
Title V Permit No. 1030117-002-AV
Change in Responsible Official**

Dear Mr. Sheplak:

In response to the Department letter from Mr. William A. Proses, P.E., dated September 15, 2000 (attached), Pinellas County is requesting a change to the Responsible Official on record for the subject permit.

Attached is the DEP Form No. 62-210.900(1) which has been signed and sealed with a professional engineer certification, for recording the 1) **Owner/Authorized Representative or Responsible Official**, and 2) **Professional Engineer Certification**.

Should you have any questions, please contact me at your convenience (727-464-7565).

Sincerely,

Warren N. Smith, Director
Pinellas County Department of Solid Waste Operations

Enclosures

- cc: P. Talley - Pinellas County Utilities
- P. Stasis - Pinellas County Utilities Engineering
- D. Elias - RTP Environmental Associates, Inc.
- D. Dee - Landers & Parsons
- File

xc: B-11 Proses, SWD





Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

September 15, 2000

WARREN N. SMITH
PINELLAS COUNTY
SOLID WASTE OPERATIONS
3095 114TH AVE NORTH
ST. PETERSBURG, FL 33716

RE: Facility AIRS I.D. 1030117
Title V Air Permit

Dear Sir:

The Department has been receiving a significant number of submissions from Title V permit holders which are incomplete due to lack of signed approval by the Responsible Official (RO) of record for the business, corporation or facility. Title V permit conditions specifically require that *"...any application form, report, compliance statement, compliance plan and compliance schedule submitted pursuant to Chapter 62-213, F.A.C., shall contain a certification signed by a responsible official that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."*

Please be advised that after November 1, 2000, information submittals pertaining to any business, corporation, or facility (including compliance test reports) which do not bear an original signature of the RO of record may be deemed out of compliance and subject to enforcement action by the Department. The current RO of record on file with the Department, as of this date, is the person whose name appears in the address of this letter. Should you wish to change designation of RO for your business, corporation, or facility, please note the definition and restrictions on the attached sheet. Any person assuming the role of RO must qualify per the definition of "Responsible Official".

Thank you in advance for your cooperation

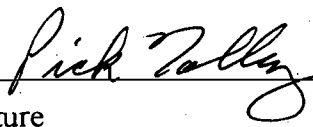
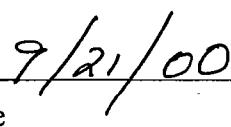
Yours truly,

William A. Proses, P.E.
Air Compliance Supervisor

Attachment
cc: Permit File w/o attachment

RECEIVED
SEP 19 2000
SOLID WASTE OPERATIONS 21648

Owner/Authorized Representative or Responsible Official

1. Name and Title of Owner/Authorized Representative or Responsible Official: Mr. Pick Talley, Director of Utilities, Pinellas County
2. Owner/Authorized Representative or Responsible Official Mailing Address: Organization/Firm: Pinellas County Utilities Administration Street Address: 14 South Fort Harrison Avenue, 5th Floor City: Clearwater State: Florida Zip Code: 33756
3. Owner/Authorized Representative or Responsible Official Telephone Numbers: Telephone: (727) 464-3438 Fax: (727) 464-3944
4. Owner/Authorized Representative or Responsible Official Statement: <i>I, the undersigned, am the owner or authorized representative*(check here [], if so) or the responsible official (check here [X], if so) of the Title V source addressed in this application, whichever is applicable. I hereby certify, based on information and belief formed after reasonable inquiry, that the statements made in this application are true, accurate and complete and that, to the best of my knowledge, any estimates of emissions reported in this application are based upon reasonable techniques for calculating emissions. The air pollutant emissions units and air pollution control equipment described in this application will be operated and maintained so as to comply with all applicable standards for control of air pollutant emissions found in the statutes of the State of Florida and rules of the Department of Environmental Protection and revisions thereof. I understand that a permit, if granted by the Department, cannot be transferred without authorization from the Department, and I will promptly notify the Department upon sale or legal transfer of any permitted emissions unit.</i> <p style="text-align: center;"> _____ Signature</p> <p style="text-align: center;"> _____ Date</p>

* Attach letter of authorization if not currently on file.

Professional Engineer Certification

1. Professional Engineer Name: R. Peter Stasis Registration Number: 0046220
2. Professional Engineer Mailing Address: Organization/Firm: Pinellas County Utilities Administration Street Address: 14 South Fort Harrison Avenue, 5th Floor City: Clearwater State: Florida Zip Code: 33756
3. Professional Engineer Telephone Numbers: Telephone: (727) 464-3519 Fax: (727) 464-3595

4. Professional Engineer Statement:

I, the undersigned, hereby certify, except as particularly noted herein, that:*


(1) To the best of my knowledge, there is reasonable assurance that the air pollutant emissions unit(s) and the air pollution control equipment described in this Application for Air Permit, when properly operated and maintained, will comply with all applicable standards for control of air pollutant emissions found in the Florida Statutes and rules of the Department of Environmental Protection; and

(2) To the best of my knowledge, any emission estimates reported or relied on in this application are true, accurate, and complete and are either based upon reasonable techniques available for calculating emissions or, for emission estimates of hazardous air pollutants not regulated for an emissions unit addressed in this application, based solely upon the materials, information and calculations submitted with this application.

If the purpose of this application is to obtain a Title V source air operation permit (check here [], if so), I further certify that each emissions unit described in this Application for Air Permit, when properly operated and maintained, will comply with the applicable requirements identified in this application to which the unit is subject, except those emissions units for which a compliance schedule is submitted with this application.

