

Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

CERTIFIED MAIL

In the Matter of an Application
for Permit by:

DEP File No.: 1190036-001-AC
County: Sumter

Mr. Howard H. Hewitt, Partner
C.R. 466-A Landfill, L.L.C.
P.O. Box 490697
Leesburg, FL 34749-0697

INTENT TO ISSUE

The Department of Environmental Protection gives notice of its intent to issue a permit (copy attached) for the proposed project as detailed in the application specified above, for the reasons stated below.

The applicant, C.R. 466-A Landfill, L.L.C., applied on January 8, 2002, to the Department of Environmental Protection for a permit to construct an air curtain incinerator at a construction and demolition landfill located on the west side of the Sumter/Lake County line and on the south side of C.R. 466A.

The Department has permitting jurisdiction under Section 403.087, Florida Statutes (F.S.). The project is not exempt from permitting procedures. The Department has determined that a construction permit is required for the proposed work.

The Department intends to issue this permit based on the [Rules 62-4.070(3) and 62-297.310(2), F.A.C.] belief reasonable assurances have been provided to indicate the proposed project will comply with the appropriate provisions of Florida Administrative Code (F.A.C.) Chapters 62-204 through 62-297 & 62-4.

Pursuant to Section 403.815, F.S., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit. The notice will be published one time only within 30 days of receipt of this Intent to Issue, in the legal ad section of a newspaper of general circulation in the area affected. For the purposes of this rule "publication in a newspaper of general circulation in the affected area" 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. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the

permit. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed above. The applicant shall provide proof of publication to the Department, at 3804 Coconut Palm Drive, Tampa Florida 33619 within 7 days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

The Department will issue the permit 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, F.S. 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 14 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), F.S., must be filed within 14 days of publication of the public notice or within 14 days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department 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 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 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 action; and
- (f) A statement of 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 of intent. 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 EPA and by the person under the Clean Air Act unless and until Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Any person listed below may request to obtain additional information, a copy of the application (except for information entitled to confidential treatment pursuant to Section 403.111, F.S.), all relevant supporting materials, and all other materials available to the Department that are relevant to the permit decision. In addition any person may send written comments on the proposed permitting action. All requests and comments should be sent to this office at the address referenced above to the attention of Mr. Jerry Kissel (phone no. 813-744-6100 ext. 107) referencing Permit File No. 1190036-001-AC. All comments received within 14 days of receipt of this Intent to Issue will be considered in the Department's final determination.

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0520 9100 0250 0002

Postage

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Mr. Howard H. Hewitt, Partner
C.R. 466-A Landfill, L.L.C.
P.O. Box 490697
Leesburg, FL 34749-0697

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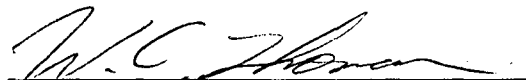
City, State, ZIP+ 4

PS Form 3800, February 2000

See Reverse for Instructions

Executed in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



W.C. Thomas, P.E.
District Air Program Administrator

Attachment

cc: Mr. Kenneth R. Wicks, P.E.
Wicks Consulting Services, Inc.
225 West Main Street
Tavares, FL 32778

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this INTENT TO ISSUE was sent to the addressee by certified mail and all copies were sent by regular mail before the close of business on FEB 26 2002 to the listed persons, unless otherwise noted.

FILING AND ACKNOWLEDGEMENT FILED,
on this date, pursuant to Section
120.52(7), Florida Statutes, with
the designated Department Clerk,
receipt of which is hereby
acknowledged.


Clerk

FEB 26 2002
Date

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO ISSUE PERMIT

The Department of Environmental Protection gives notice of its intent to issue an air pollution permit (Permit File No. 1190036-001-AC to C.R. 466-A Landfill, L.L.C. for the construction of an air curtain incinerator. The unit is to be located at a construction and demolition landfill on the west- side of the Sumter/Lake county line and on the south side of C.R. 466A. MAILING ADDRESS - C.R. 466-A Landfill, L.L.C., P.O. Box 490697, Leesburg, FL 34749-0697 to the attention of Mr. Howard H. Hewitt, Partner.

