

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 28-Apr-2000 10:57am
From: Leonard Kozlov ORL 407/894-755
KOZLOV_L@a1.deporl.dep.state.fl.us
Dept:
Tel No:

To: Scott Sheplak TAL (SHEPLAK_S@A1)
To: Bruce Mitchell TAL (MITCHELL_B@A1)
CC: John B. Turner ORL (TURNER_JB@a1.deporl.dep.state.fl.us)
CC: Garry Kuberski ORL (KUBERSKI_G@a1.deporl.dep.state.fl.us)
CC: Dina Jones ORL (JONES_DX@a1.deporl.dep.state.fl.us)

Subject: Ogden Oct 99 inspection

Scott,
As per your request, attached is the inspection report that John Turner and Jim Bradner from solid waste section as to what they saw at the landfill. Unfortunately there is no signed report in the file. A search is on. This copy came from Garry's file in his computer. Presently Turner and Bradner are out of the office. I know photos were taken but they are not in our files. I am having the solid waste folks check their files since this was a solid waste issue rather than air as to what is disposed of in a landfill. If we come across more info you will be the first to know.
Len

0690046

11-2-99

INSPECTION
REPORT

**INSPECTION REPORT FORM
AIR POLLUTION EMISSION SOURCES**

FACILITY Ogden Martin Systems of Lake, Inc.		DISTRICT Central	COUNTY Lake
ADDRESS 3830 Rogers Industrial Park Road Okahumpka, Florida 34763		CONTACT Ph. 352-365-1311 (Lake) Jason M. Gorrie, Senior Environmental Engineer. Ph. 813-856-2917 (Pasco)	
AIRS 0690046	PERMIT AO35-193817	EXPIRATION DATE Title V permit application received.	
SOURCE DESCRIPTION E.U. 1 MSW Incinerator with biomedical waste commingled. E.U. 2 MSW Incinerator		Title V E.U. 3 Activated Carbon storage silo	
INSPECTION DATE 2-Nov-99	AUDIT TYPE Level 2	COMPLIANCE STATUS In-compliance	
INSPECTION COMMENTS/RECOMMENDATIONS:			
<p>The writer along with Tom Mulligan conducted an inspection to review records and observe the condition of ash. The record review was discussed with Jason Gorie and Cecil Boatwright. All records requested were presented. Copies were made for the DEP files.</p> <p>This inspection satisfy the requirement for a quarterly inspection and to investigate the possibility of inadequate furnace temperature for the combustion of medical waste.</p> <p>Small amounts of unburned medical waste had been found in the incinerator ash at Astatula Landfill Landfill records had shown that the waste came from Ogden Martin. Jason Gorrie stated that Jim Robinson from the Ocala HRS Office was there to observe the unburned waste. I informed them that John Turner and Jim Bradner from this office had also been there to observe the waste.</p> <p>The combustion chamber temperature is measured with three thermocouples on the roof of the chamber. The temperatures are recorded on a strip chart and also recorded in the Genesis computer system. The temperature being measured by each thermocouple is shown by digital readout on the control panel. The temperatures are labeled as data points 03, 04, and 05.</p> <p>The genesis system records the temperature shown by each thermocouple as a 2 minute average. A strip chart records the temperature as shown by the digital readout. The date stamp on the strip chart is one day behind, that is Oct. 27 is stamped the 26th.</p> <p>Copies of the strip chart and Genesis report for Oct 26, 27, 28, and 29 are attached. A temperature of less than 1138 °F was not recorded. The permit specifies a minimum roof temperature of 1138 °F as a surrogate for a combustion chamber temperature of 1800 °F.</p> <p>The CEM notebook was examined to determine compliance with the opacity, CO, SO₂, and carbon injection rate. Example copies of the notebook were obtained for October 28. The carbon injection rate was slightly greater than 23 lb./hr which is what they have stated they are going to use. There was no violation of the opacity, CO, or SO₂ limits. Periods of poor combustion would produce high CO emissions. Elevated CO emissions were not observed for Oct. 26, 27, 28, or 29.</p>			
continued next page			
INSPECTOR(S) NAME(S) Garry Kuberski			
SIGNATURE Pages 1 and 2 signed by G. Kuberski 4-Nov-99.		DATE	

**INSPECTION REPORT FORM
AIR POLLUTION EMISSION SOURCES**

FACILITY Ogden Martin Systems of Lake, Inc.		DISTRICT Central	COUNTY Lake
ADDRESS 3830 Rogers Industrial Park Road Okahumpka, Florida 34763		CONTACT Ph. 352-365-1611 (Lake) Jason M. Gorrie, Senior Environmental Engineer. Ph. 813-856-2917 (Pasco)	
AIRS 0690046	PERMIT AO35-193817	EXPIRATION DATE Title V permit application received.	
SOURCE DESCRIPTION Title V E.U. 1 MSW Incinerator with biomedical waste commingled. E.U. 3 Activated Carbon storage silo E.U. 2 MSW Incinerator			
INSPECTION DATE 2-Nov-99		AUDIT TYPE Level 2	COMPLIANCE STATUS In-compliance
INSPECTION COMMENTS/RECOMMENDATIONS:			
<p>Copies of the medical waste delivery reports were obtained for Oct 26, 27, 28, and 29 and are attached.</p> <p>The ash house contents were observed and the operation was discussed with Cecil Boatwright.</p> <p>The ash is transported to the ash house on a conveyor belt. The ferrous metal is separated with a magnet and drops in one pile while the ash drops in another. The ash is wet and does not create dust.</p> <p>Ash is removed from the ash house each week day using an end loader to load a dump truck. The end loader driver watches for unburned material in the ash and if any is seen he separates it and sends it back through the incinerator. Because the end loader is large the driver may not see small pieces of unburned waste. Small pieces would be smaller than one to two feet in diameter.</p> <p>On Fridays all of the ash from the ash house is removed to allow for operation over the weekend when ash may not be removed.</p> <p>The following records are attached:</p> <p style="padding-left: 40px;">CEM Notebook, 9 pages with the following titles:</p> <p style="padding-left: 80px;">Daily Opacity Summary from 10/27/99 to 10/28/99 Daily Opacity Summary 10/28/99 Daily Emissions Summary from 10/27/99 to 10/28/99. (3 pages) Daily Process Summary (2 pages) Daily Calibration Log (2 pages)</p> <p style="padding-left: 80px;">Medical Waste Delivery Report (41 pages) Daily Ash Ticket Summary for Oct. 26, 27, 28 and Nov. 1 (35 pages) Genesis printouts showing combustion chamber temperatures, history replay and directory (5 pages) Combustion chamber temperature strip chart recordings (3 pages)</p>			
INSPECTOR(S) NAME(S) Gary Kuberski			
SIGNATURE		DATE	

0.00
0.00

0.00
0.00

original - file

DEP ROUTING AND TRANSMITTAL SLIP

copy

TO: (NAME, OFFICE, LOCATION) 3. _____

1. Clair Kury 4. _____

2. Brure Mitchell 5. _____

- PLEASE PREPARE REPLY FOR:
- SECRETARY'S SIGNATURE
 - DIV/DIST DIR SIGNATURE
 - MY SIGNATURE
 - YOUR SIGNATURE
 - DUE DATE _____

COMMENTS:

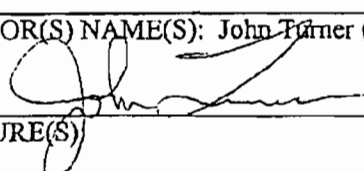
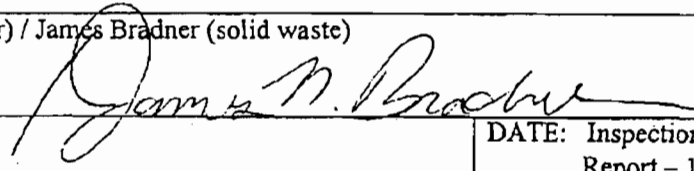
Re: Lake County RRR

An inspected report
with pictures from CD.