If the purpose of this application is to obtain an air construction permit for one or more proposed new or modified emissions units (check here [], if so), I further certify that the engineering features of each such emissions unit described in this application have been designed or examined by me or individuals under my direct supervision and found to be in conformity with sound engineering principles applicable to the control of emissions of the air pollutants characterized in this application.

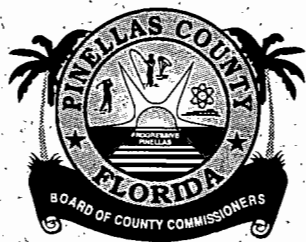
If the purpose of this application is to obtain an initial air operation permit or operation permit revision for one or more newly constructed or modified emissions units (check here [], if so), I further certify that, with the exception of any changes detailed as part of this application, each such emissions unit has been constructed or modified in substantial accordance with the information given in the corresponding application for air construction permit and with all provisions contained in such permit.

 *Robert Postaxi, P.E.*
Signature

9/21/00
Date

* Attach any exception to certification statement.

-file-



BOARD OF COUNTY COMMISSIONERS PINELLAS COUNTY, FLORIDA

PINELLAS COUNTY UTILITIES

P.O. BOX 1780
CLEARWATER, FLORIDA 33757

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BUREAU OF AIR REGULATION

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August 16, 2000

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

RE: Pinellas County Resource Recovery Facility Proposed
 Title V Permit No. 1030117-002-AV

Dear Mr. Sheplak:

We are in receipt of the U.S.EPA's July 20, 2000, letter and enclosure with Region IV objections to our proposed Title V permit. We appreciate the opportunity to comment on these issues. Pinellas County acknowledges U.S.EPA's comments and would like to supply additional information relating to two specific comments as follows:

Section I: EPA Objection Issues - Number 4: Practical Enforceability - Charging Rates

It is our understanding that Condition C.1 is listed to ensure that emissions testing while filling the silos is at a rate that is representative of the normal silo filling rate. This is typified by the condition for the hydrated lime storage silo (see Specific Condition No. 7, Permit No. AO52-268853: "*The Permittee shall conduct emissions testing while filling the silo at a rate that is representative of the normal silo filling rate.*"). Condition C.1(2) for the activated carbon and pebble lime storage silos differs significantly from Condition C.1(1) for the hydrated lime storage silo in that it specifies a "not to exceed" fill rate rather than a minimum filling rate during testing. Based on a review of the available data collected during tests and plant operating procedures, we would propose that Condition C.1(2) be changed to:



Mr. Scott Sheplak
August 16, 2000
Page 2

During testing, the filling rate for the activated carbon silo shall be at least 10 tons per hour and the filling rate for the pebble lime storage silo shall be at least 15 tons per hour.

Additionally, a permitting note should be added for the entire Condition C.1 as follows:

{Permitting Note: This requirement for the storage silos applies only during testing and recordkeeping of the fill rate is only required during the test.}

Section II: General Comments - Number 2: Section I, Subsection A

In this General Comment, a question was raised concerning the status of the cooling towers. A letter is attached from the vendor indicating that chromium-based water treatment chemicals have not been used for the cooling towers at this facility, and hence, Subpart O is not applicable. Therefore, the cooling towers would represent unregulated emission units.

Should you require any additional information, please feel free to contact us. Thank you for your time and consideration.

Sincerely,

PINELLAS COUNTY UTILITIES



Pick Talley
Director

Attachment

cc: P. Stasis
W. Smith
R. Larson
D. Dee, Esq.
D. Elias
S. Reinhart
T. Porter



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AUG 21 2000

WHEELABRATOR PINELLAS INC.
A WASTE MANAGEMENT COMPANY

3001 110th Avenue N.
St. Petersburg, FL 33716-2002
(727) 572-9163
(727) 572-4370 Fax

BUREAU OF AIR REGULATION

July 27, 2000

Mr. Warren Smith, Director
Pinellas County Department of Solid Waste
3095 - 114th Avenue North
St. Petersburg, Florida 33716

08-16-00 09:50 RCVD

Re: PCRRF Cooling Tower

Dear Warren:

The cooling tower at the Pinellas County Resource Recycling Facility (PCRRF) has not used chromium based water treatment programs. *40 CFR 63 Subpart 0 - National Emission Standards for Hazardous Air Pollutants for Industrial Cooling Towers* applies to industrial cooling towers that operated with chromium based water treatment chemicals on or after September 8, 1994. Therefore, the cooling tower is an unregulated unit.

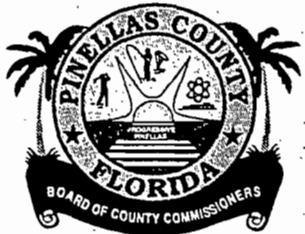
If you have any questions or concerns please feel free to contact me at (727) 572 - 9163.