The Department will issue the permit 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, F.S. 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), F.S., 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), F.S., 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, F.A.C.

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 action; and
- (f) A statement of 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.

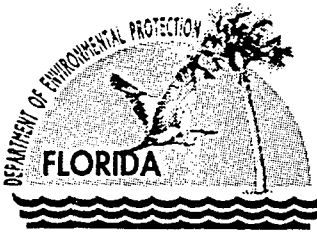
A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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 permit. 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.

The application 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 8407 Laurel Fair Circle, Tampa, Florida.

Any person may request to obtain additional information, a copy of the application (except for information entitled to confidential treatment pursuant to Section 403.111, F.S.), all relevant supporting materials, a copy of the permit draft, and all other materials available to the Department that are relevant to the permit decision. Additionally, the Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of "Public Notice of Intent to Issue Permit." Requests and written comments filed should be provided to the Florida Department of Environmental Protection at 3804 Coconut Palm Drive, Tampa, FL 33619 to the attention of Mr. Jerry Kissel (phone no. 813-744-6100 ext. 107) referencing Permit File No. 1190036-001-AC. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.



Jeb Bush
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Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
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PERMITTEE:
C.R. 466-A Landfill, L.L.C.
P.O. Box 490697
Leesburg, FL 34749-0697

DRAFT

Permit No.: 1190036-001-AC
County: Sumter
Effective Date:
Expiration Date: 07/05/03
Project: Air Curtain Incinerator

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-204 through 62-297 & 62-4. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the department and made a part hereof and specifically described as follows:

For the construction of a non-relocatable A.B.I., Air Curtain Incinerator, Model F-045 at a natural non-Title V facility. The incinerator is subject to the requirements of 40 CFR 60, Subpart CCCC and Rules 62-296.401(h) & 62-296.401(7), F.A.C. The incinerator's maximum material charging rate is 1.4 tons/hr. (daily average) and the maximum limit on the hours of charging is 2,500 hours per any consecutive 12 month period. The incinerator's earthen burning pit is not refractory lined and is 35 ft. long x 12 ft. wide x 10 ft. deep. Emissions from the incinerator will be controlled by forced air at a very high static pressure over and around the burning pit, which has vertical walls.

Air is supplied to the air curtain incinerator by a 67 HP diesel-powered fan, which is considered exempt from permitting per Rule 62-4.040, F.A.C.

Locations: At a construction and demolition landfill; on the west side of the Sumter/Lake County line and on the south side of C.R. 466A.

UTM: Latitude 28°51'27" Longitude 81°57'22"

Facility ID: 1190036 Emission Unit ID: 001

NOTE: Please reference the Permit No., Facility ID, and Emission Unit ID in all correspondence, test report submittals, applications, etc.

Replaces Permit No.: N/A

PERMITTEE:
C.R. 466-A Landfill, L.L.C.

PERMIT No.: 1190036-001-AC
PROJECT: Air Curtain
Incinerator

DRAFT

SPECIFIC CONDITIONS:

1. A part of this permit is the attached 15 General Conditions. [Rule 62-4.160, F.A.C.]
2. This incinerator is subject to the requirements of 40 CFR 60, Subpart CCCC, Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001. [Rule 62-204.800(7)(b)74., F.A.C.]

{Permitting Note: The following conditions/terms noted in "*italics*" are, as of the effective date of this permit, currently undergoing the rulemaking process to Rule 62-296.401, F.A.C., to incorporate the U.S. EPA already-in-effect requirements of 40 CFR 60, Subpart CCCC. 40 CFR 60, Subpart CCCC, is adopted and incorporated by reference in Rule 62-204.800(7)(b)74., F.A.C. Since the rule making process may result in minor changes to those conditions/terms, the Department may be required to change the conditions/terms at a later date. }

3. *The unit shall comply with all standards, limitations, and requirements of 40 CFR Part 60, to which it is subject, and with the requirements in Rules 62-296.401(7)(a)1.-18. and 62-296.401(2)(h), F.A.C., to the extent that those requirements are stricter than, or supplemental to, the requirements of 40 CFR Part 60 Subpart AAAA, BBBB, CCCC, or DDDD. [Rules 62-296.401(2)(h) and 62-296.401(7)(a), F.A.C.]*