- ACTION/DISPOSITION
- DISCUSS WITH ME
 - COMMENTS/ADVISE
 - REVIEW AND RETURN
 - SET UP MEETING
 - FOR YOUR INFORMATION
 - HANDLE APPROPRIATELY
 - INITIAL AND FORWARD
 - SHARE WITH STAFF
 - FOR YOUR FILES

FROM: Scott Steplik DATE: 05/01/00 PHONE: _____

INSPECTION REPORT FORM
AIR POLLUTION EMISSION SOURCES

FACILITY: Lake County Landfill (Astatula)		DISTRICT: Central District (30)	COUNTY: Lake (069)
ADDRESS: 13130 Astatula Landfill Road, Tavares		CONTACT: Gary Debo	
ARMS #: N/A	PERMIT #: Air - N/A Solid Waste - SO35-276910	EXPIRATION DATE:	
SOURCE DESCRIPTION: Solid Waste Landfill Facility			
INSPECTION DATE: 10/29/99	AUDIT TYPE: II (2)	COMPLIANCE STATUS: In Compliance	
INSPECTION COMMENTS/RECOMMENDATIONS: <p>In response to a call from Mr. Debo inspectors arrived at the landfill approximately 4:30 pm and were taken to a site where eight piles of ash were deposited. Per weight records, each load originated from and was charged to the Ogden Martin incinerator facility. They all arrived on the date of 10/29/99. The account number was 22003.</p> <p>The ash contained scattered pieces of unburned materials such as cloth, cardboard, and plastic. A piece of what appeared to be red bag plastic was observed protruding from one pile. After mechanical removal from the pile the red plastic was approximately 1 ft X 2 ft in size and contained a small pouch which contained several rubber gloves. Also observed near the red plastic was a piece of rubber tubing about 2 feet in length, a metal hemostat, and a small plastic container. Numerous photographs were taken.</p> <p>Mr. Debo stated that the eight piles of ash received that day were not as completely incinerated as the loads received from the Ogden Martin facility in the past. An older area of uncovered ash from Ogden Martin was observed and this ash had virtually no unburned materials present.</p>			
INSPECTOR(S) NAME(S): John Turner (air) / James Bradner (solid waste)			
SIGNATURE(S)  		DATE: Inspection - 10/29/99 Report - 11/1/99	

PERM FORM NO. 85-1



LAKE COUNTY
BOARD OF COUNTY COMMISSIONERS

info case net

McBride
(352) 978-9784 Gary R. Debo
Division Director

Department of Solid Waste Management Services
Waste Management Facilities Operations Division

Phone (352) 343-6030 ext. 233
Pager (352) 241-3102
Fax (352) 742-3184



13130 Astatula Landfill Rd.
Tavares, FL 32778

Post-It® Fax Note	7671	Date	5/1/00	# of pages	3
To	Scott Sheplak		From Len Rostov		
Co./Dept.	DARIM		Co. DEP ORL		
Phone #			Phone #		
Fax #			Fax #		

PHOTO 1

RED PLASTIC

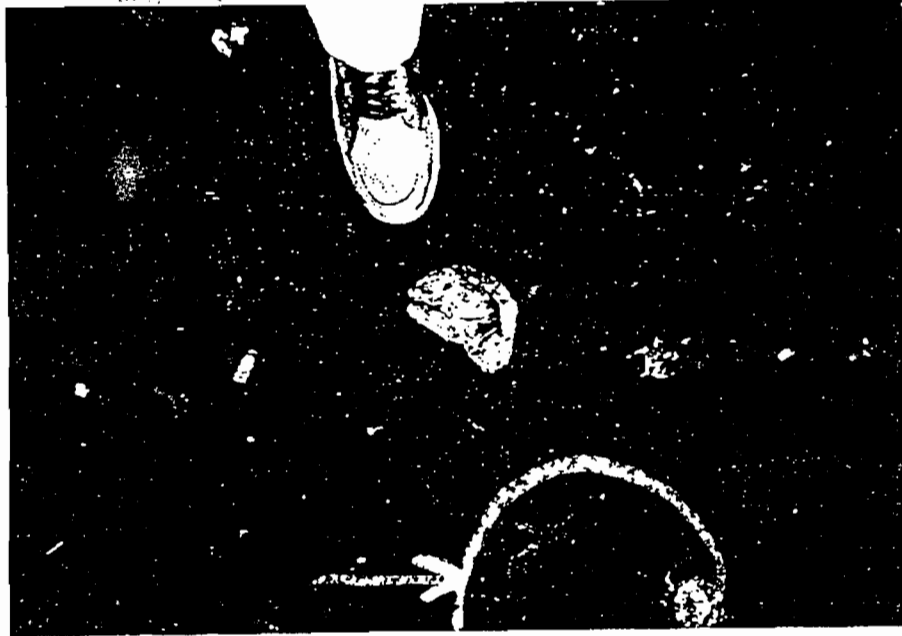


PHOTO 2

RED PLASTIC



PHOTO 3

RED PLASTIC



PHOTO 1

PHOTO 1 OK

SITE: Astatula Landfill

LOCATION: ash pile

DATE/TIME: 10/29/99 @ 5:00pm

PHOTOGRAPHER: John Turner

CAMERA/FILM:

DESCRIPTION: foil like container
with rubber gloves taken from
piece of red plastic in photo

PHOTO 2

PHOTO 2 OK

SITE: Astatula Landfill

LOCATION: ash pile

DATE/TIME: 10/29/99 @ 5:00pm

PHOTOGRAPHER: John Turner

CAMERA/FILM:

DESCRIPTION: piece of red plastic
and length of tubing

PHOTO 3

PHOTO 3 OK

SITE: Astatula Landfill

LOCATION: ash pile

DATE/TIME: 10/29/99 @ 5:00pm

PHOTOGRAPHER: John Turner

CAMERA/FILM:

DESCRIPTION: red plastic with
foil-like container showing
rubber gloves inside

**Florida Department of
Environmental Protection**

Memorandum

To: Cindy Phillips, P.E.
From: Joseph Kahn, P.E.
Date: October 30, 1998
Re: Ogden Lake Application, Project 0690046-002

Following are my comments on the Ogden Lake application for biomedical waste and fuel slate revision. Please let me know if you have any questions about these.

1. There is no description of how the facility will physically receive, store, handle and load the proposed daily quantity of biomedical waste (BMW). Presumably the BMW could not be simply tipped on the tipping floor and pushed into the pit for transfer to the loading chute by crane. The Department of Health rule 16E-64 proscribes handling and storage requirements for BMW that are applicable to this facility, and Ogden should be required to describe how they intend to comply with those requirements.
2. Referring to section 2.3, page 3 of the narrative portion of the application, the 240 TPD maximum throughput of BMW occurs in the peak load range of the stoker capacity diagram (Appendix G). The maximum throughput in the normal operating range is 9.25 TPH or 222 TPD, each unit.
3. The proposal to burn such large amounts of BMW should be considered to be a change in the method of operation of the facility and should be evaluated for PSD applicability. In the absence of rebuttal information, it is reasonable to conclude that Ogden will attempt to operate the facility in the future at a higher capacity utilization in order to maximize the throughput of BMW and MSW and other solid wastes. An increase in capacity utilization would increase future potential emissions as compared with past actual emissions, even with no change in the wastes combusted. Review of ARMS AOR data shows that the facility is not running at its maximum hours of operation or waste throughput capacity. The average of the last two years operating information should be used to establish past capacity utilization for PSD purposes:

Unit	Avg. Oper. Hrs.	Hrs. Capacity Utilization ¹	Avg. Tons Burned	Avg. TPH	Tons Capacity Utilization ²
1	8011	0.91	76572	9.6	0.80
2	8082	0.92	78562	9.7	0.81

¹ Hours capacity utilization determined by avg. operating hours/8760 hours.

² Tons capacity utilization determined by avg. TPH/12 TPH. 12 TPH corresponds to maximum capacity of 288 tons per day.

If the past actual to future potential emissions comparison shows a PSD significant increase in emissions will occur as a result of increased utilization from the proposed change, Ogden will have to submit a PSD permit application and evaluate and apply top down BACT, which may or may not be the same as the emission guideline requirements or the NSPS (MACT) for MWCs or BMW combustors.

4. For solid waste other than MSW and BMW, Ogden proposes a similar waste definition (waste slate) to the definition used recently for the Tampa McKay Bay and Hillsborough County facilities, but Ogden

omits the 5% limitation by weight on certain segregated loads included in those permits. The 5% limitation on segregated loads provides the Department with reasonable assurance that the segregated loads (with are generally a single item waste stream) will represent a minor fraction of the total waste combusted, so emissions should be similar to those from combusting only MSW. This limitation prevents the units from combusting a waste consisting solely of one waste type (such as consumer products like shampoo or household cleaners) at any given time, with an unknown effect on emissions. The 5% limitation should not be omitted without addressing the issue of reasonable assurance that such omission will not result in increased emissions from combustion of large quantities of a single item waste stream, or from increased capacity utilization (similar to the capacity utilization issue for BMW discussed above).

The Ogden Lake waste definition has other substantial differences from the McKay Bay and Hillsborough permit conditions. Ogden's proposal to accept industrial process or manufacturing wastes and wastes generated by manufacturing, industrial, commercial or agricultural activities is not specific. The Department's previous permits required that such wastes must be substantially similar to items found in MSW and that acceptance of such wastes was subject to prior approval by the Department.

5. The request in section 4.2.1 to remove the emission limit for VOCs seems reasonable to me. The emission guideline's CO limit and requirements for good combustion practices are acceptable alternatives. However, the ability of the combustion units to properly burn BMW in the amounts requested must be evaluated. Ogden has provided no information that the units are capable of combusting the requested amount of BMW and meeting the emission limits of the emission guideline.

6. The request for removal of the emission limits for beryllium and fluorides should include an evaluation of the possibility that combustion of the requested quantity of BMW or proposed segregated wastes will increase emissions of those pollutants. No information on future potential emissions was provided. Fluorides are a PSD pollutant so Ogden must provide a past actual to future potential emission comparison to make any change in this limit. If combustion of the BMW or the proposed segregated wastes will increase emissions of fluorides, the possible capacity utilization increase must be evaluated.

