



Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

June 29, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. John N. Rivara  
Plant Manager  
Wheelabrator Ridge Energy, Inc.  
3131 K-Ville Avenue  
Auburndale, Florida 33823

Re: DEP File No's. 1050216-004-AC (PSD-FL-183B) and 1050216-005-AV  
Permit Modification for Ash Building Wet Scrubber

Dear Mr. Rivara:


Enclosed is one copy of the combined Draft PSD Permit Modification/Revised Title V Operation Permit for the Ash Building located at 3131 K-Ville Avenue, Auburndale, Polk County. Also enclosed are the Intent to Issue PSD Permit Modification/Revised Title V Air Operation Permit and the Public Notice of Intent to Issue PSD Permit Modification/Revised Title V Air Operation Permit.

An electronic version of the above documents is posted on the Division of Air Resources Management's world wide web site for the United States Environmental Protection Agency (USEPA) Region 4 office's review. The web site address is <http://www.dep.state.fl.us/air>.

The Public Notice of Intent to Issue PSD Permit Modification/Revised Title V Air Operation Permit 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 of 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 permits.

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 John Reynolds, Permit Engineer, at 850/921-9536.

Sincerely,

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

CHF/JR

Enclosures

"More Protection, Less Process"

Printed on recycled paper.

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:  
 Mr. John N. Rivara  
 Plant Manager  
 Wheelabrator Ridge Energy, Inc.  
 3131 K-Ville Avenue  
 Auburndale, FL 33823

Received by (Please Print Clearly)	B. Date of Delivery 7-5-00
C. Signature X <i>Linda Colon</i>	
<input type="checkbox"/> Agent	<input type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Service Type	
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee)	
<input type="checkbox"/> Yes	

2. Article Number (Copy from service label)  
 Z 341 355 322

PS Form 3811, July 1999

Domestic Return Receipt

02595-99-M-1789

Z 341 355 322

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

Sent to	Mr. John N. Rivara
Street & Number	3131 K-Ville Ave.
Post Office, State, & ZIP Code	Auburndale, FL 33823
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	1050216-004-AC
	PSD-FL-183B
	Mailed: 6-29-00

PS Form 3800, April 1995

In the Matter of an  
Application for Permit by:

Wheelabrator Ridge Energy, Inc.  
3131 K-Ville Avenue  
Auburndale, Florida 33823

DEP File Nos. 1050216-004-AC (PSD-FL-183B)  
and 1050216-005-AV  
Polk County

**INTENT TO ISSUE PSD PERMIT MODIFICATION/REVISED TITLE V AIR  
OPERATION PERMIT**

The Department of Environmental Protection (Department) gives notice of its intent to issue a combined PSD permit modification/Revised Title V Air Operation Permit for the proposed action as detailed in the Draft permit modification enclosed and for the reasons stated below.

The applicant, Wheelabrator Ridge Energy, Inc., applied on May 2, 2000, to the Department for a PSD permit modification and a revised Title V Air Operation Permit to install a wet scrubber for the Ash Handling Building located at the above address in Auburndale, Polk County. The modification will consist of installing a wet scrubber system to ventilate the ash handling building for employee comfort and safety.

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, 62-212, and 62-213. The above actions are not exempt from permitting procedures. The Department has determined that a PSD permit modification/Revised Title V Air Operation Permit is required to make the proposed changes.

The Department intends to issue this PSD permit modification/Revised Title V Air Operation Permit 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, 62-213, 62-256, 62-257, 62-281, 62-296, 62-297, F.A.C. and 40CFR 52.21.

Pursuant to Sections 403.815 and 403.087, F.S., and Rules 62-110.106(7)(a)1 and 62-210.350(3), 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/Revised Title V Air Operation Permit. 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

Wheelabrator Ridge Energy, Inc.

DEP File No's. 1050216-004-AC (PSD-FL-183B)/1050216-005-AV

Page 2 of 5

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/Final Revised Title V Operation Permit in accordance 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 concerning the proposed PSD permit modification issuance action for a period of 14 (fourteen) days and the proposed Title V 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/Revised Title V Air Operation Permit. Written comments 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 issue a revised Draft permit and require, if applicable, another Public Notice.

The Department will issue the permits with the attached conditions 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

Wheelabrator Ridge Energy, Inc.

DEP File No's. 1050216-004-AC (PSD-FL-183B)/1050216-005-AV

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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

Wheelabrator Ridge Energy, Inc.