{Permitting Note: The conditions of this permit include the requirements referenced in the underlined portion of Specific Condition No. 3 above.}

4. The maximum charging rate to the incinerator shall not exceed 1.4 tons/hr. (daily average basis) and 3,500 tons per any consecutive 12 month period. The charging rate going into the pit shall be determined by the following procedure: The loader used to charge the pit shall weigh 5 buckets (rakes) at a representative maximum capacity and representative material to be charged into the burn pit. This average, along with the number of charges, shall then be used to determine the hourly process rate. In addition, the loader bucket (rake) that will be used to charge the pit shall be designated as the only one used in charging the pit. If a different or alternate sized loader is used a new average shall be determined and noted in the facility's records/logs. [Rules 62-212.300, 62-296.401(7)(a)10., and 62-4.070(3), F.A.C.; Requested by permittee in construction application dated December 21, 2001]

PERMITTEE:
C.R. 466-A Landfill, L.L.C.

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PERMIT No.: 1190036-001-AC
PROJECT: Air Curtain
Incinerator

5. The operating (charging) hours of this incinerator shall not exceed 2,500 hours per any consecutive 12 month period. [Requested by permittee in construction application dated December 21, 2001]

6. Outside of startup procedures, visible emissions *shall not exceed 10% opacity*. [Rule 62-296.401(7)(a)1., F.A.C.] Note, until the preceding rule is promulgated the permittee shall also comply with the current State's rule, Rule 62-296.401(7)(a), F.A.C. This rule states, "Outside of startup periods, no visible emission (5 percent opacity or less) shall be allowed, except that an opacity of up to 20 percent shall be permitted for not more than three minutes in any one hour."

7. During startup periods, which shall not exceed the first 30 minutes of operation, an opacity of up to 35%, averaged over a six-minute period, shall be allowed. [Rule 62-296.401(7)(a)2., F.A.C.]

8. The general excess emissions rule, Rule 62-210.700, F.A.C., to handle start-ups, shutdowns, and malfunctions, shall not apply to air curtain incinerators. [Rule 62-296.401(7)(a)3., F.A.C.]

9. The following dimensions for the pit must be strictly adhered to: no more than 12 feet wide, between 8 and 15 feet deep, and no longer than the length of the manifold. *Pit width, length, and side walls shall be properly maintained so that combustion of the waste within the pit will be maintained at an adequate temperature and with sufficient air recirculation to provide enough residence time for mixing for complete combustion and control of emissions.* The pit shall not be dug within a previously active portion of a landfill. [Rule 62-296.401(7)(a)4., F.A.C.]

10. The only materials that *shall* be burned in an air curtain incinerator are wood waste, *yard waste*, and clean lumber. [Rules 62-296.401(2)(h)3. and 62-296.401(7)(a)5., F.A.C.]

11. The burning of sawdust, paper, paper, trash, tires, garbage, *rubber material*, plastics, liquid wastes, *Bunker C residual oil, roofing materials, tar, asphalt, railroad cross ties or other creosoted lumber*, chemically treated or painted wood, and other similar materials *in any air curtain incinerator* is expressly prohibited. [Rules 62-296.401(2)(h)3. and 62-296.401(7)(a)6., F.A.C.]

12. Only virgin oil, natural gas, or liquefied petroleum gas may be used to start the fire *in an air curtain incinerator*. The use of waste oil, chemicals, gasoline, or tires is expressly prohibited. [Rule 62-296.401(7)(a)7., F.A.C.]

DRAFT

PERMITTEE:
C.R. 466-A Landfill, L.L.C.