7. The maximum potential emissions calculations in Appendix F appear to be based on the existing permit limits, so these emissions do not reflect future potential emissions based on the emission limits of the emission guideline.

Summary of Ogden Martin Systems of Lake, Inc. Permit issues:

There appears to be a disagreement as to what the facility is currently permitted to burn with respect to biomedical waste. Here is my summary of the history:

I. Construction Permit History

- a) Permit AC 35-115379, PSD-FL-113 issued February 19, 1988 stated (Specific Condition 1.e.) "The MWC shall be fueled with municipal solid waste or wood chips. Other wastes shall not be burned without specific prior written approval of Florida DER."
- b) Correspondence dated June 29, 1990 from Ogden to DEP "only a minor permit amendment is requested to clarify that bio-hazardous waste is acceptable material for disposal at our facility in Okahumpka, Florida." Of specific interest, Ogden stated:
 - "1. There will be no increase in air emissions from the facility as a result of processing this particular waste stream." and
 - "4. No increase in throughput is being requested at the facility. Under the proposed bio-hazardous waste processing program as detailed in the attached May 1989 paper on "Infectious Waste Disposal as Modern Mass-burn Municipal Waste-to-Energy Facilities", OMSL proposes to charge medical waste into the same boilers along with municipal solid waste. This blending of materials will help ensure continued excellent combustion and minimize potential swings in BTU content of the fuel."Lastly, the referenced May, 1989 paper details the fact that "The OMS system uses co-firing of 80-90% municipal solid waste along with 10-20% medical waste, based on average hourly throughput rates. A review of key regulatory concepts and current biomedical waste handling practices is offered."
- c) An "intent to issue" a permit amendment was issued on September 6, 1990. Of relevance to this issue are the following two permit revisions (added language in italics, deleted language struck):

~~EXISTING~~ *REVISED* PROJECT DESCRIPTION – For the construction of two (2) 250 ton per day combustors which will be fueled by municipal solid waste and wood chips *which can, by definition, include biohazardous waste. A specially designed conveyor is to be constructed to transport biohazardous waste from tipping floor to combustor feed hopper so that biohazardous waste is not mixed with other municipal solid waste until it enters the feed hopper.*

"SPECIFIC CONDITION NO. 1.e. – The MWC shall be fueled with wood chips or municipal solid waste which can include biohazardous waste. Radioactive waste may not be burned unless the combustor has been issued a permit or waste is such quantity to be exempt in accordance with Hazardous waste may not be burned unless the combustor has been issued a permit or the waste is of such quantity to be exempt in accordance with.... Other wastes shall not be burned without specific prior written approval of Florida DER. "

I believe that this is where the confusion began as the application requested to combust the medical waste in a co-firing (10 – 20% of throughput) manner, yet the permit language did not clearly stipulate this.

- d) Public Noticed in Leesburg Daily Commercial on 10/5/90.
- e) A permit amendment was issued on December 10, 1990. It appears to be identical to that which was in the "intent to issue", except for some wording on how HCl emissions and compliance would be handled (New Specific Condition No. 3.k. was changed from 50 ppmvd to 4 lbs./hour or 90% reduction. Also, the drafted change to Specific Condition No. 4.a. was not completed and new Specific Condition 4.f. was not included.)

II. Operating Permit History

- a) On January 29, 1992 an Air Operating Permit was issued for the facility. This permit (AO35-193817) did not list biohazardous waste as an authorized fuel and only referred to the issue of biohazardous waste in Specific Condition 6. which stated:

“6. In order for the burning of biohazardous waste to be incorporated into the operation permit, the Department must receive reasonable assurance including but not limited to:

- a. Particulate matter emissions shall not exceed 0.020 grains per dry standard cubic foot of flue gas, corrected to 7% O₂. (See Table 700-1)
- b. Hydrochloric acid (HCl) emissions shall not exceed 50 parts per million by volume, dry basis, corrected to 7% O₂ on a three hour average basis or shall be reduced by 90% by weight on an hourly average basis (See Table 700-1).

[Of note – the maximum individual throughput of each MWC “.... shall not exceed 288 tons per day, 120 million BTU per hour and 69,000 pounds steam per hour (3 hour average).]

- b) On June 29, 1992 an AO Permit Amendment was issued. Although I cannot locate the documentation, it appears to have been requested by Ogden as a result of conditions not “carried over” from the AC permit amendment identified above. The pertinent conditions which were modified are shown below (as modified), allowing them to co-fire 5% medical waste per day:
 - 1.a. The maximum individual MWC throughput shall not exceed 288 tons per day, 120 million BTU per hour and 69,000 pounds steam per hour (3-hour average). The maximum throughput of biohazardous waste shall not exceed a total of 1.12 tons/hour and 26.88 tons/day for the entire facility.
 - 1.c. The MWC shall be fueled with wood chips or municipal waste which can include biohazardous waste. Radioactive waste may not be burned unless the combustor has been issued a permit for such burning or the waste is such quantity to be exempt in accordance with Department of Health and Rehabilitative Services (HRS) Rule 10D-91 or 10D-104.003, F.A.C. Hazardous waste may not be burned unless the combustor has been issued a permit for such burning or the waste is of such quantity to be exempt in accordance with Department Rule 17-30, F.A.C. Other wastes and special wastes shall not be burned without specific prior written approval of the Florida DER.
 6. During Incineration of biohazardous waste the following conditions shall apply:
 - 6.e. Each unit which incinerates biohazardous waste shall conduct annual compliance tests which demonstrate compliance with the applicable biohazardous incinerator standards. The test must be conducted while combusting the maximum desired rate of biohazardous waste and this rate must be determined during the test.
- c) On August 6, 1992 the DEP Central District received a letter dated 8/3/1992 from Mr. John Power (of Ogden) stating that they would like the DEP “to allow our Lake Facility to split the 1.12 tons/hour or the 26.88 tons/daily between both units. The primary reason for this change is to stay current with the trend in handling bio-medical in a bulb handling system, thus reducing the handling of the waste, this system would be designed for the second unit.”

My interpretation of what the applicant was specifically requesting, was the ability to combust the medical waste in a co-firing manner, yet to be able to burn it all in one unit (Unit 2, referred to as the “second unit”). This equates to 5% at the facility level, by co-firing 10% on Unit 2 and 0% on Unit 1.

- d) On September 2, 1992 the DEP issued a letter to Dr. Crane (of Ogden), [Re: Request to Construct a Biohazardous Waste Conveyor System for Unit No. 2...]. This letter stated: “In order to allow some operational flexibility, Ogden Martin requested to be allowed to process a maximum total of 1.12 tons/hr of biohazardous waste between both units. Therefore, Unit No. 2 shall be tested for compliance with the allowable air emissions while processing 1.12 tons/hr of biohazardous waste via the conveyor system; and, both Units Nos. 1 and 2 are operating at their maximum capacity of municipal waste. If the results are satisfactory, the facility will be permitted to process a maximum of 1.12 tons/hr (26.88 tons/day) of biohazardous waste between both units. If the permittee desires to increase the combined maximum total throughput of biohazardous waste above 1.12 tons/hr, then a permit modification will be required. A permit modification will require, at a minimum, the submittal of a complete application package and appropriate processing fee; and, public notice of the Department’s Intent will be required.”

- e) On February 8, 1993 the Department (R. Bruce Mitchell) received a request from Ogden "to process shredded plastic pesticide containers. These containers have been triple rinsed and rendered non-hazardous." Ogden had requested authorization to burn 80-100 tons of these containers. A reply to this request was issued on March 31, 1993, as even though Ogden "... had decided to not pursue the potential contract..." Ogden "... would still like to pursue the issue of potentially processing this type of material in the Lake County facility and would like a response." The response stated that "... plastics are an inevitable component of both household and commercial waste streams. There was not an intent to permit waste-to-energy facilities, as depositors for large homogeneous slugs of commercial and industrial waste streams (i.e., tires, plastics, hazardous and toxic wastes etc.), which could require additional control strategies to handle the increase of air pollutants that would be emitted. Other Departmental programs (i.e., the Waste Program) would also be involved in the permitting process. The new Boiler and Industrial Furnace regulations are specifically aimed at these types of facilities that desire to process commercial and industrial waste streams consisting of hazardous and toxic wastes..."

I believe that the Department was clearly indicating that Ogden was not permitted to dispose of large quantities of waste streams, which were of any particular type. Furthermore, the Department suggested that specific control strategies should be employed should a permittee desire to pursue a specialized class of waste stream disposal.

