



**Wheelabrator South Broward Inc.**

A Waste Management Company  
4400 South State Road 7  
Ft. Lauderdale, FL 33314

Phone 954.581.6606  
Fax 954.581.6705

**RECEIVED**

APR 13 1998

**Thomas D. Kirk**  
General Manager  
BUREAU OF  
AIR REGULATION

April 1, 1998

Clair H. Fancy, P.E., Chief  
Bureau of Air Regulation  
Department of Environmental Protection  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

**CERTIFIED #P 427 396 811  
RETURN RECEIPT REQUESTED**

Dear Mr. Fancy:

Thank you for your letter of February 12, 1998 which included a Draft Amendment to the PSD Permit for the Wheelabrator South Broward facility as well as a Public Notice of Intent to Issue. This Draft Amendment responds to Wheelabrator's request for clarification regarding its permitted fuels, which request was set forth in detail in a letter dated September 17, 1997. For the reasons set forth below, at this time Wheelabrator is withdrawing its September 17 request for clarification of permitted fuels. It is our intention to submit a new application in the immediate future.

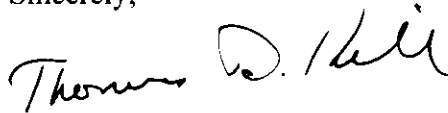
Early in 1997, we initiated a series of meetings with the Department in response to a letter we received from Tom Tittle, Air Compliance, Enforcement Supervisor of the Southeast District, which stated that "at present, your municipal waste combustor is permitted to burn municipal solid waste ("MSW")". Contrary to Mr. Tittle's assertion, both Wheelabrator North Broward, Inc. and Wheelabrator South Broward, Inc. are permitted to burn "refuse, such as garbage and trash." In our meetings with you and others at the DEP, we have discussed at length the fact that there are no definitions of "refuse" in any of the relevant state or federal statutes or regulations. In all of these discussions, we have consistently maintained our position that "refuse" is broader than MSW and includes, among other things, segregated loads of items that are otherwise in the MSW waste stream. While you and others at the DEP have certainly argued for a more narrow interpretation of "refuse," in the absence of a statutory or regulating definition, it is unclear precisely what "refuse" means. Indeed, I believe that we simply agreed to disagree about the precise meaning of "refuse" and worked instead to address the lack of precision in our permits by clarifying specific fuels that are permitted at our facilities. Our letter of September 17, 1997 was written with that goal in mind.

Clair H. Fancy, P.E., Chief  
April 1, 1998  
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The Draft Amendment, which clarifies that segregated loads of pharmaceutical wastes, tires, and oil filters are permitted fuels, also significantly changes our existing permits by replacing the term "refuse such as garbage and trash" with the term municipal solid waste as defined in 40 C.F.R. 60.51a and 51b. Although your decision to replace "refuse" with "MSW" implicitly acknowledges that refuse is a broader term, we never requested -- nor can we accept -- such a change. Given the history of our discussions on this issue, we believe that we can best resolve this matter by submitting a new application. Accordingly, at this time, we are withdrawing our September 17, 1997 request for clarification.

It is our intention to submit a new application in the immediate future. Our hope is that by modeling our request after other recent applications received by the Department, we can avoid protracted discussions and further delays. We look forward to working with you to resolve this issue.

Sincerely,



Thomas Kirk  
General Manager

980407b.TDK

cc: E. Juec, BAR  
J. Little, SED  
D. Barne, Broward Co.



**Whoelabrator South Broward Inc.**

A Wheelabrator Technologies Company  
4400 South State Road 7  
Ft. Lauderdale, FL 33314

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**FACSIMILE TRANSMITTAL**

DATE: 12/4/97

TO: Cerie Jancy al

FROM: Tom Kirk

SENDER: \_\_\_\_\_

NUMBER OF PAGES 2 INCLUDING COVER SHEET.

MESSAGE: Please disregard previous f ax.

**PLEASE NOTE:** If any problems should be present with the material received, please notify us at (954) 581-6606.



Based on a photo

**Wheeler Laboratories South Broward Inc.**

A Waste Management Company  
4400 South State Road 7  
Ft. Lauderdale, FL 33314

Phone 954.581.6806  
Fax 954.581.6705

Thomas D. Kirk  
General Manager

December 4, 1997

VIA FAX 904-922-6979

Mr. Clair H. Fancy  
Bureau Chief  
Bureau of Air Regulation  
Division of Air Resources Management  
Florida Department of Environmental Protection  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, FL 34399-2400

Subject: Request For Clarification of Permitted Fuels at the  
North Broward & South Broward Resource Recovery Facilities

Dear Mr. Fancy:

This letter serves as a cover letter to our September 17, 1997 submittal addressing the above captioned topic. The referenced submittal is our formal application for a revision to our existing permit. As stated in the application, please note that the changes proposed will not increase our annual throughput nor create an increase in our current emissions.

Should you have any questions or require any additional information relating to the application, please contact Carol Eaton, Senior Environmental Engineer in our Corporate Offices at 800-682-0026. We appreciate your cooperation in this matter.

Very truly yours,

Thomas D. Kirk  
General Manager

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