PERMIT No.: 1190036-001-AC
PROJECT: Air Curtain
Incinerator

13. *Biological waste shall not be combusted in an air curtain incinerator. [Rule 62-296.401(2)(h), F.A.C.]*
14. In no case shall an air curtain incinerator be started before sunrise. For *all* air curtain incinerators, charging must have completely stopped before sunset. [Rule 62-296.401(7)(a)8., F.A.C.]
15. *An air curtain incinerator shall be attended at all times while materials are being burned. During such times as the air curtain incinerator is not in operation, public access to the incinerator shall be restricted. [Rule 62-296.401(7)(a)9., F.A.C.]*
16. *Stationary* air curtain incinerators must be located at least *three hundred (300)* feet from any occupied building located off site. [Rule 296.401(7)(a)11., F.A.C.]
17. Air curtain incinerators used at landfills may not operated within one thousand (1000) feet of any active portion of the landfill unless the air curtain incinerator is separated from the active portion of the landfill by a controlled gated or check-in station. [Rule 62-296.401(7)(a)12., F.A.C.]
18. The material shall not be loaded into the air curtain incinerator such that it will protrude above the air curtain. [Rule 62-296.401(7)(a)13., F.A.C.]
19. Ash shall not be allowed to build up in the pit *of an air curtain incinerator* to higher than 1/3 the pit depth or to the point where the ash begins to impede combustion, which occurs first. [Rule 62-296.401(7)(a)14., F.A.C.]
20. The pit shall be marked with an indicator to show the 1/3 depth. [Rule 62-4.070(3), F.A.C.]
21. *An* operation and maintenance guide must be available to the operators *of an air curtain incinerator* at all times, and the permittee *shall* provide training to all operators before they work at the incinerator. The Department may request a copy of this guide. [Rule 62-296.401(7)(a)15., F.A.C.]
22. Each trained operator shall receive a certificate demonstrating that the operator has successfully passed the training required by the operation and maintenance guide. During the tenure of the operator, a copy of this certificate shall be kept on file at the facility and be made available to the Department upon request. [Rule 62-4.070(3), F.A.C.]

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PERMITTEE:
C.R. 466-A Landfill, L.L.C.

PERMIT No.: 1190036-001-AC
PROJECT: Air Curtain
Incinerator

23. This facility shall not cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. [Rules 62-296.320(2) and 62-296.401(1)(b), F.A.C.]

24. A daily operating log shall be kept and at a minimum contain the following:

- A. Date
- B. Type of starter fuel used.
- C. Total charges.
- D. Default charging rate and identification of the rake used.
- E. Total material (in tons) charged.
- F. Daily operating (charging) hours, which includes the start of initial combustion to the time of the last charge to the incinerator (Start and Stop Times shall be indicated).
- G. Daily, calculate the hourly charging rate (tons/hr.).
- H. Monthly, provide the most recent consecutive 12 month period total of operating (charging) hours.
- I. Monthly, provide the most recent consecutive 12 month period total for the amount of material charged in tons.
- J. Type of Maintenance Performed
- K. Comments
- L. Operator's signature

The log shall be maintained at the facility for at least 5 years and shall be made available to the Department upon request. [Rule 62-4.070(3), F.A.C.]

25. All reasonable precautions shall be taken to prevent and control generation of unconfined emissions of particulate matter. These provisions are applicable to any source, including, but not limited to vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrial related activities such as loading, unloading, storing and handling.

Reasonable precautions shall include the following:

- Ash removed from the pit shall be wetted with water, prior to removal, and as necessary.
- Ash removed from the pit shall be wetted with water, as necessary, to ensure the ash does not become airborne or begin to smolder.
- Water shall be applied as necessary to the facility grounds.
- Reasonable care shall be taken in loading and unloading the pit.

[Rule 62-296.320(4)(c), F.A.C.]

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PERMITTEE:
C.R. 466-A Landfill, L.L.C.

PERMIT No.: 1190036-001-AC
PROJECT: Air Curtain
Incinerator

26. In order to ensure the visible emission limitations are not exceeded and objectionable odors are not generated, the air curtain incinerator's fan shall continue to operate after the last charge of each day until all combustion has ceased. For purposes of this condition, "combustion" means the presence of any flames or smoke that causes a visible emission greater than 5% opacity. [Rules 62-210.200(278) - Definition of Visible Emission and 62-4.070(3), F.A.C.]