Sincerely,

Robert Henson
Plant Manager

RECEIVED
JUL 31 2000 2480
SOUTH FLORIDA DIVISION

Scott



BOARD OF COUNTY COMMISSIONERS
PINELLAS COUNTY, FLORIDA

"Serving You Every Day"

UTILITIES ENGINEERING
14 SOUTH FORT HARRISON AVENUE
CLEARWATER, FLORIDA 33756
PHONE: (727) 464-3588
FAX: (727) 464-3595

COMMISSIONERS
ROBERT B. STEWART - CHAIRMAN
CALVIN D. HARRIS - VICE CHAIRMAN
SALLIE PARKS
KAREN WILLIAMS SEEL
BARBARA SHEEN TODD

August 14, 2000

Mr. Hamilton Oven, Jr., P.E.
Power Plant Siting Section
FDEP Division of Environmental Permitting
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399

**RE: Initial Compliance Testing of Pinellas County Resource Recovery Facility-
Unit No. 1 Modification of Power Plant Site Certification (OGC No. 95-1442,
July 25, 1996)**

Dear Mr. Oven:

Pursuant to article XIV.A.3 a. of Exhibit "B" @ to the "Final Order Modifying Conditions of Certification" for the Pinellas County Resource Recovery Facility (OGC No. 95-1442), we submit the two volume set of "Report on Initial Compliance Testing for Unit No. 1" completed on June 1, 2000, for your information and file. Pinellas County has also included the "Report on Initial CEMS and COMS Performance Evaluations for Unit No. 1", in accordance with 40 CFR 60.59b(f)(3).

One (1) of the two required FDEP copies of each report have been forwarded directly to Mr. Bill Thomas in the Southwest District Office of the FDEP, Tampa, Florida.

Should you require any further information on the enclosed reports, please contact me at 727-464-3588.

Sincerely,

R. Peter Stasis, P.E.
Director of Utilities Engineering

Enclosure
cc: Distribution



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AUG 18 2000

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BUREAU OF AIR REGULATION
Recipient

Transmittal

CLAIR FANCY

Letter only

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
TWIN TOWERS OFFICE BUILDING
2600 BLAIR STONE ROAD
TALLAHASSEE, FL 32399

RICHARD D. GARRITY
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHWEST DISTRICT
3804 COCONUT PALM DRIVE
TAMPA, FL 33619-8318

Letter only

BILL THOMAS
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHWEST DISTRICT
3804 COCONUT PALM DRIVE
TAMPA, FL 33619-8318

Letter & 1 copy
of Enclosure

WINSTON SMITH
ENVIRONMENTAL PROTECTION AGENCY
61 FORSYTHE STREET
ATLANTA, GA 30303

Letter & 1 copy
of Project Overview
Section (only)

WALT STEVENSON
OFFICE OF AIR QUALITY, PLANNING AND STANDARDS
ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

Letter only

PICK TALLEY, DIRECTOR
PINELLAS COUNTY UTILITIES DEPARTMENT
14 S. FORT HARRISON AVE., 5TH FLOOR
CLEARWATER, FL 33756

Letter only

JULIE YARD
OFFICE OF THE PINELLAS COUNTY ATTORNEY
315 COURT STREET
CLEARWATER, FL 33756

Letter only

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Recipient

Transmittal

R. PETER STASIS
DIRECTOR OF ENGINEERING
PINELLAS COUNTY UTILITIES DEPARTMENT
14 S. FORT HARRISON AVE., 6TH FLOOR
CLEARWATER, FL 33756

Letter & 1 copy
Enclosure

PETER HESSLING
AIR QUALITY ADMINISTRATOR
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
300 S. GARDEN AVENUE
CLEARWATER, FL 33756

Letter & 1 copy
Enclosure

DAVID DEE
LANDERS & PARSONS
310 WEST COLLEGE AVENUE
P.O. BOX 271
TALLAHASSEE, FL 32302

Letter & 1 copy
of Project Overview
Section (only)

WARREN SMITH, DIRECTOR
DEPARTMENT OF SOLID WASTE OPERATIONS
3095 114TH AVENUE NORTH
ST. PETERSBURG, FL 33716

Letter & 1 copy
Enclosure

ROBERT HENSON
PLANT MANAGER
WHEELABRATOR PINELLAS, INC.
3001 110th AVENUE NORTH
ST. PETERSBURG, FL 33716

Letter only

LUKE KOON
PROJECT MANAGER
WHEELABRATOR AIR POLLUTION CONTROL
3001 110th AVENUE NORTH
ST. PETERSBURG, FL 33716

Letter only

RONALD LARSON
PROJECT MANAGER

Letter & 2 copies
Enclosure
(previously
transmitted)

HDR ENGINEERING, INC.
2202 N. WESTSHORE BLVD., SUITE 250
TAMPA, FL 33607

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Recipient

DONALD ELIAS
RTP ENVIRONMENTAL ASSOCIATES, INC.

239 U.S. HIGHWAY 22 EAST
GREEN BROOK, NJ 08812

Transmittal

Letter & 1 copy
Enclosure
(previously
transmitted)

SCOTT - 8/6 -



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

*Copied Scott
7/24/00*
CLAIR

JUL 20 2000

4APT-ARB

RECEIVED

JUL 24 2000

DIVISION OF AIR
RESOURCES MANAGEMENT

Howard L. Rhodes, Director
Air Resources Management Division
Florida Department of Environmental Management
Mail Station 5500
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

SUBJ: EPA's Review of Proposed Title V Permit No. 1030117-002-AV
Pinellas County Resource Recovery Facility, Clearwater, Florida

Dear Mr. Rhodes:

The purpose of this letter is to notify the Florida Department of Environmental Protection (FDEP) that the U.S. Environmental Protection Agency (EPA) formally objects to the issuance of the above referenced proposed title V operating permit for the Pinellas County Resource Recovery Facility in Clearwater, Florida, which was received by EPA, via e-mail notification and FDEP's web site, on June 5, 2000. This letter also provides our general comments on the proposed permit.

