



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

December 24, 2008

Electronic Mail – Received Receipt Requested

Mr. Scott Salisbury, President  
Seminole Energy, LLC  
29261 Wall Street  
Wixom, Michigan 48393

Re: Project No. 1170084-008-AC/PSD-FL-376A  
Revision to Permit No. 1170084-005-AC/PSD-FL-376  
Seminole Energy, LLC  
Determination of Non-Applicability of Title 40, Code of Federal Regulations, Part 63 (40 CFR 63), Subpart A, General Provisions, and Subpart ZZZZ, Reciprocating Internal Combustion Engines (RICE)

Dear Mr. Salisbury:

On January 17, 2007, the final air construction permit, No. 1170084-005-AC/PSD-FL-376, was issued authorizing the construction of six lean-burn spark-ignition RICE (Caterpillar Model G3520C) fired by landfill gas. Each RICE is connected to an individual electrical generator and generates 1,600 kilowatts (kW) of electricity each. Emission units 002 through 005 were started-up in November 2007 and have been compliance tested; and emission units 006 and 007 have yet to be constructed (Phase II and Phase III, respectively). The RICE-generator sets are located at the existing Osceola Road Solid Waste Management Facility at 1930 Osceola Road in Geneva, Seminole County, Florida. On November 5, 2008, your request was received requesting a determination of non-applicability for these RICE regarding the regulations at 40 CFR 63, Subparts A and ZZZZ. Enclosed are the following documents:

- Technical Evaluation and Preliminary Determination;
- Draft Permit Revision;
- Written Notice of Intent to Issue Air Permit Revision; and
- Public Notice of Intent to Issue Air Permit Revision.

The Public Notice of Intent to Issue Air Permit Revision is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project.

If you have any questions, please contact the Project Engineer, Bruce Mitchell, at 850/413-9198.

Sincerely,

*Syed Arif*  
for Trina Vielhauer, Chief  
Bureau of Air Regulation

Enclosures

TLV/sa/bm

## WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT REVISION

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*In the Matter of an*

*Application for Air Permit Revision by:*

Seminole Energy, LLC  
29261 Wall Street  
Wixom, Michigan 48393

*Authorized Representative:*

Mr. Scott Salisbury, President

Project No. 1170084-008-AC/PSD-FL-376A  
Revision to Permit No. 1170084-005-AC/PSD-FL-376  
Seminole Energy, LLC  
Six Reciprocating Internal Combustion Engines (RICE)  
Seminole County, Florida

**Facility Location:** Seminole Energy, LLC operates four lean-burn spark-ignition RICE-generator sets (two more have been authorized for construction, but have not yet been constructed) at the existing Osceola Road Solid Waste Management Facility located at 1930 Osceola Road in Geneva, Seminole County, Florida.

**Project:** The request is to make a determination of non-applicability for the six lean-burn spark-ignition RICE regarding the regulations at Title 40 of the Code of Federal Regulations Part 63 (40 CFR 63), Subpart A, General Provisions, and Subpart ZZZZ, Reciprocating Internal Combustion Engines. Since there will be no increase in pollutant emissions, the project is considered a minor modification to a major facility. An air quality impact analysis was not required. Details of the project are provided in the application and the enclosed Technical Evaluation and Preliminary Determination.

**Permitting Authority:** Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

**Project File:** A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit Revision, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

**Notice of Intent to Issue Permit Revision:** The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit Revision in accordance with the conditions of the proposed Draft Permit Revision unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Public Notice:** Pursuant to Section 403.815, F.S., and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Permit Revision (Public Notice). The Public Notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The newspaper used must meet 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 Permitting Authority at above address or phone number. Pursuant to Rules 62-110.106(5) and (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within 7 days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

**Comments:** The Permitting Authority will accept written comments concerning the proposed Draft Permit Revision for a period of 14 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 14-day period. If written comments received result in a significant change to the Draft Permit Revision, the Permitting Authority shall revise the Draft Permit Revision and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

## WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT REVISION

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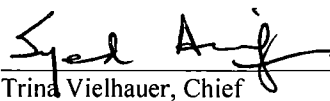
**Petitions:** A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Written Notice of Intent to Issue Air Permit Revision. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the attached Public Notice or within 14 days of receipt of this Written Notice of Intent to Issue Air Permit Revision, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 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 (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority'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 when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (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 including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 Permitting Authority'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 Permitting Authority's final action may be different from the position taken by it in this Written Notice of Intent to Issue Air Permit Revision. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

**Mediation:** Mediation is not available in this proceeding.

Executed in Tallahassee, Florida.

  
for \_\_\_\_\_  
Trina Vielhauer, Chief  
Bureau of Air Regulation

**WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT REVISION**

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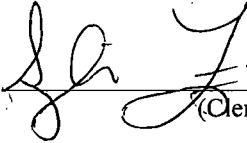
**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Intent to Issue Air Permit Revision package (including the Public Notice, the Technical Evaluation and Preliminary Determination, and the Draft Permit Revision), was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on 12/24/08 to the persons listed below.

- Mr. Scott Salisbury, President, Trail Ridge Energy, LLC ([scott.salisbury@landfillenergy.com](mailto:scott.salisbury@landfillenergy.com))
- Mr. David Derenzo, Application Contact, Derenzo and Associates, Inc. ([dderenzo@derenzo.com](mailto:dderenzo@derenzo.com))
- Mr. Jeff Pope, P.E., Clayton Group Services, Inc. – Bureau Veritas ([jeff.pope@us.bureauveritas.com](mailto:jeff.pope@us.bureauveritas.com))
- Mr. Alan Zahm, Central District ([alan.zahm@dep.state.fl.us](mailto:alan.zahm@dep.state.fl.us))
- Ms. Vickie Gibson, FDEP-BAR ([victoria.gibson@dep.state.fl.us](mailto:victoria.gibson@dep.state.fl.us)) (for read file)

Clerk Stamp

**FILING AND ACKNOWLEDGMENT FILED**, on this date, pursuant to Section 120.52(7), F.S., with the designated agency clerk, receipt of which is hereby acknowledged.

  
\_\_\_\_\_  
(Clerk)

12/24/08  
(Date)

## PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT REVISION

Florida Department of Environmental Protection  
Division of Air Resource Management, Bureau of Air Regulation  
Permit Revision Project No. 1170084-008-AC/PSD-FL-376A  
Seminole Energy, LLC  
Seminole County, Florida

**Applicant:** The applicant for this project is the Seminole Energy, LLC. The applicant's authorized representative and mailing address is: Mr. Scott Salisbury, President, Seminole Energy, LLC, 29261 Wall Street, Wixom, Michigan 48393.

**Facility Location:** Seminole Energy, LLC operates four lean-burn spark-ignition reciprocating internal combustion engine (RICE)-generator sets (two more are authorized to be constructed, but have not yet been constructed) at the existing Osceola Road Solid Waste Management Facility located at 1930 Osceola Road in Geneva, Seminole County, Florida.

**Project:** The request is to make a determination of non-applicability for the six RICE regarding the regulations at Title 40 of the Code of Federal Regulations Part 63 (40 CFR 63), Subpart A, General Provisions, and Subpart ZZZZ, Reciprocating Internal Combustion Engines. Since there will be no increase in pollutant emissions, the project is considered a minor modification to a major facility. An air quality impact analysis was not required. The non-applicability of 40 CFR 63, Subparts A and ZZZZ is based on the commenced construction date of the six RICE, which was December 19, 2005.

**Permitting Authority:** Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

**Project File:** A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit Revision, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available on the following web site:

[www.dep.state.fl.us/air/eproducts/apds/default.asp](http://www.dep.state.fl.us/air/eproducts/apds/default.asp).