- f) On May 25, 1993 an amendment to Ogden's air operating permit (AO35-193817) was issued by the Central District. No documentation on the request can be found. The two conditions and the associated changes are shown below (with strike-through and italics):
- 1) From: The maximum individual MWC throughput shall not exceed 288 tons per day, 120 million BTU per hour and 69,000 pounds steam per hour (3-hour average). The maximum throughput of biohazardous waste, *for Unit 1 only*, shall not exceed a total of ~~4-12~~ 2.15 tons/hour and ~~26-88~~ 51.60 tons/day for the entire facility.
 - 2) From: The design furnace mean temperature at the fully mixed zone of the combustor shall be no less than 1800°F for a combustion gas residence time of at least one second., *and the furnace roof temperature, as determined from control room readings, shall be no less than 1138°F.*

I am perplexed by this modification, as I cannot locate the request, nor understand the rationale which was cited. However, it does appear that the biohazardous waste throughput was permitted to increase by nearly 100%.

- g) On December 16, 1994 Ogden Martin requested an amendment to its permit. Specifically, the permittee requested to use steam flow as a surrogate for the refuse processing rate (throughput) method currently used (crane load cells). Also, Ogden proposed to comply with the 288 tons per day per unit throughput limit with the following language: "Compliance with the 576 tons per day facility-wide nominal processing rate shall be determined on the basis of the 52-week rolling average weight of solid waste received and processed at the Facility." No change was requested to the permit language Ogden referenced as "... The maximum throughput of biohazardous waste, for Unit 1 only shall not exceed a total of 2.15 tons/hour and 51.60 tons/day."
- h) The Department response to the above request was dated January 20, 1995. In essence, the request was denied and specific concerns were expressed concerning the apparent relaxation of the proposed daily throughput limit.
- i) An internal Department memo written by Al Linero to Larry George dated March 10, 1995 notes that Chuck Collins (DEP-CD) had informed him that Ogden may want to increase the amount of "biomedical waste" burned at its facility. No specific details were provided.
- j) A request for permit amendment dated March 13, 1995 was submitted to the Department. The application requested approval "for the acceptance of solid waste containing petroleum-based materials. This is a generic application in that it does not represent waste from specific generators.

The application, in essence, presents standard procedures for disposing of certain categories of waste, which include:

- 1) Clean-up materials and debris associated with virgin petroleum spills and tank cleanings;
- 2) Solid waste contaminated with Used Oil; and,
- 3) Filters (such as automotive filters, etc.)

The application further stated "We are seeking this amendment based on our positive experience with the Department and the successful processing of similar types of materials at our OMS of Pasco facility, at the request of the Florida Department of Environmental Protection (FDEP) Southwest District during the August 1993 Tampa Bay oil barge spill."

- k) On April 28, 1995 a proposed permit amendment letter and Public Notice was forwarded to Mr. Brian Bahour of Ogden (New Jersey). The Department found Ogden's request to "allow firing of non-hazardous solid waste contaminated with virgin or used oil products" of March 13, 1995 to be acceptable and amended the permit accordingly. Among other limitations specified, was a maximum percentage of oil-contaminated solid waste of 20 percent of the total solid waste input. The amendment was finalized (as proposed) on June 15, 1995.

This approval is consistent with the Department's position stated in e) above. A "blanket approval" to combust a specific waste stream at a level higher than 20% of the throughput would dictate that specific control strategies be reviewed, among other items.

- l) On December 18, 1995 a letter to C. Collins (FDEP-CD) was received by FDEP-BAR. This letter was from Mr. G. Crane of Ogden and stated that the amendment of May 25, 1993 [see f) above] "has resulted in significant confusion in that other Specific Conditions indicate that biological waste may be processed in either unit. Additionally, a September 2, 1992 letter from Mr. Clair Fancy to myself specifies that "Unit #2 shall be tested for compliance with allowable air emissions once a biological waste conveyor system is constructed." The letter requested that "Once compliance is demonstrated on Unit #2, we suggest that the words "for Unit 1 only" be removed from the permit."

It appears that the Department incorrectly referred to Unit 1 in the above amendment. I believe that no unit should have been referred to and that this was intended to be a facility-wide cap.

- m) On January 12, 1996 Ogden requested an amendment to Specific Condition 8f dealing with the test methods for lead and beryllium. An alternate sampling procedure was requested. This was granted on August 8, 1996.
- n) On January 24, 1996 a letter from Mr. L.T. Kozlov (DEP-CD) was forwarded to Mr. G. Crane of Ogden, noting that a moratorium was in effect concerning the incineration of hazardous waste. This letter was apparently in response to Ogden's request [see l) above] of December 1995. The letter stated "To burn biohazardous waste in Unit #2 would require a construction permit application, but such an application could not be honored at this time because of the moratorium".
- o) An e-mail dated 12/10/96 from Leonard Kozlov to Michael Hewett and Alvaro Linero commented upon an apparent request from Ogden to test Unit 1 without medical waste burning and then again with medical waste burning. According to Mr. Kozlov, Ogden would "then extrapolate the results for Unit 2 to burn medical waste. Initially, I thought this would be a good idea, but I have reversed my position on this after discussions with my staff. Mike you mentioned in your email of 12-6-96 that it is my call. My call is that Ogden Martin will do their testing on units 1 and 2 as a regular required test and when the amendment is applied for and approved for Unit 2 to burn medical waste, then they will have to the required compliance testing...."
- p) A letter from Jason M. Gorrie (of Ogden) was sent to Ms. Cindy Phillips on June 2, 1998. This letter stated that on April 17, 1998 a meeting was held between Ms. Mary Smallwood, Mr. Clair Fancy and other Department representatives to "discuss the protocol for demonstrating that the

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III. History of Testing / Compliance Issues

- a) In correspondence dated July 30, 1992 Ogden included stack test results from January, 1991 and January, 1992. The apparent reason was to show that emission limits were being met while co-firing medical waste, as the 1992 test was conducted in that operating mode and the 1991 test was not. Noteworthy is that the waste was "Benlate 50DF" which was used for treatment of vegetation. I am uncertain as to whether this is typical of biohazardous waste. The permittee concluded that "The results of the stack test were very similar, thus showing the vegetation had no negligible impact." Below is a summary of what was reported (averages only):

No Biohazardous Waste (1991)	Pollutant	10% BHZ Waste Unit 1 (1992) [1.12 tons per hour for 9 hr]
534	Unit 1 SD inlet: ppm of HCl	628
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30.9	Unit 2 Stack: ppm of HCl (50)	4.0
313	Unit 1 Stack: ppm of NO _x (385)	226
322	Unit 2 Stack: ppm of NO _x (385)	279
31.7	Unit 1 Stack: ppm of SO ₂ (60)	0.36
19.8	Unit 2 Stack: ppm of SO ₂ (60)	0.16
0.0006	Unit 1 Stack: gr/dscf PM @ 7% O ₂ (0.02)	0.0035
0.0006	Unit 2 Stack: gr/dscf PM @ 7% O ₂ (0.02)	0.0023
0.0006	Unit 1 Stack: gr/dscf PM @ 12% CO ₂ (0.015)	0.0033
0.0006	Unit 2 Stack: gr/dscf PM @ 12% CO ₂ (0.015)	0.0023
0	Unit 1 Stack opacity (15%)	0
0	Unit 2 Stack opacity (15%)	0
0.9	Unit 1 Stack: ppm of VOC (70)	Not tested
3.2	Unit 2 Stack: ppm of VOC (70)	Not tested
1.49E-5	Unit 1 Stack: gr/dscf Fl @ 12% CO ₂ (1.5E-3)	Not tested
1.79E-5	Unit 2 Stack: gr/dscf Fl @ 12% CO ₂ (1.5E-3)	Not tested
ND	Unit 1 Stack: gr/dscf Be @ 12% CO ₂	Not tested
ND	Unit 2 Stack: gr/dscf Be @ 12% CO ₂	Not tested
9.67E-7	Unit 1 Stack: gr/dscf Pb @ 12% CO ₂ (3.1E-4)	Not tested
1.61E-6	Unit 2 Stack: gr/dscf Pb @ 12% CO ₂ (3.1E-4)	Not tested
2.17E-4	Unit 1 Stack: gr/dscf Hg @ 12% CO ₂ (3.4E-4)	Not tested
1.73E-4	Unit 2 Stack: gr/dscf Hg @ 12% CO ₂ (3.4E-4)	Not tested

Note: Data in **BOLD** font represents biohazardous waste test.

- b) Ogden's letter dated November 3, 1994 stated that they wished to enter into an Administrative Consent Order with the Department related to Warning Letters: OWL-AP-94-0298, AP-94-0294 and AP-94-0278. The issues appeared to be minimizing "pluggage and carbon monoxide during upset conditions" and "Throughput calculations based on heat release".
- c) From January 26-29, 1999 compliance (stack) tests were run on both units. Exceedances were found on both units with respect to mercury emission rate and mercury removal efficiency. This is summarized as follows:

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Mercury emission limit	Unit 1 Actual	Unit 2 Actual
70 ug/dscm	2994 ug/dscm	258 ug/dscm
80% removal efficiency	32.9%	65.1%

Additionally, the medical waste rate for unit 1 was not reported, but is assumed to be at the permitted rate of 2.15 tons per hour.

Ogden Martin Systems of Lake, Inc.