Based on EPA's review of the proposed permit and the supporting information received for this facility, EPA objects, under the authority of Section 505(b) of the Clean Air Act ("the Act") and 40 C.F.R. § 70.8(c) (see also Florida Regulation 62-213.450), to the issuance of the proposed title V permit for this facility. The basis for EPA's objection is that the permit does not contain conditions that assure compliance with all applicable requirements, as required by 40 C.F.R. § 70.6(a), and does not contain the averaging time associated with several of the emission standards, rendering them not enforceable as a practical matter. Pursuant to 40 C.F.R. § 70.8(c), this letter and its enclosure contain a detailed explanation of the objection issues and the changes necessary to make the permit consistent with the requirements of 40 C.F.R. part 70 and assure compliance with applicable requirements of the Clean Air Act. The enclosure also contains general comments applicable to the permit.

Section 70.8(c) requires EPA to object to the issuance of a proposed permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if EPA determines that the permit is not in compliance with the applicable requirements under the Act or the requirements of 40 C.F.R. Part 70. Section 70.8(c)(4) of the title V regulations and Section 505(c) of the Act further provide that if the State fails to revise and resubmit a proposed permit within 90 days to satisfy the objection, the authority to issue or deny the permit passes to EPA, and EPA will act accordingly. Because the objection issues must be fully addressed within

the 90 days, we suggest that the revised permit be submitted in advance in order that any outstanding issues may be resolved prior to the expiration of the 90-day period.

If you have any questions or wish to discuss this further, please contact Mr. Gregg Worley, Chief of the Operating Source Section, at (404) 562-9141. Should your staff need additional information, they may contact Ms. Elizabeth Bartlett, Florida Title V Contact, at (404) 562-9122 or Ms. Lynda Crum, Associate Regional Counsel, at (404) 562-9524.

Sincerely,



Winston A. Smith
Director
Air, Pesticides & Toxics
Management Division

Enclosure

cc: Pick Talley, Pinellas County Utilities Administration
Clair Fancy, P.E., FDEP

Enclosure

**U.S. EPA Region 4 Objection
Proposed Part 70 Operating Permit
Pinellas County Resource Recovery Facility
Permit no. 1030117-002-AV**

I. EPA Objection Issues

1. Appropriate Averaging Times: The emission limits in conditions A.7, A.11, A.12, A.14, B.22, B.24, B.25, B.29, B.31, B.32, B.36, B.37, B.38, C.1, C.4, and C.5 do not contain averaging times. Because the stringency of emission limits is a function of both magnitude and averaging time, appropriate averaging times must be added to the permit in order for the limits to be practicably enforceable. An approach that may be used to address this deficiency is to include a general condition in the permit stating that the averaging times for all specified emission standards are tied to or based on the run time of the test method(s) used for determining compliance.

2. Applicable Requirements - Used Oil: Conditions A.9 and B.13 specify the methods of operation and the fuels that are allowed for combustion in the three MSW-fired steam generating units. In particular, paragraph (6)(g) states that used oil and used oil filters will be permitted for combustion, and 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). However, these conditions are insufficient to ensure compliance with the used oil requirements of 40 C.F.R. part 279 and PCB requirements of 40 C.F.R. part 761. At a minimum, if the source intends to burn "on-specification used oil," the permit must include requirements to demonstrate compliance with used oil specification requirements listed under § 279.11, and with the used oil PCB requirements of 761.20(e), which apply to used oil containing any quantifiable PCBs, i.e., PCB concentrations greater than 2 parts per million. Additional requirements from these sections would apply if the source burned off-specification used oil or used oil with quantifiable levels of PCBs. Please revise the permit as appropriate to meet these requirements.

3. Federal Enforceability: Conditions A.40 and B.67 state the following:

*"Compliance with standards in 40 C.F.R. 60, other than opacity standards, shall be determined **only** by performance tests established by 40 C.F.R. 60.8, unless specified in the applicable standard."*

The language for this condition was taken from 40 C.F.R. 60.11(a), however, the words "in accordance with" were replaced with "only by". Since adding the word "only" precludes the use of credible evidence for determining compliance, this condition is not federally enforceable. Therefore, this condition must be changed so that it is consistent with 40 C.F.R. 60.11(a).

4. Practical Enforceability - Charging Rates: Condition C.1 contains operational limits for the charging rates to the lime storage silos, the activated carbon storage silo, the ash conditioning building and the metal recovery system. However, the permit does not contain adequate record keeping to demonstrate compliance with these operational limits. In order for an operational limit to be enforceable as a practical matter there must be a method of establishing compliance with that limit. Therefore, the permit should include requirements that the source keep daily records of the respective mass charging rates for each of these emission units.

II General Comments

1. Please note that our opportunity for review and comment on this permit does not prevent EPA from taking enforcement action for issues that have not been raised in these comments. After final issuance, this permit shall be reopened if EPA or the permitting authority determines that it must be revised or revoked to assure compliance with applicable requirements.
2. Section I, Subsection A - The first paragraph provides a narrative summary of the facility which references a cooling tower. However, this cooling tower is not listed elsewhere in the permit as a regulated unit, unregulated unit, or as an insignificant unit. *40 C.F.R. 63 Subpart O - National Emission Standards for Hazardous Air Pollutants for Industrial Cooling Towers* may apply to this unit if the industrial cooling tower is operated with chromium based water treatment chemicals on or after September 8, 1994. Please provide additional information to confirm that this unit is not subject to above-referenced MACT standards.
3. Section II, Condition 11 - 40 C.F.R. Part 70.6 (c)(5)(iii) lists the necessary components of a Title V compliance certification, and requires that those components be included in Title V permits. However, Facility-Wide Condition # 11 of this permit does not specify that the source submit compliance certifications to EPA that contain those required components. This portion of the permit should specifically state that the source is required to submit compliance certifications consisting of the required components. Further, those required components should be listed in the permit.