**Notice of Intent to Issue Air Permit Revision:** The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit Revision in accordance with the conditions of the proposed Draft Permit Revision unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Comments:** The Permitting Authority will accept written comments concerning the proposed Draft Permit Revision for a period of 14 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 14-day period. If written comments received result in a significant change to the Draft Permit Revision, the Permitting Authority shall revise the Draft Permit Revision and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

(Public Notice to be Published in the Newspaper)

## PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT REVISION

**Petitions:** A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 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 (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority'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 rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (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 including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 Permitting Authority'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 Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent to Issue Air Permit Revision. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

**Mediation:** Mediation is not available for this proceeding.

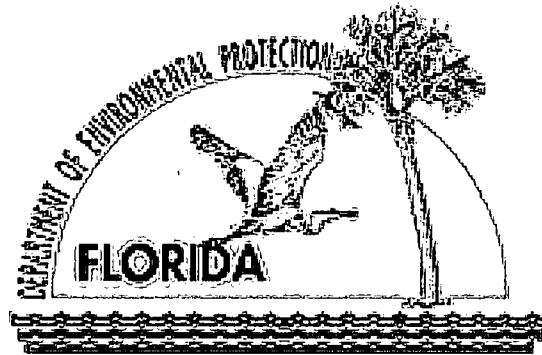
**TECHNICAL EVALUATION**  
**AND**  
**PRELIMINARY DETERMINATION**

Seminole Energy, LLC

Six Reciprocating Internal Combustion Engine-Generator Sets Project

Seminole County

Permit Revision Project No. 1170084-008-AC/PSD-FL-376A  
Revision to Permit No. 1170084-005-AC/PSD-FL-376



Department of Environmental Protection  
Division of Air Resource Management  
Bureau of Air Regulation  
New Source Review Section

December 24, 2008

**1. GENERAL PROJECT INFORMATION**

**A. Applicant Name and Address**

Seminole Energy, LLC  
29261 Wall Street  
Wixom, Michigan 48393

Authorized Representative: Mr. Scott Salisbury, President

**B. Processing Schedule**

11-05-08: Receipt of Request for an Air Construction (AC) Permit Revision.  
11-24-08: Receipt of supplemental information.

**C. Facility Location and Description**

The existing Osceola Road Solid Waste Management Facility is located at 1930 Osceola Road in Geneva, Seminole County, Florida. The Seminole Energy, LLC facility is located at the existing Osceola Road Solid Waste Management Facility. The Seminole Energy, LLC operation, which includes six lean-burn spark-ignition reciprocating internal combustion engine (RICE)-generator sets firing landfill gas, is categorized under Standard Industrial Classification (SIC) Code No. 4953, Refuse Systems. The UTM coordinates are Zone 17, 492.00 km East and 3184.50 km North. This facility is located in an area that is in attainment for all pollutants subject to a National Ambient Air Quality Standard (NAAQS).

**D. Facility Regulatory Categories**

Title III: The facility is a minor (area) source of hazardous air pollutants (HAP).

Title IV: The facility operates no units subject to the acid rain provisions of the Clean Air Act.

Title V: The facility is a Title V major source of air pollution in accordance with Chapter 213, Florida Administrative Code (F.A.C.).

Prevention of Significant Deterioration (PSD): The facility is a PSD-major source of air pollution in accordance with Rules 62-210.200(Definitions – Major Stationary Source) and 62-212.400(PSD), F.A.C.

**E. Project Description**

AC permit, No. 1170084-005-AC/PSD-FL-376, authorized the construction of six lean-burn spark-ignition RICE-generator sets at the existing Osceola Road Solid Waste Management Facility. Each engine is a lean-burn spark-ignition Caterpillar Model G3520C landfill gas fired RICE and the associated generator generates 1,600 kilowatts (kW) of electricity. The permit was issued on January 17, 2007. In the permit, these RICE were deemed subject to the provisions of Title 40 of the Code of Federal Regulations Part 63 (40 CFR 63), Subpart A, General Provisions, and Subpart ZZZZ, Reciprocating Internal Combustion Engines.