DEP File No's. 1050216-004-AC (PSD-FL-183B)/1050216-005-AV

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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.

The following paragraph applies to the Revised Title V Air Operation Permit:

Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street S.W., Washington, D.C. 20460.

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/Revised Title V Air Operation Permit (including the Public Notice of Intent to Issue PSD Permit Modification/Revised Title V Air Operation Permit, and the Draft PSD Permit Modification/revised Title V Air Operation Permit) was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 6/29/00 to the person(s) listed:

Mr. John N. Rivara, WREI \*  
Mr. Bill Thomas, SWD  
Mr. Jeff Spence, PCESD  
Ms. Iris Hill, PCESD  
Mr. Gregg Worley, EPA  
Mr. John Bunyak, NPS  
Ms. Elizabeth Bartlett, EPA (Internet E-mail Memorandum)

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.

Barbara J. Portwell 6/29/00  
(Clerk) (Date)

**PUBLIC NOTICE OF INTENT TO ISSUE PSD PERMIT MODIFICATION/REVISED  
TITLE V OPERATING PERMIT**

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File Nos. 1050216-004-AC (PSD-FL-183B) and 1050216-005-AV

Wheelabrator Ridge Energy, Inc.  
Wet Scrubber for Ash Handling Building  
Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue a PSD Permit Modification/Revised Title V Air Operation Permit for the Wheelabrator Ridge Energy, Inc., Plant located in Auburndale, Polk County. The applicant's mailing address is: 3131 K-Ville Ave., Auburndale, Florida 33823. A Best Available Control Technology (BACT) Determination revision was not required pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD).

This facility produces electric power using waste wood and tires for fuel. To enhance employee comfort and safety in the Ash Handling Building, the applicant proposes to install an orifice-type wet scrubber to remove particulate matter from the building's ventilation system. No other changes are being requested in this modification/revision. Potential emissions of particulate matter from this modification are estimated at 1.0 lb/hour and 4.5 tons/year.

The Department will issue the permit modification/revision with the proposed changes to permit 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 concerning the proposed permit issuance action for a period of 14 (fourteen) days for the PSD Permit Modification and 30 (thirty) days for the Revised Title V Air Operation Permit from the date of publication of this Public Notice of Intent to Issue PSD Permit Modification/Revised Title V Air Operation Permit. Written comments 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 permits and require, if applicable, another Public Notice.

The Department will issue the permits with the attached conditions 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

NOTICE TO BE PUBLISHED IN THE NEWSPAPER



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, F.A.C.

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.

The following paragraph applies to the Revised Title V Operating Permit:

In addition to the above, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant

NOTICE TO BE PUBLISHED IN THE NEWSPAPER

to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

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

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

Polk County Environmental Services  
Department/Natural Resources  
Division  
4177 Ben Durrance Road  
Bartow, Florida 33830  
Telephone: 863/534-7377  
Fax: 863/534-7374

Department of  
Environmental Protection  
Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619  
Telephone: 813/744-6100  
Fax: 813/744-6084

The complete project file includes the application, Draft permit modification/revision, 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, at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.



# Department of Environmental Protection

Jeb Bush  
Governor

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

David B. Struhs  
Secretary

**DRAFT**

July XX, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. John N. Rivara  
Plant Manager  
Wheelabrator Ridge Energy, Inc.  
3131 K-Ville Avenue  
Auburndale, Florida 33823

Re: DEP File No. 1050216-004-AC (PSD-FL-183B)/Revised Title V Operation Permit 1050216-005-AV  
Permit Modification – Wet Scrubber for Ash Handling Building

Dear Mr. Rivara:

As requested, the following permit modification provides for installation of a wet scrubber to remove particulate matter from the Ash Handling Building ventilation system. The changes to the permit are indicated as underlined below:

Specific Condition No. 6:

Visible emissions from the ash handling area vent filter, the lime silo vent filter, and the fuel transfer building vent filter shall not exceed 10 percent opacity. Particulate matter emissions from the ash handling building scrubber shall not exceed 20 percent opacity, 1.03 lb/hr and 4.51 tons/year. [Rule 62-212.400, F.A.C.]

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

This permitting decision is issued pursuant to Chapter 403, Florida Statutes. Any party to this permitting decision (order) has the right to seek judicial review of it under section 120.68 of the Florida Statutes, 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

"More Protection. Less Process."

Printed on recycled paper.