27. Test the air curtain incinerator for visible emissions within 60 days after reaching the maximum permitted charging rate of 1.4 tons/hr. (daily average), but no later than 180 days after its initial startup and annually thereafter. Submit a copy of the **initial** test data to the Air Permitting Section of the Department's Southwest District Office within 45 days of such testing and by the 180th day after the initial startup in conjunction with an air operation permit application. Subsequent annual test reports shall be submitted within 45 days of testing. All submitted compliance test reports shall include a copy of the daily log for each test day along with the charging rate, description of materials burned, and starter fuel used during the test period. *Initial and annual opacity test results shall be submitted as electronic or paper copy on or before the applicable submittal date.* [Rules 62-296.401(2)(h)4. & 7., 62-297.310(7) and 62-297.310(8)(b), F.A.C.]

28. Testing of emissions must be conducted within 90-100% of the maximum allowable charging rate* of 1.4 tons/hr. A compliance test submitted at a rate less than 90% of the maximum permitted charging rate will automatically constitute an amended permitted charging rate at that lesser rate, plus 10%. Within 30 days of that lower amended permitted charging rate being exceeded, a new compliance test shall be conducted at no less than that higher rate and no greater than 1.4 tons/hr. The test results shall be submitted to the Air Compliance Section of the Department's Southwest District Office within 45 days of testing. Acceptance of the test by the Department will automatically constitute an amended permit at the higher charging tested rate, plus 10%, but in no case shall the maximum permitted charging rate of 1.4 tons/hr. be exceeded. The emission limitations shall not change.

- * Charging rate is defined as 1) the amount of material placed in the incinerator during the period starting with the initial loading and ending 60 minutes after initial combustion, for the first 60 minute period after initial combustion and 2) the amount of material placed in the incinerator for any 60-minute period thereafter.

[Rules 62-4.070(3) and 62-297.310(2), F.A.C.]

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PERMITTEE:
C.R. 466-A Landfill, L.L.C.

PERMIT No.: 1190036-001-AC
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Incinerator

29. The *reference* test method for visible emissions shall be *EPA Method 9, as described in 40 CFR Part 60, Appendix A, adopted and incorporated by reference at Rule 62-204.800, F.A.C.* [Rule 62-296.401(7)(a)16., F.A.C.]

30. Test procedures shall *conform to the procedures specified in Rule 62-297.310, F.A.C.* [Rule 62-296.401(7)(a)17., F.A.C.]

31. The visible emission test shall be conducted when the highest emissions can reasonably be expected to occur. The visible emission test report shall include the charging rate, description of materials burned, starter fuel used, and a copy of the daily operating log for the test day. The EPA Method No. 9 test interval on this source shall be at least 60 minutes and meet all the applicable requirements of Chapter 62-297, F.A.C. The visible emission test shall begin upon initial combustion and include the first 60* minutes of the burn (30 minutes start-up and 30 minutes normal operation). In order to determine compliance and maximize the conditions for conducting a valid visible emission test, the Department reserves the right to require the air curtain incinerator to be repositioned, for example, with the incinerator's long axis in a north to south direction. [Rules 62-296.401(7)(o), 62-297.310(4)(a)2. and 62-4.070(3), F.A.C.]

* Note, until Rule 62-296.401(7)(a)16., F.A.C., in Specific Condition No. 29 is promulgated, the permittee shall also comply with the current State's rule, Rule 62-296.401(7)(o)1., F.A.C. This rule states, "The test method for visible emissions shall be DEP Method 9, incorporated in Chapter 62-297, F.A.C." In order to comply with the State's current rule, the visible emission test shall begin upon initial combustion and include the first 90 minutes of the burn (30 minutes start-up and 60 minutes normal operation).

32. *Records of the results of all initial and annual opacity tests shall be kept onsite in either paper copy or electronic format, for at least 5 years. These records shall be made available to the permitting authority or for an inspector's onsite review upon request.* [Rule 62-296.401(2)(h)6., F.A.C.]