A request was submitted to make a determination of non-applicability for the six RICE regarding the regulations at 40 CFR 63, Subpart ZZZZ, Reciprocating Internal Combustion Engines, based on the amendments to this subpart issued on January 18, 2008, by the U.S. Environmental Protection Agency (EPA). Pursuant to 40 CFR 63.6590(a)(1)(iii), a stationary RICE located at an area source of HAP emissions is an existing stationary RICE if the permittee commenced construction before June 12, 2006. The permittee commenced construction (ordered the RICE-generator sets) on December 19, 2005. Pursuant to 40 CFR 63.6590(b)(3), an existing stationary RICE that combusts landfill gas equivalent to 10 percent or more of the gross heat input on an annual basis does not have to meet the requirements of this subpart (ZZZZ) and of Subpart A of 40 CFR 63; and no initial notification is necessary.

Since there will be no increase in pollutant emissions or a change in the method of operation, the project is considered a minor modification. An air quality impact analysis was not required. The details of the permit revisions and Department of Environmental Protection's (Department's) responses are as follows. Please note that double underlined words are additions and strikethrough words are deletions.



**TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION**

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**Permit Revision Request #1: Section I. Facility Information. Regulatory Classification. 2<sup>nd</sup> Paragraph. 5<sup>th</sup> Bullet.**

In the 2<sup>nd</sup> paragraph, 5<sup>th</sup> bullet of the Regulatory Classification, the applicant requested deletion of the references to the provision of 40 CFR 63, Subpart ZZZZ.

**Department's Response for Request #1:** The Department agrees with the request and the 2<sup>nd</sup> paragraph, 5<sup>th</sup> bullet of the Regulatory Classification will be changed to read as follows:

The facility is subject to the following regulations:

- ~~40 CFR 63, NESHAP for Stationary Reciprocating Internal Combustion Engines.~~

**Permit Revision Request #2: Section III. Emission Unit(s) Specific Conditions. Subsection A. Specific Condition A.3. Fuel Specifications and Work Practices.**

The permittee requested deletion of the reference to the provisions of 40 CFR 63, Subpart ZZZZ.

**Department's Response for Request #2:** The Department agrees with the request and the specific condition will be changed to read as follows:

Emissions Units Nos. 002-005 are subject to 40 CFR 60 Subpart WWW and certain sections of 40 CFR 63 Subparts AAAA and ~~ZZZZ~~ adopted by the Department at Rules 62-204.800(8)(b) and 62-204.800(11)(b), F.A.C., respectively.

**Permit Revision Request #3: Appendix GC. General Permit Conditions. Condition G.13.**

The permittee requested deletion of the reference to the provisions of 40 CFR 63, Subpart ZZZZ.

**Department's Response for Request #3:** The Department agrees with the request and the condition will be changed to read as follows:

This permit also constitutes:

- a) Determination of Best Available Control Technology (X)
- b) Determination of Prevention of Significant Deterioration (X)
- c) Compliance with New Source Performance Standards (X). Subpart WWW requirements and
- d) Compliance with National Emission Standards for Hazardous Air Pollutants (X). Subpart AAAA and ~~ZZZZ~~ requirements

**2. APPLICABLE REGULATIONS**

**A. State Regulations**

This project is subject to the applicable environmental laws specified in Section 403 of the Florida Statutes (F.S.). The F.S. authorize the Department to establish rules and regulations regarding air quality as part of the F.A.C. This project is subject to the applicable rules and regulations defined in the following Chapters of the F.A.C.

<u>Chapter</u>	<u>Description</u>
62-4	Permitting Requirements
62-204	Ambient Air Quality Requirements and Federal Regulations Adopted by Reference
62-210	Permits Required, Categorical Exemptions, Public Notice, Reports, Stack Height Policy, Circumvention, Excess Emissions, and Forms
62-212	PSD Review
62-213	Title V Air Operation Permits for Major Sources of Air Pollution
62-297	Test Methods and Procedures, Continuous Monitoring Specifications, and Alternate Sampling Procedures

**B. Federal Regulations**

## TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

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This project is also subject to the applicable federal provisions regarding air quality as established by the Environmental Protection Agency (EPA) in the following sections of the Code of Federal Regulations (CFR).