- 2/19/88
24 AC35-115379 (PSD-FL-113) issued
a. Each of two MWC shall have design rated capacity of 250 TPD MSW
b. Maximum individual MWC throughput shall not exceed 288 TPD
e. MWC shall be fueled with MSW or wood chips. Other wastes shall not be burned without specific prior written approval of FL DER
- 12/12/90
10 AC 35-115379 (PSD-FL-113) amended
... and municipal solid waste which can, by definition, include biohazardous waste.
No limit on BHW capacity
- 6/29/92 AO35-193817 amended
Maximum throughput shall not exceed a total of 1.12 TPH and 26.88 TPD for entire facility
Each unit which incinerates biohazardous waste shall conduct annual compliance test which demonstrates compliance with the applicable biohazardous incinerator standards. The test must be conducted while combusting the maximum desired rate of biohazardous waste and this rate must be determined during the test.
SEE RULE 62-297.310(2)(b)
- 1/8/93 Letter from John Power (Ogden) to Charles Collins confirming a telephone conversation that the maximum hourly throughput limitation is established annually, during the annual compliance testing.
- 5/25/93 Alex Alexander to Gary Crane (Ogden)
Change in AO permit conditions
1.12 TPH and 26.88 TPD for the entire facility changed to 2.15 TPH and 51.60 TPD for Unit 1 only (Not noticed)
- 6/16/98 Phone conversation with Al Linero, Joe Kahn, Mary Smallwood and later Jason Gorrie (Ogden)
Mary agreed that Ogden wants the flexibility to burn up to 26.88 TPD of BMW in both units.
To confirm, she added Jason to the teleconference. He disagreed, said it was 51.6 TPD of BMW.
- 6/18/98 Phone conversation with Joe Kahn, Susan DeVore-Fillmore and Jason Gorrie
DEP: Issuance of an AO permit to burn 51.6 TPD of biomedical waste an error.
Department's intention to allow for no more than 26.88 TPD in both units.
Could issue an AC modification within a week or so if we limit the BMW facility-wide to 26.88 TPD.
- Jason: Ogden's position that the AC permit actually allows them to fire up to 288 TPD of BMW in each unit. He agreed with Joe that this defies logic.
Units are really not capable of firing more than about 2 TPH in each unit, because any additional BMW displaces too much MSW, and the facility has to meet its contractual commitment to Lake County regarding MSW.
Ogden's position: it is allowed by operation permit to burn 51.6 TPD of BMW. They plan on building up their BMW business, and are not in a position to accept a facility wide cap at less than about 51.6 TPD. On a good day Unit 1 burns about 22 TPD of BMW. Ogden wants the flexibility to burn up to 51.6 TPD facility wide, in any combination of Units 1 & 2.
- Ogden wants to wait for meeting with Clair.

Summary of Ogden Martin Systems of Lake, Inc. Permit issues:

There appears to be a disagreement as to what the facility is currently permitted to burn with respect to biomedical waste. Here is my summary of the history:

I. Construction Permit History

- a) Permit AC 35-115379, PSD-FL-113 issued February 19, 1988 stated (Specific Condition 1.e.) "The MWC shall be fueled with municipal solid waste or wood chips. Other wastes shall not be burned without specific prior written approval of Florida DER."
- b) Correspondence dated June 29, 1990 from Ogden to DEP "only a minor permit amendment is requested to clarify that bio-hazardous waste is acceptable material for disposal at our facility in Okahumpka, Florida." Of specific interest, Ogden stated:
 - "1. There will be no increase in air emissions from the facility as a result of processing this particular waste stream." and
 - "4. No increase in throughput is being requested at the facility. Under the proposed bio-hazardous waste processing program as detailed in the attached May 1989 paper on "Infectious Waste Disposal as Modern Mass-burn Municipal Waste-to-Energy Facilities", OMSL proposes to charge medical waste into the same boilers along with municipal solid waste. This blending of materials will help ensure continued excellent combustion and minimize potential swings in BTU content of the fuel."Lastly, the referenced May, 1989 paper details the fact that "The OMS system uses co-firing of 80-90% municipal solid waste along with 10-20% medical waste, based on average hourly throughput rates. A review of key regulatory concepts and current biomedical waste handling practices is offered."
- c) An "intent to issue" a permit amendment was issued on September 6, 1990. Of relevance to this issue are the following two permit revisions (added language in italics, deleted language struck):

~~EXISTING~~ *REVISED* PROJECT DESCRIPTION – For the construction of two (2) 250 ton per day combustors which will be fueled by municipal solid waste and wood chips *which can, by definition, include biohazardous waste. A specially designed conveyor is to be constructed to transport biohazardous waste from tipping floor to combustor feed hopper so that biohazardous waste is not mixed with other municipal solid waste until it enters the feed hopper.*

SPECIFIC CONDITION NO. 1.e. – The MWC shall be fueled with wood chips or municipal solid waste which can include biohazardous waste. Radioactive waste may not be burned unless the combustor has been issued a permit or waste is such quantity to be exempt in accordance with Hazardous waste may not be burned unless the combustor has been issued a permit or the waste is of such quantity to be exempt in accordance with.... Other wastes shall not be burned without specific prior written approval of Florida DER. "

I believe that this is where the confusion began as the application requested to combust the medical waste in a co-firing (10 – 20% of throughput) manner, yet the permit language did not clearly stipulate this.

- d) Public Noticed in Leesburg Daily Commercial on 10/5/90.
- e) A permit amendment was issued on December 10, 1990. It appears to be identical to that which was in the "intent to issue", except for some wording on how HCl emissions and compliance would be handled (New Specific Condition No. 3.k. was changed from 50 ppmvd to 4 lbs./hour or 90% reduction. Also, the drafted change to Specific Condition No. 4.a. was not completed and new Specific Condition 4.f. was not included.)

II. Operating Permit History

- a) On January 29, 1992 an Air Operating Permit was issued for the facility. This permit (AO35-193817) did not list biohazardous waste as an authorized fuel and only referred to the issue of biohazardous waste in Specific Condition 6. which stated:

"6. In order for the burning of biohazardous waste to be incorporated into the operation permit, the Department must receive reasonable assurance including but not limited to:

- a. Particulate matter emissions shall not exceed 0.020 grains per dry standard cubic foot of flue gas, corrected to 7% O₂. (See Table 700-1)
- b. Hydrochloric acid (HCl) emissions shall not exceed 50 parts per million by volume, dry basis, corrected to 7% O₂ on a three hour average basis or shall be reduced by 90% by weight on an hourly average basis (See Table 700-1).

[Of note – the maximum individual throughput of each MWC "... shall not exceed 288 tons per day, 120 million BTU per hour and 69,000 pounds steam per hour (3 hour average).]

- AO35-193817
- b) On June 29, 1992 an AO Permit Amendment was issued. Although I cannot locate the documentation, it appears to have been requested by Ogden as a result of conditions not "carried over" from the AC permit amendment identified above. The pertinent conditions which were modified are shown below (as modified), allowing them to co-fire 5% medical waste per day:
 - 1.a. The maximum individual MWC throughput shall not exceed 288 tons per day, 120 million BTU per hour and 69,000 pounds steam per hour (3-hour average). The maximum throughput of biohazardous waste shall not exceed a total of 1.12 tons/hour and 26.88 tons/day for the entire facility.
 - 1.c. The MWC shall be fueled with wood chips or municipal waste which can include biohazardous waste. Radioactive waste may not be burned unless the combustor has been issued a permit for such burning or the waste is such quantity to be exempt in accordance with Department of Health and Rehabilitative Services (HRS) Rule 10D-91 or 10D-104.003, F.A.C. Hazardous waste may not be burned unless the combustor has been issued a permit for such burning or the waste is of such quantity to be exempt in accordance with Department Rule 17-30, F.A.C. Other wastes and special wastes shall not be burned without specific prior written approval of the Florida DER.
 6. During Incineration of biohazardous waste the following conditions shall apply:
 - 6.e. Each unit which incinerates biohazardous waste shall conduct annual compliance tests which demonstrate compliance with the applicable biohazardous incinerator standards. The test must be conducted while combusting the maximum desired rate of biohazardous waste and this rate must be determined during the test.
 - c) On August 6, 1992 the DEP Central District received a letter dated 8/3/1992 from Mr. John Power (of Ogden) stating that they would like the DEP "to allow our Lake Facility to split the 1.12 tons/hour or the 26.88 tons/daily between both units. The primary reason for this change is to stay current with the trend in handling bio-medical in a bulb handling system, thus reducing the handling of the waste, this system would be designed for the second unit."

My interpretation of what the applicant was specifically requesting, was the ability to combust the medical waste in a co-firing manner, yet to be able to burn it all in one unit (Unit 2, referred to as the "second unit"). This equates to 5% at the facility level, by co-firing 10% on Unit 2 and 0% on Unit 1.