One option for resolving this concern would be to add the following condition to Section II:

The "Statement of Compliance" required to be submitted to this office and U.S. EPA Region 4 shall be submitted at the same time as the Annual Operating Report.

[Rules 62-213.420(4), 62-213.440(3), and 62-4.070(3), F.A.C.]

{**Note to Permittee:** See Appendix TV-3 Items 23 and 51}

4. Section III, Subsection A - During review of this section, it was noted that annual testing for particulate matter, sulfur dioxide, and visible emissions did not appear to be sufficient to provide a reasonable assurance of continuous compliance with the associated limits. However, EPA Region 4 will not require correction of this issue because this section will become obsolete upon completion of retrofit construction for Unit 1, which is currently under way.
5. Section III, Subsection B - Given the complexity of the regulatory requirements for municipal waste combustors, it is understandable that the permit is also very complex. To improve flow and readability of this subsection, Region 4 recommends that condition B.13, Methods of Operation - Fuels, be moved to follow condition B.10, so that the combustor unit load information can be together, and that the "Operator Training and Certification" section be moved to the back of the section, before the "Miscellaneous Requirements" section.
6. Section III, Condition A.65 - The first sentence should be changed to read "36 months after EPA approves the State of Florida's Section 111(d) plan **or by December 19, 2000, whichever is earlier.**"
7. Section III, Condition B.17 - The first sentence should be changed to read "paragraphs **(1) through (11).**" Paragraphs (3) to (12) should be renumbered as **(2) to (11).**
8. Section III, Condition B.86 - The first sentence should be changed to read "paragraphs **(1) through (14).**" Paragraphs (12) to (15) should be renumbered as **(11) to (14).**
9. Section III, Condition D.5 - The first sentence should delete the "**(2)**" at the beginning, since no number (1) is included in this condition.
10. Section III, Condition D.8 - Paragraph (i) should include the equation for " M_{NMOC} " from §60.754(a)(1)(i) which was omitted from this condition.
11. Periodic Monitoring: As you are aware, on April 14, 2000, the U.S. Court of Appeals for the D.C. Circuit issued an opinion addressing industry's challenge to the validity of portions of EPA's periodic monitoring guidance. See, *Appalachian Power Co. V. EPA*, No. 98-1512 (D.C. Cir., April 14, 2000). The Court found

that “State permitting authorities may not, on the basis of EPA’s guidance or 40 C.F.R. 70.6(a)(3)(i)(B), require in permits that the regulated source conduct more frequent monitoring of its emission than that provided in the applicable State or federal standard, unless that standard requires no periodic testing, specifies no frequency, or requires only a one-time test.” While the permit contains testing from “time to time,” as discussed in the court opinion, EPA does not consider these conditions sufficient to ensure compliance. In light of the court case, EPA is withholding formal objection on the following item:

- a. Particulate Matter Emissions - The permit does not appear to not require sufficient periodic monitoring to ensure compliance with the particulate matter emission limits in condition C.4 for the lime storage silos (EU-004 and EU-007), the metal recovery system (MRS, EU-005), the activated carbon storage silo (EU-006), or the ash conditioning building (ACB, EU-008). Particulate monitoring was replaced with visible emissions monitoring for the lime storage silos and the activated storage silos, therefore, periodic monitoring for these units is discussed under item b. below.

Although the permit requires particulate matter testing upon renewal for the MRS and ACB, this infrequent testing is not sufficient to provide a reasonable assurance of compliance with emission limits. All Title V permits must contain monitoring that is sufficient to assure compliance with the applicable permit requirements. In particular, 40 C.F.R. Part 70.6 (a)(3)(B) requires that permits include periodic monitoring that is sufficient to yield reliable data from the relevant time period that are representative of the source’s compliance with the applicable emission limits. In addition to demonstrating compliance, a system of periodic monitoring will also provide the source with an indication of their emission unit’s performance, so that periods of excess emissions and violations of the emission limits can be minimized or avoided. Therefore, the permit should include a periodic monitoring scheme that will provide data which is representative of the source’s actual performance.

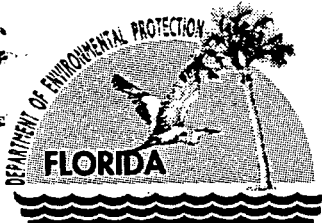
Since the MRS primarily handles ash in a wet state, the most reasonable approach may be to provide a more detailed technical demonstration in the statement of basis explaining why the State has chosen not to require any additional particulate matter testing for this unit. The demonstration needs to identify the rationale for basing the compliance certification on data from a short-term test performed once a year.

For the ACB, which is controlled by a wet venturi scrubber, the best approach to address the periodic monitoring requirements may be to utilize parametric monitoring of the control equipment. In order to do this, a correlation needs to be developed between the control equipment parameter(s) to be monitored

and the particulate emission levels. The source needs to provide an adequate demonstration (historical data, performance test, etc.) to support the approach used. In addition, an acceptable performance range for each parameter that is to be monitored should be established. The range, or the procedure used to establish the parametric ranges that are representative of proper operation of the control equipment, and the frequency for re-evaluating the range needs to be specified in the permit. Also, the permit must include a condition requiring a performance test to be conducted if an emission unit operates outside of the acceptable range for a specified percentage of the normal operating time. The Department must set the appropriate percentage of the operating time that would serve as trigger for this testing requirement. If additional monitoring is not required, a technical demonstration must be included in the statement of basis explaining why the State has chosen not to require any additional particulate matter testing for this unit. The demonstration needs to identify the rationale for basing the compliance certification on data from a short-term test performed once a year.

