

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, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. George D. Woodward, P.E.
Plant Manager
Wheelabrator Ridge Energy, Inc.
3131 K-Ville Avenue
Auburndale, Florida 33823

RE: DEP File No. AC53-206244 (PSD-FL-183A)
Permit Modification

Dear Mr. Woodward:

This is in response to your letter dated February 19, 1999 requesting changes to the subject construction permit. The permit is hereby modified as shown below:

SPECIFIC CONDITION NO. 5:

The RGS boiler exhaust gases shall not exceed the following limits [Rule 62-212.400, F.A.C.]:

Pollutant	lbs/hr	tons/yr	Basis for Compliance
SO ₂	65.0	284.7	30-day rolling average CEMS
NO _x	90.0	394.2	30-day rolling average CEMS
CO	200.0	876.0	30-day rolling average CEMS
VOC	22.1	96.8	EPA Method 25A if test required
HCl	5.0	21.9	EPA Method 26 or 26A if test required
Hg	0.022	0.096	EPA Method 29 or 101A if test required
Pb	0.25	1.1	EPA Method 12 or 29 if test required
Be	0.0063	0.028	EPA Method <u>29</u> or 104 if test required
VE	10% opacity		EPA Method 9 - annual
PM/PM ₁₀	0.0080 gr/SCF (corrected to 7% O ₂)		EPA Method 5 if test required

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

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Printed on recycled paper.

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, as well as the Rules and statutes which entitle the petitioner to relief; and (f) A demand for relief.

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

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above. Mediation is not available in this proceeding.

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

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

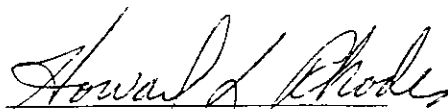
The Department will grant a variance or waiver when the petition demonstrates both that the application of the Rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will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

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

This Permit Amendment constitutes final agency action unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition which conforms to Rule 62-110.106, F.A.C. Upon timely filing of a petition or a request for an extension of time this Notice will not be effective until further Order of the Department.

If either a petition for administrative hearing or a request for extension of time is not timely filed with the Department, then this Permit Amendment shall constitute final agency action. Any party to this order would then have the right to seek judicial review pursuant to Rule 9.110, 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 of appeal must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee,



Howard L. Rhodes, Director
Division of Air Resources
Management

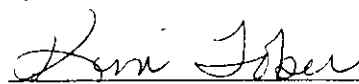
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Permit Modification was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 6-30-99 to the person(s) listed:

George D. Woodward, WESI *
Bill Thomas, SWD
Joe King, Polk County
Gregg Worley, EPA
John Bunyak, NPS

Clerk Stamp

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



(Clerk)

6-30-99
(Date)

Is your RETURN ADDRESS completed on the reverse side?

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

returning services (not an extra fee):

- 1. Addressee's Address
 - 2. Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:
 George D. Woodward, PE
 Wheelabrator Ridge
 3131 K-Yille Ave
 Auburndale, FL
 33823

4a. Article Number
 2 333 618 190

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

7. Date of Delivery
 7-7-99

5. Received By (Print Name)

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

Thank you for using Return Receipt Service.

receipt

2 333 618 190

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.
 Do not use for international Mail (See reverse)

Sent to George D. Woodward	
Street & Number Wheelabrator Ridge	
Post Office, State, & ZIP Code Auburndale FL	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date PSD-FI-183A	6-30-99

PS Form 3800, April 1995

Florida Department of
Environmental Protection

Memorandum

BAR

TO: Howard Rhodes

THRU: Al Linero *edit for CHF 6/29*
Clair Fancy

FROM: John Reynolds *JR*

DATE: June 29, 1999

SUBJECT: Request for Amendment – Wheelabrator Ridge Energy PSD-FL-183

Attached is a permit amendment requested by Wheelabrator Ridge Energy for their tire and wood burning power generation facility in Auburndale. The amendment updates compliance test methods.

Your approval and signature is recommended for this minor amendment.