- d) On September 2, 1992 the DEP issued a letter to Dr. Crane (of Ogden), [Re: Request to Construct a Biohazardous Waste Conveyor System for Unit No. 2...]. This letter stated: "In order to allow some operational flexibility, Ogden Martin requested to be allowed to process a maximum total of 1.12 tons/hr of biohazardous waste between both units. Therefore, Unit No. 2 shall be tested for compliance with the allowable air emissions while processing 1.12 tons/hr of biohazardous waste via the conveyor system; and, both Units Nos. 1 and 2 are operating at their maximum capacity of municipal waste. If the results are satisfactory, the facility will be permitted to process a maximum of 1.12 tons/hr (26.88 tons/day) of biohazardous waste between both units. If the permittee desires to increase the combined maximum total throughput of biohazardous waste above 1.12 tons/hr, then a permit modification will be required. A permit modification will require, at a minimum, the submittal of a complete application package and appropriate processing fee; and, public notice of the Department's Intent will be required."

- e) On February 8, 1993 the Department (R. Bruce Mitchell) received a request from Ogden "to process shredded plastic pesticide containers. These containers have been triple rinsed and rendered non-hazardous." Ogden had requested authorization to burn 80-100 tons of these containers. A reply to this request was issued on March 31, 1993, as even though Ogden "... had decided to not pursue the potential contract..." Ogden "... would still like to pursue the issue of potentially processing this type of material in the Lake County facility and would like a response." The response stated that "... plastics are an inevitable component of both household and commercial waste streams. There was not an intent to permit waste-to-energy facilities, as depositors for large homogeneous slugs of commercial and industrial waste streams (i.e., tires, plastics, hazardous and toxic wastes etc.), which could require additional control strategies to handle the increase of air pollutants that would be emitted. Other Departmental programs (i.e., the Waste Program) would also be involved in the permitting process. The new Boiler and Industrial Furnace regulations are specifically aimed at these types of facilities that desire to process commercial and industrial waste streams consisting of hazardous and toxic wastes..."

I believe that the Department was clearly indicating that Ogden was not permitted to dispose of large quantities of waste streams, which were of any particular type. Furthermore, the Department suggested that specific control strategies should be employed should a permittee desire to pursue a specialized class of waste stream disposal.

- f) On May 25, 1993 an amendment to Ogden's air operating permit (AO35-193817) was issued by the Central District. No documentation on the request can be found. The two conditions and the associated changes are shown below (with strike-through and italics):
- 1) From: The maximum individual MWC throughput shall not exceed 288 tons per day, 120 million BTU per hour and 69,000 pounds steam per hour (3-hour average). The maximum throughput of biohazardous waste, *for Unit 1 only*, shall not exceed a total of ~~1.12~~ 2.15 tons/hour and ~~26.88~~ 51.60 tons/day for the entire facility.
 - 2) From: The design furnace mean temperature at the fully mixed zone of the combustor shall be no less than 1800°F for a combustion gas residence time of at least one second, *and the furnace roof temperature, as determined from control room readings, shall be no less than 1138°F.*

I am perplexed by this modification, as I cannot locate the request, nor understand the rationale which was cited. However, it does appear that the biohazardous waste throughput was permitted to increase by nearly 100%.

- g) On December 16, 1994 Ogden Martin requested an amendment to its permit. Specifically, the permittee requested to use steam flow as a surrogate for the refuse processing rate (throughput) method currently used (crane load cells). Also, Ogden proposed to comply with the 288 tons per day per unit throughput limit with the following language: "Compliance with the 576 tons per day facility-wide nominal processing rate shall be determined on the basis of the 52-week rolling average weight of solid waste received and processed at the Facility." No change was requested to the permit language Ogden referenced as "... The maximum throughput of biohazardous waste, for Unit 1 only shall not exceed a total of 2.15 tons/hour and 51.60 tons/day."
- h) The Department response to the above request was dated January 20, 1995. In essence, the request was denied and specific concerns were expressed concerning the apparent relaxation of the proposed daily throughput limit.
- i) An internal Department memo written by Al Linero to Larry George dated March 10, 1995 notes that Chuck Collins (DEP-CD) had informed him that Ogden may want to increase the amount of "biomedical waste" burned at its facility. No specific details were provided.
- j) A request for permit amendment dated March 13, 1995 was submitted to the Department. The application requested approval "for the acceptance of solid waste containing petroleum-based materials. This is a generic application in that it does not represent waste from specific generators.

The application, in essence, presents standard procedures for disposing of certain categories of waste, which include:

- 1) Clean-up materials and debris associated with virgin petroleum spills and tank cleanings;
- 2) Solid waste contaminated with Used Oil; and,
- 3) Filters (such as automotive filters, etc.)

The application further stated "We are seeking this amendment based on our positive experience with the Department and the successful processing of similar types of materials at our OMS of Pasco facility, at the request of the Florida Department of Environmental Protection (FDEP) Southwest District during the August 1993 Tampa Bay oil barge spill."

- k) On April 28, 1995 a proposed permit amendment letter and Public Notice was forwarded to Mr. Brian Bahour of Ogden (New Jersey). The Department found Ogden's request to "allow firing of non-hazardous solid waste contaminated with virgin or used oil products" of March 13, 1995 to be acceptable and amended the permit accordingly. Among other limitations specified, was a maximum percentage of oil-contaminated solid waste of 20 percent of the total solid waste input. The amendment was finalized (as proposed) on June 15, 1995.

This approval is consistent with the Department's position stated in e) above. A "blanket approval" to combust a specific waste stream at a level higher than 20% of the throughput would dictate that specific control strategies be reviewed, among other items.

- l) On December 18, 1995 a letter to C. Collins (FDEP-CD) was received by FDEP-BAR. This letter was from Mr. G. Crane of Ogden and stated that the amendment of May 25, 1993 [see f) above] "has resulted in significant confusion in that other Specific Conditions indicate that biological waste may be processed in either unit. Additionally, a September 2, 1992 letter from Mr. Clair Fancy to myself specifies that "Unit #2 shall be tested for compliance with allowable air emissions once a biological waste conveyor system is constructed." The letter requested that "Once compliance is demonstrated on Unit #2, we suggest that the words "for Unit 1 only" be removed from the permit."

It appears that the Department incorrectly referred to Unit 1 in the above amendment. I believe that no unit should have been referred to and that this was intended to be a facility-wide cap.

- m) On January 12, 1996 Ogden requested an amendment to Specific Condition 8f dealing with the test methods for lead and beryllium. An alternate sampling procedure was requested. This was granted on August 8, 1996.
- n) On January 24, 1996 a letter from Mr. L.T. Kozlov (DEP-CD) was forwarded to Mr. G. Crane of Ogden, noting that a moratorium was in effect concerning the incineration of hazardous waste. This letter was apparently in response to Ogden's request [see l) above] of December 1995. The letter stated "To burn biohazardous waste in Unit #2 would require a construction permit application, but such an application could not be honored at this time because of the moratorium".
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11/22/99

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31.7	Unit 1 Stack: ppm of SO ₂ (60)	0.36
19.8	Unit 2 Stack: ppm of SO ₂ (60)	0.16
0.0006	Unit 1 Stack: gr/dscf PM @ 7% O ₂ (0.02)	0.0035
0.0006	Unit 2 Stack: gr/dscf PM @ 7% O ₂ (0.02)	0.0023
0.0006	Unit 1 Stack: gr/dscf PM @ 12% CO ₂ (0.015)	0.0033
0.0006	Unit 2 Stack: gr/dscf PM @ 12% CO ₂ (0.015)	0.0023
0	Unit 1 Stack opacity (15%)	0
0	Unit 2 Stack opacity (15%)	0
0.9	Unit 1 Stack: ppm of VOC (70)	Not tested
3.2	Unit 2 Stack: ppm of VOC (70)	Not tested
1.49E-5	Unit 1 Stack: gr/dscf Fl @ 12% CO ₂ (1.5E-3)	Not tested
1.79E-5	Unit 2 Stack: gr/dscf Fl @ 12% CO ₂ (1.5E-3)	Not tested
ND	Unit 1 Stack: gr/dscf Be @ 12% CO ₂	Not tested
ND	Unit 2 Stack: gr/dscf Be @ 12% CO ₂	Not tested
9.67E-7	Unit 1 Stack: gr/dscf Pb @ 12% CO ₂ (3.1E-4)	Not tested
1.61E-6	Unit 2 Stack: gr/dscf Pb @ 12% CO ₂ (3.1E-4)	Not tested
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Note: Data in **BOLD** font represents biohazardous waste test.

- b) Ogden's letter dated November 3, 1994 stated that they wished to enter into an Administrative Consent Order with the Department related to Warning Letters: OWL-AP-94-0298, AP-94-0294 and AP-94-0278. The issues appeared to be minimizing "pluggage and carbon monoxide during upset conditions" and "Throughput calculations based on heat release".
- c) From January 26-29, 1999 compliance (stack) tests were run on both units. Exceedances were found on both units with respect to mercury emission rate and mercury removal efficiency. This is summarized as follows:

11/22/99

Mercury emission limit	Unit 1 Actual	Unit 2 Actual
70 ug/dscm	2994 ug/dscm	258 ug/dscm
80% removal efficiency	32.9%	65.1%

Additionally, the medical waste rate for unit 1 was not reported, but is assumed to be at the permitted rate of 2.15 tons per hour.

