



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

June 12, 2002

Mr. Bryan Tindell
Compliance Engineer
Waste Management
Medley Landfill
9350 NW 89th St.
Miami, FL 33178

Re: "MACT Hammer Part 1 Application Submittal" - Medley Landfill

Dear Mr. Tindell:

In response to your letter dated May 13, 2002, which implies that you want the Department to make a determination of MACT applicability for the referenced facility, I have attached Chapter 28-105, F.A.C., Declaratory Statements, which specifies the procedure that you must follow if you do, in fact, want us to make a determination.

The Department's Agency Clerk is Kathy Carter. Her address is:

Kathy Carter, Agency Clerk
Florida Department of Environmental Protection
MS 35
3900 Commonwealth Boulevard
Tallahassee FL 32399-3000

Thank you for submitting the 112(j) notification information. Your information submittal appears to meet our current 112(j) requirements.

Please be aware that, although your letter refers to this information submittal as a "Part 1 Application Submittal," the Department does not recognize your submittal as a state permit application and has no plans to process it as such.

No further 112(j) information is needed from you at this time. If you have any questions, concerning this matter, please contact me at 850/921-9534.

Sincerely,

Cindy L. Phillips, P.E.
Bureau of Air Regulation

attachment

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CHAPTER 28-105, F.A.C.

DECLARATORY STATEMENTS

28-105.001 Purpose and Use of Declaratory Statement.

A declaratory statement is a means for resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority. A petition for declaratory statement may be used only to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory statement is not the appropriate means for determining the conduct of another person or for obtaining a policy statement of general applicability from an agency. A petition for declaratory statement must describe the potential impact of statutes, rules, or orders upon the petitioner's interests.

28-105.002 The Petition.

A petition seeking a declaratory statement shall be filed with the clerk of agency that has the authority to interpret the statute, rule, or order at issue and shall provide the following information:

(1) The caption shall read:

Petition for Declaratory Statement

Before (Name of Agency)

(2) The name, address, telephone number, and any facsimile number of the petitioner.

(3) The name, address, telephone number, and any facsimile number of the attorney or qualified representative (if any) of the petitioner.

(4) The statutory provision(s), agency rule(s), or agency order(s) on which the declaratory statement is sought.

(5) A description of how the statutes, rules, or orders may substantially affect the petitioner in the petitioner's particular set of circumstances.

(6) The signature of the petitioner or of the petitioner's attorney or qualified representative.

(7) The date.

28-105.003 Agency Disposition.

The agency may hold a hearing to consider a petition for declaratory statement. If the agency is headed by a collegial body, it shall take action on a petition for declaratory statement only at a duly noticed public meeting. If a hearing is held, it shall be conducted in accordance with Sections 120.569 and 120.57(2), F.S. The agency may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts. Within 90 days of the filing of the petition, the agency shall render a final order denying the petition or issuing a declaratory statement.



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MAY 28 2002

BUREAU OF AIR REGULATION

WASTE MANAGEMENT

Miami Dade/Monroe Division
2125 NW 10th Ct.
Miami, FL 33127
(305) 547-6019
(305) 326-0247 Fax

May 13, 2002

Ms. Cindy Phillips, P.E.
Bureau of Air Regulation
Florida Department of Environmental Protection
MS 5505
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Mr. Doug Neeley
Air Pesticides, and Toxics Management Division
USEPA, Region IV
61 Forsyth Street, SW
Atlanta, GA 30303-8960

**Re: MACT Hammer Part 1 Application Submittal
Medley Landfill**

Waste Management, Inc. of South Florida (WMI) is pleased to submit the Part 1 Application, National Emission Standards For Hazardous Air Pollutants (NESHAP) – 40 CFR Part 63, Section 112(j) (MACT Hammer), for Medley Landfill and Recycling Center.

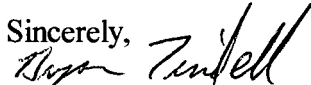
Attached is a form that presents all the required information by the Florida Department of Environmental Protection (FLDEP) and the U.S. Environmental Protection Agency (USEPA) for determination of applicability to the MACT Hammer. Based on generally acceptable and available emission estimation techniques and emission factors, Medley Landfill is **not** applicable to the MACT Hammer. Supporting documentation and emission calculations for this applicability determination will be made available upon request.

MACT Hammer Part 1 Application
May 13, 2002

Page 2

If you have any questions regarding the information contained in this submittal please contact the undersigned at (954) 984-2037.