- b. Visible Emissions - The permit does not require sufficient monitoring of visible emissions from the lime storage silos (EU-004 and EU-007) or the activated carbon storage silo (EU-006). Condition C.13 allows the facility to comply with a 5 percent visible emissions limit in lieu of particulate matter testing for these units. However, Condition C.10 only requires the facility to conduct an annual Method 9 visible emissions test for these units. In most cases, this infrequent testing does not constitute adequate periodic monitoring to ensure continuous compliance with the visible emissions standard. The permit should require the source to conduct visible emissions observations on a daily basis (Method 22), and that a Method 9 test be conducted within 24 hours of any abnormal qualitative survey. As an alternative to the approach described above, a technical demonstration can be included in the statement of basis explaining why the State has chosen not to require any additional visible emissions testing for these units. The demonstration needs to identify the rationale for basing the compliance certification on data from a short-term test performed once a year.

Barbara / File



Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

July 26, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Pick Talley
Director of Utilities, Pinellas County
Pinellas County Utilities Administration
14 South Fort Harrison Avenue, 5th Floor
Clearwater, FL 33756

Re: EPA Objection to PROPOSED Title V Permit No.: 1030117-002-AV
Pinellas County Resource Recovery Facility

Dear Mr. Talley:

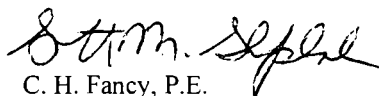
On July 20, via facsimile the Department received a timely written objection from the United States Environmental Protection Agency to the referenced proposed permit. A copy of EPA's objection is attached.

In accordance with Section 403.0872(8), Florida Statutes (F.S.), the Department must not issue a final permit until the objection is resolved or withdrawn. Pursuant to Section 403.0872(8), F.S., the applicant may file a written reply to the objection within 45 days after the date on which the Department serves the applicant with a copy of the objection. The written reply must include any supporting materials that the applicant desires to include in the record relevant to the issues raised by the objection. The written reply must be considered by the Department in issuing a final permit to resolve the objection of EPA. Please submit any written comments you wish to have considered concerning the objection to Scott M. Sheplak, at the above letterhead address.

Pursuant to 40 CFR 70.8(c)(4) the Department will have to resolve the objection by issuing a permit that satisfies EPA within 90 days of the objection, or EPA will assume authority for the permit. **(Day 90 = October 17)**

If you should have any other questions, please contact Scott M. Sheplak at 850/921-9532.

Sincerely,

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

CHF/sms/wa

Enclosures

cc: Bill Thomas, SWD
Douglas Neeley, USEPA w/o enclosures
Don Elias, RTP w/enclosures

Pat Comer, OGC w/enclosures
Gregg Worley, USEPA w/o enclosures
David Dee, Esquire w/enclosures

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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ATLANTA FEDERAL CENTER
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CLAIR

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JUL 20 2000

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JUL 24 2000

Howard L. Rhodes, Director
Air Resources Management Division
Florida Department of Environmental Management
Mail Station 5500
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

DIVISION OF AIR
RESOURCES MANAGEMENT

SUBJ: EPA's Review of Proposed Title V Permit No. 1030117-002-AV
Pinellas County Resource Recovery Facility, Clearwater, Florida

Dear Mr. Rhodes:

The purpose of this letter is to notify the Florida Department of Environmental Protection (FDEP) that the U.S. Environmental Protection Agency (EPA) formally objects to the issuance of the above referenced proposed title V operating permit for the Pinellas County Resource Recovery Facility in Clearwater, Florida, which was received by EPA, via e-mail notification and FDEP's web site, on June 5, 2000. This letter also provides our general comments on the proposed permit.

Based on EPA's review of the proposed permit and the supporting information received for this facility, EPA objects, under the authority of Section 505(b) of the Clean Air Act ("the Act") and 40 C.F.R. § 70.8(c) (see also Florida Regulation 62-213.450), to the issuance of the proposed title V permit for this facility. The basis for EPA's objection is that the permit does not contain conditions that assure compliance with all applicable requirements, as required by 40 C.F.R. § 70.6(a), and does not contain the averaging time associated with several of the emission standards, rendering them not enforceable as a practical matter. Pursuant to 40 C.F.R. § 70.8(c), this letter and its enclosure contain a detailed explanation of the objection issues and the changes necessary to make the permit consistent with the requirements of 40 C.F.R. part 70 and assure compliance with applicable requirements of the Clean Air Act. The enclosure also contains general comments applicable to the permit.

Section 70.8(c) requires EPA to object to the issuance of a proposed permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if EPA determines that the permit is not in compliance with the applicable requirements under the Act or the requirements of 40 C.F.R. Part 70. Section 70.8(c)(4) of the title V regulations and Section 505(c) of the Act further provide that if the State fails to revise and resubmit a proposed permit within 90 days to satisfy the objection, the authority to issue or deny the permit passes to EPA, and EPA will act accordingly. Because the objection issues must be fully addressed within

the 90 days, we suggest that the revised permit be submitted in advance in order that any outstanding issues may be resolved prior to the expiration of the 90-day period.