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 17-Aug-2000 10:01am

From: Scott Sheplak TAL
SHEPLAK_S

Dept: Air Resources Management

Tel No: 850/488-1344

To: leon_brasowski@ogden-energy.com

CC: Bruce Mitchell TAL (MITCHELL_B)

Subject: FWD: Ogden Martin Systems of Lake, Inc. - DRAFT Title V Permit

Per your request attached is our e-mail summarizing the outstanding issues with the Lake facility.

We have much appreciated Ogden's cooperation in getting Title V permits done in Florida!

Scott M. Sheplak, P. E. Administrator
Title V Section
Department of Environmental Protection
850/921-9532
scott.sheplak@dep.state.fl.us

INTEROFFICE MEMORANDUM

Date: 15-Aug-2000 03:30pm
From: Scott Sheplak TAL
SHEPLAK_S
Dept: Air Resources Management
Tel No: 850/488-1344

Subject: Ogden Martin Systems of Lake, Inc. - DRAFT Title V Permit

Mr. Bahor:

Pursuant to our telephone conversation yesterday, below is a permitting summary of the DRAFT permit for the Lake facility. With the departure of Jason Gorrie and his pending replacement, I assume you are now responsible for the Lake project.

Ogden Martin Systems of Lake, Inc. (OMSL)
DRAFT Permit No. 0690046-001-AV
Title V Permitting Summary

- o Intent to Issue DRAFT permit clerked on May 12, 2000.
- o Intent received by OMSL on May 15, 2000.
- o Public Notice published on May 14, 2000.
- o Hearing deadline was May 30, 2000.
- o Public comment deadline was June 13, 2000.
(No public comments were received.)
- o Meeting to discuss OMSL concerns and issues on June 6, 2000.
- o OMSL filed a petition for administrative hearing on May 25, 2000.
- o Comments from OMSL were received June 16, 2000.

On June 6, we met with Ogden Martin Systems of Lake, Inc. (OMSL) representatives and Lake County representatives to discuss the DRAFT Title V permit. OMSL agreed to provide to the department the following reports to resolve issues associated with the DRAFT permit: 1) a correlation report of roof temperature to furnace temperature certified by a Florida professional engineer; 2) copy of the Lake County Department of Health report that allegedly deemed the unburned biomedical waste not a biohazard threat to humans; and, 3) a definition and practices of complete combustion.

These documents have not yet been received by DEP as promised at our meeting.
** Please note that we have an EPA deadline to issue all Title V permits by October 25 of this year. **

Scott M. Sheplak, P. E. Administrator
Title V Section
Department of Environmental Protection
850/921-9532
scott.sheplak@dep.state.fl.us

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 15-Aug-2000 03:30pm
From: Scott Sheplak TAL
SHEPLAK_S
Dept: Air Resources Management
Tel No: 850/488-1344

To: bbahor@ogden-energy.com
CC: drew_lehman@ogden-energy.com
CC: Bruce Mitchell TAL (MITCHELL_B)
CC: Clair Fancy TAL (FANCY_C)
CC: Doug Beason TAL (BEASON_D)

Subject: Ogden Martin Systems of Lake, Inc. - DRAFT Title V Permit

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These documents have not yet been received by DEP as promised at our meeting.
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Scott M. Sheplak, P. E. Administrator
Title V Section
Department of Environmental Protection
850/921-9532
scott.sheplak@dep.state.fl.us

Summary of Ogden Martin Systems of Lake, Inc. Permit issues:

There appears to be a disagreement as to what the facility is currently permitted to burn with respect to biomedical waste. Here is my summary of the history:

I. Construction Permit History

- a) Permit AC 35-115379, PSD-FL-113 issued February 19, 1988 stated (Specific Condition 1.e.) "The MWC shall be fueled with municipal solid waste or wood chips. Other wastes shall not be burned without specific prior written approval of Florida DER."
- b) Correspondence dated June 29, 1990 from Ogden to DEP "only a minor permit amendment is requested to clarify that bio-hazardous waste is acceptable material for disposal at our facility in Okahumpka, Florida." Of specific interest, Ogden stated:
 - "1. There will be no increase in air emissions from the facility as a result of processing this particular waste stream." and
 - "4. No increase in throughput is being requested at the facility. Under the proposed bio-hazardous waste processing program as detailed in the attached May 1989 paper on "Infectious Waste Disposal as Modern Mass-burn Municipal Waste-to-Energy Facilities", OMSL proposes to charge medical waste into the same boilers along with municipal solid waste. This blending of materials will help ensure continued excellent combustion and minimize potential swings in BTU content of the fuel."
 Lastly, the referenced May, 1989 paper details the fact that "The OMS system uses co-firing of 80-90% municipal solid waste along with 10-20% medical waste, based on average hourly throughput rates. A review of key regulatory concepts and current biomedical waste handling practices is offered."
- c) An "intent to issue" a permit amendment was issued on September 6, 1990. Of relevance to this issue are the following two permit revisions (added language in italics, deleted language struck):

~~EXISTING REVISED PROJECT DESCRIPTION~~ – For the construction of two (2) 250 ton per day combustors which will be fueled by municipal solid waste and wood chips *which can, by definition, include biohazardous waste. A specially designed conveyor is to be constructed to transport biohazardous waste from tipping floor to combustor feed hopper so that biohazardous waste is not mixed with other municipal solid waste until it enters the feed hopper.*

~~SPECIFIC CONDITION NO. 1.e.~~ – The MWC shall be fueled with wood chips or municipal solid waste *which can include biohazardous waste. Radioactive waste may not be burned unless the combustor has been issued a permit or waste is such quantity to be exempt in accordance with Hazardous waste may not be burned unless the combustor has been issued a permit or the waste is of such quantity to be exempt in accordance with....* Other wastes shall not be burned without specific prior written approval of Florida DER. "

I believe that this is where the confusion began as the application requested to combust the medical waste in a co-firing (10 – 20% of throughput) manner, yet the permit language did not clearly stipulate this.

- d) Public Noticed in Leesburg Daily Commercial on 10/5/90.
- e) A permit amendment was issued on December 10, 1990. It appears to be identical to that which was in the "intent to issue", except for some wording on how HCl emissions and compliance would be handled (New Specific Condition No. 3.k. was changed from 50 ppmvd to 4 lbs./hour or 90% reduction. Also, the drafted change to Specific Condition No. 4.a. was not completed and new Specific Condition 4.f. was not included.)

II. Operating Permit History

- a) On January 29, 1992 an Air Operating Permit was issued for the facility. This permit (AO35-193817) did not list biohazardous waste as an authorized fuel and only referred to the issue of biohazardous waste in Specific Condition 6. which stated:

"6. In order for the burning of biohazardous waste to be incorporated into the operation permit, the Department must receive reasonable assurance including but not limited to:

- a. Particulate matter emissions shall not exceed 0.020 grains per dry standard cubic foot of flue gas, corrected to 7% O₂. (See Table 700-1)
- b. Hydrochloric acid (HCl) emissions shall not exceed 50 parts per million by volume, dry basis, corrected to 7% O₂ on a three hour average basis or shall be reduced by 90% by weight on an hourly average basis (See Table 700-1).

[Of note – the maximum individual throughput of each MWC "... shall not exceed 288 tons per day, 120 million BTU per hour and 69,000 pounds steam per hour (3 hour average).]

- b) On June 29, 1992 an AO Permit Amendment was issued. Although I cannot locate the documentation, it appears to have been requested by Ogden as a result of conditions not "carried over" from the AC permit amendment identified above. The pertinent conditions which were modified are shown below (as modified), allowing them to co-fire 5% medical waste per day:
 - 1.a. The maximum individual MWC throughput shall not exceed 288 tons per day, 120 million BTU per hour and 69,000 pounds steam per hour (3-hour average). The maximum throughput of biohazardous waste shall not exceed a total of 1.12 tons/hour and 26.88 tons/day for the entire facility.
 - 1.c. The MWC shall be fueled with wood chips or municipal waste which can include biohazardous waste. Radioactive waste may not be burned unless the combustor has been issued a permit for such burning or the waste is such quantity to be exempt in accordance with Department of Health and Rehabilitative Services (HRS) Rule 10D-91 or 10D-104.003, F.A.C. Hazardous waste may not be burned unless the combustor has been issued a permit for such burning or the waste is of such quantity to be exempt in accordance with Department Rule 17-30, F.A.C. Other wastes and special wastes shall not be burned without specific prior written approval of the Florida DER.
 6. During Incineration of biohazardous waste the following conditions shall apply:
 - 6.e. Each unit which incinerates biohazardous waste shall conduct annual compliance tests which demonstrate compliance with the applicable biohazardous incinerator standards. The test must be conducted while combusting the maximum desired rate of biohazardous waste and this rate must be determined during the test.
- c) On August 6, 1992 the DEP Central District received a letter dated 8/3/1992 from Mr. John Power (of Ogden) stating that they would like the DEP "to allow our Lake Facility to split the 1.12 tons/hour or the 26.88 tons/daily between both units. The primary reason for this change is to stay current with the trend in handling bio-medical in a bulb handling system, thus reducing the handling of the waste, this system would be designed for the second unit."