<u>CFR</u>	<u>Description</u>
40 CFR 60	Subpart A - General Provisions for New Source Performance Standards (NSPS) Sources NSPS Subpart WWW - NSPS for Municipal Solid Waste Landfills Subpart A - General Provisions for NESHAP NESHAP Subpart AAAA – NESHAP for Municipal Solid Waste Landfills

### C. General PSD Applicability

The Department regulates major air pollution sources in accordance with Florida's PSD program, as approved by the EPA in Florida's State Implementation Plan and defined in Rule 62-212.400, F.A.C. A PSD review is required in areas currently in attainment with the state and federal Ambient Air Quality Standards (AAQS) or areas designated as "unclassifiable" for a given pollutant. A new facility is considered "major" with respect to PSD if it emits or has the potential to emit:

- 250 tons per year or more of any regulated air pollutant, or
- 100 tons per year or more of any regulated air pollutant and the facility belongs to one of the 28 PSD Major Facility Categories [Rule 62-210.200(Definitions – Major Stationary Source), F.A.C.], or
- 5 tons per year of lead.

For new projects at PSD-major sources, each regulated pollutant is reviewed for PSD applicability based on emissions thresholds known as the Significant Emission Rates and defined in Rule 62-210.200(Definitions), F.A.C. Pollutant emissions from the project exceeding these rates are considered "significant" and the applicant must employ the Best Available Control Technology (BACT) to minimize emissions of each such pollutant and evaluate the air quality impacts. Although a facility may be "major" with respect to PSD for only one regulated pollutant, it may be required to install BACT controls for several "significant" regulated pollutants.

### D. PSD Applicability for the Project

The applicant was authorized to construct six RICE-generator sets on January 17, 2007, and was subject to the PSD new source review requirements, including BACT, in regard to the PSD regulations in Chapter 62-212, F.A.C. This permit revision is mainly clarifications and edits and considered to be a minor modification to a major facility in regard to the PSD regulations in Chapter 62-212, F.A.C.

## 3. AIR QUALITY ANALYSIS

Because the proposed project is not subject to preconstruction review requirements, an air quality analysis is not required.

## 4. CONCLUSION

The Department makes a preliminary determination that the proposed project will comply with all applicable state and federal air pollution regulations as conditioned by the draft permit (revision letter). This determination is based on a technical review of the complete application (letter), reasonable assurances provided by the applicant, and the conditions specified in the draft permit (revision letter). No air quality modeling analysis is required because the project does not result in a significant increase in emissions. Bruce Mitchell is the project engineer responsible for reviewing the application and drafting the permit (revision letter). Additional details of this analysis may be obtained by contacting the project engineer at the Department's Bureau of Air Regulation at Mail Station #5505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

# DRAFT

Month Day, Year

*Sent by Electronic Mail – Received Receipt Requested*

Mr. Scott Salisbury  
President  
Seminole Energy, LLC  
29261 Wall Street  
Wixom, Michigan 48393

Re: Draft Air Construction (AC) Permit Revision Project No. 110084-008-AC/PSD-FL-376A  
Revision of Permit Project No. 1170084-005-AC/PSD-FL-376  
Seminole Energy, LLC – Six Reciprocating Internal Combustion Engine-Generator Sets  
Determination of Non-Applicability of 40 CFR 63, Subparts A and ZZZZ

Dear Mr. Salisbury:

The Department received your request on November 5, 2008, for a revision of air construction (AC) permit, No. 1170084-005-AC/PSD-FL-376, which authorized the construction of six lean-burn spark-ignition reciprocating internal combustion engine (RICE)-generator sets at the existing Osceola Road Solid Waste Management Facility located at 1930 Osceola Road in Geneva, Seminole County, Florida. The AC permit was issued on January 17, 2007.

Based on your request, the Department concurs with you that the six RICE are not subject to the provisions of Title 40 of the Code of Federal Regulations Part 63 (40 CFR 63), Subparts A and ZZZZ. Therefore and as explained in the technical evaluation and preliminary determination, the Department is agreeable to revise AC permit No. 1170084-005-AC/PSD-FL-376 as follows. Please note that double underlined words are additions and strikethrough words are deletions.