Sincerely,



Bryan Tindell

Compliance Engineer

WASTE MANAGEMENT OF SOUTH FLORIDA

Attachment: Part 1 Application Form

cc: Site Contact, Medley Landfill
Site File, Medley Landfill
EMCON Contact: Attn Bruce K Maillet

Part 1 Title V Application
Sources Subject to Section 112(j) Provisions
40 CFR 63.50 through 63.56

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DEPARTMENT OF AIR REGULATION

Source Identification	
1) Source Name Medley Landfill	
2) Source ID No. Final Permit No. 0250615-002-AV	
Physical Location	
3) Street Address 9350 NW 89 th St.	
4) City Miami	5) County Dade
6) State FL	7) Zip Code -33073 33178
Mailing Address (if different than physical location)	
8) Address	
9) City	10) County
11) State	12) Zip Code

Applicability Determination

<p>13) Is your facility a major source of hazardous air pollutants (HAP)? If not, you need not complete the rest of this form.</p> <p><i>A major source is any contiguous area under common control that emits or has the potential to emit considering controls, in the aggregate, at least 10 tons per year of any single HAP or 25 tons per year total HAP.</i></p>	<p>9 YES</p> <p>√ NO</p>
<p>14) Do you own or operate an affected source in a source category for which EPA has not promulgated standards under 40 CFR 63? If so, which one(s)? <u>40 CFR 63, Subpart AAAA</u></p> <p>If not, you need not complete the rest of this form. <i>(See Table of Promulgated Regulations, Table of Proposed Regulations, and Table of Upcoming Regulations at www.epa.gov/ttn/atw/eparules.html to determine if your standard has not been promulgated.)</i></p>	<p>√ YES</p> <p>9 NO</p>

15) Provide a brief description of the major source and its activities:

Medley Landfill and Recycling Center (MLRC) encompasses approximately 160 acres. Currently municipal solid waste (MSW) is disposed in the active 61 acre lined cell located on the southern side of the facility. Additionally, construction and demolition (C&D) material was disposed atop the North Hill which previously accepted (MSW). The C&D area is approximately 25 acres. This permit authorizes the operation of a landfill gas collection and flare system and other landfill operation-associated air emissions including fugitive emissions from vehicular traffic and fugitive emissions of landfill gas.

The existing gas collection system consists of a perimeter header line, utility flare, associated piping and a total of sixty one (61) vertical gas extraction wells located around both the perimeters of the 43 acre lined cell accepting MSW and the C&D hill. Some of the material will be recycled at the C&D recycling facility located on site.

Also included in this permit are insignificant emissions units and/or activities.

This facility requires a Title V operating permit since the MSW disposal area exceeds the landfill design capacity criteria of 2.5 million megagrams or 2.5 million cubic meters. Based on the initial Title V permit application received June 13, 1996, this facility is not a major source of hazardous air pollutants (HAPs).

This facility is not a major HAP Source.

16) Provide a brief description of the affected source(s) in the relevant source category(ies):

Medley Landfill is a municipal Solid Waste (MSW) landfill and Construction and Demolition debris landfill. The facility is not a major source for HAP. The operation is not expected to ever be a major source of HAP. The facility will be affected source under the MSW Landfill MACT, 40 CFR 63, Subpart AAAA when and if that standard is promulgated. The facility is not expected to "trigger" the MACT provisions as a major source.

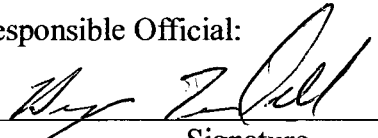
17) Identify any sources that have MACT determinations under section 112(g):

None

Certification and Signature of Responsible Official

18) I certify that the information contained in this application to be accurate and true to the best of my knowledge:

Responsible Official:

 _____ Signature	<u>Compliance Engineer</u> _____ Title
<u>Bryan Tindell</u> _____ Printed name of Signatory	<u>5/13/02</u> _____ Date

A responsible official can be:

- § *The president, vice president, secretary, or treasurer of a corporation that owns the facility or a duly authorized representative that is responsible for the overall operation of the facility.*
- § *An owner of the facility.*
- § *A principal executive officer if the facility is owned by the federal, state, city or county government.*
- § *A ranking military officer if the facility is located at a military base.*
- § *A general partner of a partnership that owns the facility.*

Medley LF
9350 NW 89 Dr.
Medley, FL 33178

BEST AVAILABLE COPY

PLACE STICKER AT TOP OF ENVELOPE
TO THE RIGHT OF RETURN ADDRESS
FOLD AT DOTTED LINE

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Ms. Cindy Phillips, PE
Bureau of Air Regulation
Fl. Dept. of Environ. Protection
MS 5505
2600 Blountland Rd.
Tallahassee, FL 32399-2400

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REQUESTED