If you have any questions or wish to discuss this further, please contact Mr. Gregg Worley, Chief of the Operating Source Section, at (404) 562-9141. Should your staff need additional information, they may contact Ms. Elizabeth Bartlett, Florida Title V Contact, at (404) 562-9122 or Ms. Lynda Crum, Associate Regional Counsel, at (404) 562-9524.

Sincerely,



Winston A. Smith
Director
Air, Pesticides & Toxics
Management Division

Enclosure

cc: Pick Talley, Pinellas County Utilities Administration
Clair Fancy, P.E., FDEP

Enclosure

U.S. EPA Region 4 Objection Proposed Part 70 Operating Permit Pinellas County Resource Recovery Facility Permit no. 1030117-002-AV

I. EPA Objection Issues

1. Appropriate Averaging Times: The emission limits in conditions A.7, A.11, A.12, A.14, B.22, B.24, B.25, B.29, B.31, B.32, B.36, B.37, B.38, C.1, C.4, and C.5 do not contain averaging times. Because the stringency of emission limits is a function of both magnitude and averaging time, appropriate averaging times must be added to the permit in order for the limits to be practicably enforceable. An approach that may be used to address this deficiency is to include a general condition in the permit stating that the averaging times for all specified emission standards are tied to or based on the run time of the test method(s) used for determining compliance.
2. Applicable Requirements - Used Oil: Conditions A.9 and B.13 specify the methods of operation and the fuels that are allowed for combustion in the three MSW-fired steam generating units. In particular, paragraph (6)(g) states that used oil and used oil filters will be permitted for combustion, and 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). However, these conditions are insufficient to ensure compliance with the used oil requirements of 40 C.F.R. part 279 and PCB requirements of 40 C.F.R. part 761. At a minimum, if the source intends to burn "on-specification used oil," the permit must include requirements to demonstrate compliance with used oil specification requirements listed under § 279.11, and with the used oil PCB requirements of 761.20(e), which apply to used oil containing any quantifiable PCBs, i.e., PCB concentrations greater than 2 parts per million. Additional requirements from these sections would apply if the source burned off-specification used oil or used oil with quantifiable levels of PCBs. Please revise the permit as appropriate to meet these requirements.
3. Federal Enforceability: Conditions A.40 and B.67 state the following:

*"Compliance with standards in 40 C.F.R. 60, other than opacity standards, shall be determined **only** by performance tests established by 40 C.F.R. 60.8, unless specified in the applicable standard."*

The language for this condition was taken from 40 C.F.R. 60.11(a), however, the words "in accordance with" were replaced with "only by". Since adding the word "only" precludes the use of credible evidence for determining compliance, this condition is not federally enforceable. Therefore, this condition must be changed so that it is consistent with 40 C.F.R. 60.11(a).

4. Practical Enforceability - Charging Rates: Condition C.1 contains operational limits for the charging rates to the lime storage silos, the activated carbon storage silo, the ash conditioning building and the metal recovery system. However, the permit does not contain adequate record keeping to demonstrate compliance with these operational limits. In order for an operational limit to be enforceable as a practical matter there must be a method of establishing compliance with that limit. Therefore, the permit should include requirements that the source keep daily records of the respective mass charging rates for each of these emission units.

II General Comments

1. Please note that our opportunity for review and comment on this permit does not prevent EPA from taking enforcement action for issues that have not been raised in these comments. After final issuance, this permit shall be reopened if EPA or the permitting authority determines that it must be revised or revoked to assure compliance with applicable requirements.
2. Section I, Subsection A - The first paragraph provides a narrative summary of the facility which references a cooling tower. However, this cooling tower is not listed elsewhere in the permit as a regulated unit, unregulated unit, or as an insignificant unit. *40 C.F.R. 63 Subpart O - National Emission Standards for Hazardous Air Pollutants for Industrial Cooling Towers* may apply to this unit if the industrial cooling tower is operated with chromium based water treatment chemicals on or after September 8, 1994. Please provide additional information to confirm that this unit is not subject to above-referenced MACT standards.
3. Section II, Condition 11 - 40 C.F.R. Part 70.6 (c)(5)(iii) lists the necessary components of a Title V compliance certification, and requires that those components be included in Title V permits. However, Facility-Wide Condition # 11 of this permit does not specify that the source submit compliance certifications to EPA that contain those required components. This portion of the permit should specifically state that the source is required to submit compliance certifications consisting of the required components. Further, those required components should be listed in the permit.

One option for resolving this concern would be to add the following condition to Section II:

The "Statement of Compliance" required to be submitted to this office and U.S. EPA Region 4 shall be submitted at the same time as the Annual Operating Report.

[Rules 62-213.420(4), 62-213.440(3), and 62-4.070(3), F.A.C.]