33. For only the initial emission compliance tests, the permittee shall provide the Air Compliance Section of this office at least 30 days prior notice of any performance tests. The notice shall contain the date on which each formal compliance test is to begin of the date, time and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted. [Rule 62-297.310(7)(a)9., F.A.C. and 40 CFR 60.8(d)]

DRAFT

PERMITTEE:
C.R. 466-A Landfill, L.L.C.

PERMIT No.: 1190036-001-AC
PROJECT: Air Curtain
Incinerator

34. After the initial emission compliance tests, the permittee shall notify the Air Compliance Section of this office at least 15 days prior to the date on which each formal compliance test is to begin of the date, time and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted. [Rule 62-297.310(7)(a)9., F.A.C.]

35. The permittee shall provide written notification to the Air Compliance Section of this office as follows:

- A. The date construction is commenced, postmarked no later than 30 days after such date, pursuant to 40 CFR 60.7(a)(1).
- B. The anticipated date of initial startup, postmarked not more than 60 days nor less than 30 days prior to such date, pursuant 60 CFR 60.7(a)(2).
- C. The actual date of initial startup, postmarked within 15 days after such date, pursuant 40 CFR 60.7(a)(3).

[40 CFR 60.7, 40 CFR 60.670(f), and Rule 62-204.800(7), F.A.C.]

36. The permittee shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; or any malfunction of the air pollution control equipment. The records shall be recorded in a permanent form suitable for inspection and shall be retained for at least 5 years. [Rule 62-204.800(7), F.A.C. and 40 CFR 60.7(b)]

37. *Nothing in this rule (Rule 62-296.401(7)(a), F.A.C.), shall relieve the owner or operator from any requirement for obtaining authorization to use an air curtain incinerator, when necessary, from the Division of Forestry, or any local fire control authority. [Rule 62-296.401(7)(a)18., F.A.C.]*

38. The exempt from permitting "diesel powered fan" shall not cause visible emissions equal to or greater than 20% opacity, in accordance with the facility-wide visible emission limitation of Rule 62-296.310(4)(b), F.A.C. This rule does not require testing annually or prior to permit renewal. Special visible emission compliance testing of the diesel powered fan may be required to be conducted. [Rule 62-297.310(7)(b), F.A.C.]

39. Each time the incinerator is re-positioned to a different area of the landfill, the permittee shall notify the Air Compliance Section of this office in writing of the date the incinerator was moved within 5 calendar days of that date. The notice shall include a sketch/diagram of the new location. [Rule 62-4.070(3), F.A.C.]

DRAFT

PERMITTEE:

C.R. 466-A Landfill, L.L.C.

PERMIT No.: 1190036-001-AC

PROJECT: Air Curtain
Incinerator

40. An application for an operating permit shall be submitted to the Air Permitting Section of this office within 45 days of testing or at least 180 days prior to the expiration date of this permit, whichever occurs first (also see Condition No. 27). Be sure to attach to the application, copies of at least 2 recent weeks of daily operating logs and a copy of the visible emission test report. [Rules 62-4.070(3), 62-210.300(2), 62-296.310(7)(a)1., and 62-297.310(8)(b), F.A.C.]

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

W.C. Thomas, P.E.

District Air Program Administrator

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ATTACHMENT - GENERAL CONDITIONS

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes (F.S.). The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.

4. Not applicable to Air Permits.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

- a. Have access to and copy any records that must be kept under conditions of the permit;

DRAFT

GENERAL CONDITIONS:

- b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
- c. Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

- a. A description of and cause of noncompliance; and
- b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Rule 62-4.120 and 62-730.300 F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

GENERAL CONDITIONS:

DRAFT

13. This permit also constitutes:

- () Determination of Best Available Control Technology (BACT)
- () Determination of Prevention of Significant Deterioration (PSD)
- () Compliance with New Source Performance Standards (NSPS)

14. The permittee shall comply with the following:

a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

c. Records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;
2. the person responsible for performing the sampling or measurements;
3. the dates analyses were performed;
4. the person responsible for performing the analyses;
5. the analytical techniques or methods used;
6. the results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

16. Not applicable to Air Permits.

17. Not applicable to Air Permits.