I. Section I. Facility Information.

Regulatory Classification. Paragraph 2. 5<sup>th</sup> Bullet.

The facility is subject to the following regulations:

- ~~40 CFR 63, NESHAP for Stationary Reciprocating Internal Combustion Engines.~~

II. Section III. Emissions Unit(s) Specific Conditions.

A. Subsection A. Specific Condition A.3. Fuel Specifications and Work Practices.

Emissions Units Nos. 002-005 are subject to 40 CFR 60 Subpart WWW and certain sections of 40 CFR 63 Subparts AAAA and ~~ZZZZ~~ adopted by the Department at Rules 62-204.800(8)(b) and 62-204.800(11)(b), F.A.C., respectively.

III. Appendix GC.

Condition G.13.

This permit also constitutes:

- a) Determination of Best Available Control Technology (X)
- b) Determination of Prevention of Significant Deterioration (X)
- c) Compliance with New Source Performance Standards (X). Subpart WWW requirements and
- d) Compliance with National Emission Standards for Hazardous Air Pollutants (X). Subpart AAAA and ~~ZZZZ~~ requirements

**DRAFT PERMIT**

A copy of this letter and attachments 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 (F.S.).

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

Executed in Tallahassee, Florida.

DRAFT

\_\_\_\_\_  
Joseph Kahn, Director  
Division of Air Resource Management

\_\_\_\_\_  
Date

## Livingston, Sylvia

---

**From:** Livingston, Sylvia  
**Sent:** Wednesday, December 24, 2008 2:24 PM  
**To:** 'scott.salisbury@landfillenergy.com'  
**Cc:** 'dderenzo@derenzo.com'; 'jeff.pope@us.bureauveritas.com'; Zahm, Alan; Gibson, Victoria; Mitchell, Bruce; Walker, Elizabeth (AIR)  
**Subject:** SEMINOLE ENERGY, LLC - SEMINOLE CO/OSCEOLA RD LANDFILL; 1170084-008-AC/PSD-FL-376A  
**Attachments:** 1170084-008-AC\_Intent.pdf

Dear Sir/ Madam:

Attached is the official **Notice of Draft Permit** for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send". We must receive verification that you are able to access the documents. Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).

**Click on the following link to access the permit project documents:**

[http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf\\_permit\\_zip\\_files/1170084.008.AC.D\\_pdf.zip](http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/1170084.008.AC.D_pdf.zip)

**Owner/Company Name:** SEMINOLE CO BOARD OF CO COMMISSIONERS

**Facility Name:** SEMINOLE CO/OSCEOLA RD LANDFILL

**Project Number:** 1170084-008-AC/ PSD-FL-376A

**Permit Status:** DRAFT

**Permit Activity:** CONSTRUCTION

**Facility County:** SEMINOLE

**Processor:** Bruce Mitchell

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Permit project documents are addressed in this email may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any problems opening the documents or would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation

Sylvia Livingston  
Bureau of Air Regulation  
Division of Air Resource Management (DARM)  
850/921-9506  
[sylvia.livingston@dep.state.fl.us](mailto:sylvia.livingston@dep.state.fl.us)

<b>Recipient</b>	<b>Delivery</b>	<b>Read</b>
'scott.salisbury@landfillenergy.com'		
'dderenzo@derenzo.com'		
'jeff.pope@us.bureauveritas.com'		
Zahm, Alan	Delivered: 12/24/2008 2:24 PM	
Gibson, Victoria	Delivered: 12/24/2008 2:24 PM	Read: 12/24/2008 2:24 PM
Mitchell, Bruce	Delivered: 12/24/2008 2:24 PM	
Walker, Elizabeth (AIR)	Delivered: 12/24/2008 2:24 PM	

## Livingston, Sylvia

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**From:** Scott Salisbury [Scott.salisbury@landfillenergy.com]  
**Sent:** Wednesday, January 07, 2009 10:09 AM  
**To:** Livingston, Sylvia  
**Cc:** Michael Laframboise  
**Subject:** RE: SEMINOLE ENERGY, LLC - SEMINOLE CO/OSCEOLA RD LANDFILL; 1170084-008-AC/ PSD-FL-376A

Sorry this took so long. I received and can access these documents. Please change the primary individual for notification to Michael Laframboise Operations Manager. Street address the same. [Michael.Laframboise@landfillenergy.com](mailto:Michael.Laframboise@landfillenergy.com) Any problems let me know.