{**Note to Permittee:** See Appendix TV-3 Items 23 and 51}

4. Section III, Subsection A - During review of this section, it was noted that annual testing for particulate matter, sulfur dioxide, and visible emissions did not appear to be sufficient to provide a reasonable assurance of continuous compliance with the associated limits. However, EPA Region 4 will not require correction of this issue because this section will become obsolete upon completion of retrofit construction for Unit 1, which is currently under way.
5. Section III, Subsection B - Given the complexity of the regulatory requirements for municipal waste combustors, it is understandable that the permit is also very complex. To improve flow and readability of this subsection, Region 4 recommends that condition B.13, Methods of Operation - Fuels, be moved to follow condition B.10, so that the combustor unit load information can be together, and that the "Operator Training and Certification" section be moved to the back of the section, before the "Miscellaneous Requirements" section.
6. Section III, Condition A.65 - The first sentence should be changed to read "36 months after EPA approves the State of Florida's Section 111(d) plan **or by December 19, 2000, whichever is earlier.**"
7. Section III, Condition B.17 - The first sentence should be changed to read "paragraphs **(1) through (11).**" Paragraphs (3) to (12) should be renumbered as **(2) to (11).**
8. Section III, Condition B.86 - The first sentence should be changed to read "paragraphs **(1) through (14).**" Paragraphs (12) to (15) should be renumbered as **(11) to (14).**
9. Section III, Condition D.5 - The first sentence should delete the "**(2)**" at the beginning, since no number (1) is included in this condition.
10. Section III, Condition D.8 - Paragraph (i) should include the equation for " M_{NMOC} " from §60.754(a)(1)(i) which was omitted from this condition.
11. Periodic Monitoring: As you are aware, on April 14, 2000, the U.S. Court of Appeals for the D.C. Circuit issued an opinion addressing industry's challenge to the validity of portions of EPA's periodic monitoring guidance. See, *Appalachian Power Co. V. EPA*, No. 98-1512 (D.C. Cir., April 14, 2000). The Court found

that “State permitting authorities may not, on the basis of EPA’s guidance or 40 C.F.R. 70.6(a)(3)(i)(B), require in permits that the regulated source conduct more frequent monitoring of its emission than that provided in the applicable State or federal standard, unless that standard requires no periodic testing, specifies no frequency, or requires only a one-time test.” While the permit contains testing from “time to time,” as discussed in the court opinion, EPA does not consider these conditions sufficient to ensure compliance. In light of the court case, EPA is withholding formal objection on the following item:

- a. Particulate Matter Emissions - The permit does not appear to not require sufficient periodic monitoring to ensure compliance with the particulate matter emission limits in condition C.4 for the lime storage silos (EU-004 and EU-007), the metal recovery system (MRS, EU-005), the activated carbon storage silo (EU-006), or the ash conditioning building (ACB, EU-008). Particulate monitoring was replaced with visible emissions monitoring for the lime storage silos and the activated storage silos, therefore, periodic monitoring for these units is discussed under item b. below.

Although the permit requires particulate matter testing upon renewal for the MRS and ACB, this infrequent testing is not sufficient to provide a reasonable assurance of compliance with emission limits. All Title V permits must contain monitoring that is sufficient to assure compliance with the applicable permit requirements. In particular, 40 C.F.R. Part 70.6 (a)(3)(B) requires that permits include periodic monitoring that is sufficient to yield reliable data from the relevant time period that are representative of the source’s compliance with the applicable emission limits. In addition to demonstrating compliance, a system of periodic monitoring will also provide the source with an indication of their emission unit’s performance, so that periods of excess emissions and violations of the emission limits can be minimized or avoided. Therefore, the permit should include a periodic monitoring scheme that will provide data which is representative of the source’s actual performance.

Since the MRS primarily handles ash in a wet state, the most reasonable approach may be to provide a more detailed technical demonstration in the statement of basis explaining why the State has chosen not to require any additional particulate matter testing for this unit. The demonstration needs to identify the rationale for basing the compliance certification on data from a short-term test performed once a year.

For the ACB, which is controlled by a wet venturi scrubber, the best approach to address the periodic monitoring requirements may be to utilize parametric monitoring of the control equipment. In order to do this, a correlation needs to be developed between the control equipment parameter(s) to be monitored

and the particulate emission levels. The source needs to provide an adequate demonstration (historical data, performance test, etc.) to support the approach used. In addition, an acceptable performance range for each parameter that is to be monitored should be established. The range, or the procedure used to establish the parametric ranges that are representative of proper operation of the control equipment, and the frequency for re-evaluating the range needs to be specified in the permit. Also, the permit must include a condition requiring a performance test to be conducted if an emission unit operates outside of the acceptable range for a specified percentage of the normal operating time. The Department must set the appropriate percentage of the operating time that would serve as trigger for this testing requirement. If additional monitoring is not required, a technical demonstration must be included in the statement of basis explaining why the State has chosen not to require any additional particulate matter testing for this unit. The demonstration needs to identify the rationale for basing the compliance certification on data from a short-term test performed once a year.

- b. Visible Emissions - The permit does not require sufficient monitoring of visible emissions from the lime storage silos (EU-004 and EU-007) or the activated carbon storage silo (EU-006). Condition C.13 allows the facility to comply with a 5 percent visible emissions limit in lieu of particulate matter testing for these units. However, Condition C.10 only requires the facility to conduct an annual Method 9 visible emissions test for these units. In most cases, this infrequent testing does not constitute adequate periodic monitoring to ensure continuous compliance with the visible emissions standard. The permit should require the source to conduct visible emissions observations on a daily basis (Method 22), and that a Method 9 test be conducted within 24 hours of any abnormal qualitative survey. As an alternative to the approach described above, a technical demonstration can be included in the statement of basis explaining why the State has chosen not to require any additional visible emissions testing for these units. The demonstration needs to identify the rationale for basing the compliance certification on data from a short-term test performed once a year.

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**Mr. Pick Talley
Director of Utilities, Pinellas County
Pinellas County Utilities Administration
14 So. Fort Harrison Ave., 5th Floor
Clearwater, FL 33756**

4a. Article Number

P 174 053 167

4b. Service Type

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