---

**From:** Livingston, Sylvia [mailto:Sylvia.Livingston@dep.state.fl.us]  
**Sent:** Tuesday, January 06, 2009 4:23 PM  
**To:** Scott Salisbury  
**Subject:** FW: SEMINOLE ENERGY, LLC - SEMINOLE CO/OSCEOLA RD LANDFILL; 1170084-008-AC/ PSD-FL-376A

Mr. Salisbury,

We have not received confirmation that you were able to access the documents attached to this December 24<sup>th</sup> e-mail, as well as the documents provided in the link ([http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf\\_permit\\_zip\\_files/1170084.008.AC.D\\_pdf.zip](http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/1170084.008.AC.D_pdf.zip)) referenced in the email. Please confirm receipt by opening the attachment and clicking on the link to the permit documents, and sending a reply to me.

The Division of Air Resource Management is sending electronic versions of these documents rather than sending them Return Receipt Requested via the US Postal service. Your "receipt confirmation" reply serves the same purpose as tracking the receipt of the signed "Return Receipt" card from the US Postal Service. Please let me know if you have any questions.

Thanks,

Sylvia Livingston  
Bureau of Air Regulation  
Division of Air Resource Management (DARM)  
850/921-9506  
[sylvia.livingston@dep.state.fl.us](mailto:sylvia.livingston@dep.state.fl.us)

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*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.*

---

**From:** Livingston, Sylvia  
**Sent:** Wednesday, December 24, 2008 1:08 PM  
**To:** 'scott.salisbury@landfillenergy.com'  
**Cc:** 'dderenzo@derenzo.com'; 'jeff.pope@us.bureauveritas.com'; Zahm, Alan; Gibson, Victoria; Mitchell, Bruce; Walker, Elizabeth (AIR)  
**Subject:** SEMINOLE ENERGY, LLC - SEMINOLE CO/OSCEOLA RD LANDFILL; 1170084-008-AC/ PSD-FL-376A

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**Owner/Company Name:** SEMINOLE CO BOARD OF CO COMMISSIONERS

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**Project Number:** 1170084-008-AC/ PSD-FL-376A

**Permit Status:** DRAFT

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**Facility County:** SEMINOLE

**Processor:** Bruce Mitchell

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Sylvia Livingston

Bureau of Air Regulation

Division of Air Resource Management (DARM)

850/921-9506

[sylvia.livingston@dep.state.fl.us](mailto:sylvia.livingston@dep.state.fl.us)

Note: The attached document is in Adobe Portable Document Format (pdf). Adobe Acrobat Reader can be downloaded for free at the following internet site: <http://www.adobe.com/products/acrobat/readstep.html> .



## Livingston, Sylvia

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**From:** David Derenzo [dderenzo@derenzo.com]  
**Sent:** Wednesday, December 24, 2008 3:06 PM  
**To:** Livingston, Sylvia  
**Subject:** RE: SEMINOLE ENERGY, LLC - SEMINOLE CO/OSCEOLA RD LANDFILL; 1170084-008-AC/ PSD-FL-376A

David Derenzo  
Derenzo and Associates, Inc.  
(734) 216-4614

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**From:** Livingston, Sylvia [mailto:Sylvia.Livingston@dep.state.fl.us]  
**Sent:** Wednesday, December 24, 2008 2:24 PM  
**To:** scott.salisbury@landfillenergy.com  
**Cc:** dderenzo@derenzo.com; jeff.pope@us.bureauveritas.com; Zahm, Alan; Gibson, Victoria; Mitchell, Bruce; Walker, Elizabeth (AIR)  
**Subject:** SEMINOLE ENERGY, LLC - SEMINOLE CO/OSCEOLA RD LANDFILL; 1170084-008-AC/ PSD-FL-376A

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