My interpretation of what the applicant was specifically requesting, was the ability to combust the medical waste in a co-firing manner, yet to be able to burn it all in one unit (Unit 2, referred to as the "second unit"). This equates to 5% at the facility level, by co-firing 10% on Unit 2 and 0% on Unit 1.

- d) On September 2, 1992 the DEP issued a letter to Dr. Crane (of Ogden), [Re: Request to Construct a Biohazardous Waste Conveyor System for Unit No. 2...]. This letter stated: "In order to allow some operational flexibility, Ogden Martin requested to be allowed to process a maximum total of 1.12 tons/hr of biohazardous waste between both units. Therefore, Unit No. 2 shall be tested for compliance with the allowable air emissions while processing 1.12 tons/hr of biohazardous waste via the conveyor system; and, both Units Nos. 1 and 2 are operating at their maximum capacity of municipal waste. If the results are satisfactory, the facility will be permitted to process a maximum of 1.12 tons/hr (26.88 tons/day) of biohazardous waste between both units. If the permittee desires to increase the combined maximum total throughput of biohazardous waste above 1.12 tons/hr, then a permit modification will be required. A permit modification will require, at a minimum, the submittal of a complete application package and appropriate processing fee; and, public notice of the Department's Intent will be required."

- e) On February 8, 1993 the Department (R. Bruce Mitchell) received a request from Ogden "to process shredded plastic pesticide containers. These containers have been triple rinsed and rendered non-hazardous." Ogden had requested authorization to burn 80-100 tons of these containers. A reply to this request was issued on March 31, 1993, as even though Ogden "... had decided to not pursue the potential contract..." Ogden "... would still like to pursue the issue of potentially processing this type of material in the Lake County facility and would like a response." The response stated that "... plastics are an inevitable component of both household and commercial waste streams. There was not an intent to permit waste-to-energy facilities, as depositors for large homogeneous slugs of commercial and industrial waste streams (i.e., tires, plastics, hazardous and toxic wastes etc.), which could require additional control strategies to handle the increase of air pollutants that would be emitted. Other Departmental programs (i.e., the Waste Program) would also be involved in the permitting process. The new Boiler and Industrial Furnace regulations are specifically aimed at these types of facilities that desire to process commercial and industrial waste streams consisting of hazardous and toxic wastes..."

I believe that the Department was clearly indicating that Ogden was not permitted to dispose of large quantities of waste streams, which were of any particular type. Furthermore, the Department suggested that specific control strategies should be employed should a permittee desire to pursue a specialized class of waste stream disposal.

- f) On May 25, 1993 an amendment to Ogden's air operating permit (AO35-193817) was issued by the Central District. No documentation on the request can be found. The two conditions and the associated changes are shown below (with strike-through and italics):
- 1) From: The maximum individual MWC throughput shall not exceed 288 tons per day, 120 million BTU per hour and 69,000 pounds steam per hour (3-hour average). The maximum throughput of biohazardous waste, *for Unit 1 only*, shall not exceed a total of ~~4.12~~ 2.15 tons/hour and ~~26.88~~ 51.60 tons/day for the entire facility.
 - 2) From: The design furnace mean temperature at the fully mixed zone of the combustor shall be no less than 1800°F for a combustion gas residence time of at least one second., *and the furnace roof temperature, as determined from control room readings, shall be no less than 1138°F.*

I am perplexed by this modification, as I cannot locate the request, nor understand the rationale which was cited. However, it does appear that the biohazardous waste throughput was permitted to increase by nearly 100%.

- g) On December 16, 1994 Ogden Martin requested an amendment to its permit. Specifically, the permittee requested to use steam flow as a surrogate for the refuse processing rate (throughput) method currently used (crane load cells). Also, Ogden proposed to comply with the 288 tons per day per unit throughput limit with the following language: "Compliance with the 576 tons per day facility-wide nominal processing rate shall be determined on the basis of the 52-week rolling average weight of solid waste received and processed at the Facility." No change was requested to the permit language Ogden referenced as "... The maximum throughput of biohazardous waste, for Unit 1 only shall not exceed a total of 2.15 tons/hour and 51.60 tons/day."
- h) The Department response to the above request was dated January 20, 1995. In essence, the request was denied and specific concerns were expressed concerning the apparent relaxation of the proposed daily throughput limit.
- i) An internal Department memo written by Al Linero to Larry George dated March 10, 1995 notes that Chuck Collins (DEP-CD) had informed him that Ogden may want to increase the amount of "biomedical waste" burned at its facility. No specific details were provided.
- j) A request for permit amendment dated March 13, 1995 was submitted to the Department. The application requested approval "for the acceptance of solid waste containing petroleum-based materials. This is a generic application in that it does not represent waste from specific generators.

The application, in essence, presents standard procedures for disposing of certain categories of waste, which include:

- 1) Clean-up materials and debris associated with virgin petroleum spills and tank cleanings;
- 2) Solid waste contaminated with Used Oil; and,
- 3) Filters (such as automotive filters, etc.)

The application further stated "We are seeking this amendment based on our positive experience with the Department and the successful processing of similar types of materials at our OMS of Pasco facility, at the request of the Florida Department of Environmental Protection (FDEP) Southwest District during the August 1993 Tampa Bay oil barge spill."

- k) On April 28, 1995 a proposed permit amendment letter and Public Notice was forwarded to Mr. Brian Bahour of Ogden (New Jersey). The Department found Ogden's request to "allow firing of non-hazardous solid waste contaminated with virgin or used oil products" of March 13, 1995 to be acceptable and amended the permit accordingly. Among other limitations specified, was a maximum percentage of oil-contaminated solid waste of 20 percent of the total solid waste input. The amendment was finalized (as proposed) on June 15, 1995.

This approval is consistent with the Department's position stated in e) above. A "blanket approval" to combust a specific waste stream at a level higher than 20% of the throughput would dictate that specific control strategies be reviewed, among other items.

- l) On December 18, 1995 a letter to C. Collins (FDEP-CD) was received by FDEP-BAR. This letter was from Mr. G. Crane of Ogden and stated that the amendment of May 25, 1993 [see f) above] "has resulted in significant confusion in that other Specific Conditions indicate that biological waste may be processed in either unit. Additionally, a September 2, 1992 letter from Mr. Clair Fancy to myself specifies that "Unit #2 shall be tested for compliance with allowable air emissions once a biological waste conveyor system is constructed." The letter requested that "Once compliance is demonstrated on Unit #2, we suggest that the words "for Unit 1 only" be removed from the permit."

It appears that the Department incorrectly referred to Unit 1 in the above amendment. I believe that no unit should have been referred to and that this was intended to be a facility-wide cap.

- m) On January 12, 1996 Ogden requested an amendment to Specific Condition 8f dealing with the test methods for lead and beryllium. An alternate sampling procedure was requested. This was granted on August 8, 1996.
- n) On January 24, 1996 a letter from Mr. L.T. Kozlov (DEP-CD) was forwarded to Mr. G. Crane of Ogden, noting that a moratorium was in effect concerning the incineration of hazardous waste. This letter was apparently in response to Ogden's request [see l) above] of December 1995. The letter stated "To burn biohazardous waste in Unit #2 would require a construction permit application, but such an application could not be honored at this time because of the moratorium".
- o) An e-mail dated 12/10/96 from Leonard Kozlov to Michael Hewett and Alvaro Linero commented upon an apparent request from Ogden to test Unit 1 without medical waste burning and then again with medical waste burning. According to Mr. Kozlov, Ogden would "then extrapolate the results for Unit 2 to burn medical waste. Initially, I thought this would be a good idea, but I have reversed my position on this after discussions with my staff. Mike you mentioned in your email of 12-6-96 that it is my call. My call is that Ogden Martin will do their testing on units 1 and 2 as a regular required test and when the amendment is applied for and approved for Unit 2 to burn medical waste, then they will have to the required compliance testing...."
- p) A letter from Jason M. Gorrie (of Ogden) was sent to Ms. Cindy Phillips on June 2, 1998. This letter stated that on April 17, 1998 a meeting was held between Ms. Mary Smallwood, Mr. Clair Fancy and other Department representatives to "discuss the protocol for demonstrating that the

Lake County Resource Recovery Facility, Unit #2, is capable of processing biological waste in compliance with applicable medical waste incinerator regulations. During that meeting, it was agreed that such testing could be conducted under the authority of the existing construction permit. It was further agreed during the 4/17/98 meeting that continued processing of biomedical waste in Unit #2 would not be authorized until the facility's operating permit was modified. Accordingly, Mr. Fancy resolved to have the Department re-prioritize the in-house Title V applications such that the facility's application would be processed as soon as possible. Attached please find the results of such testing for your review..."

- q) On June 18, 1998 an e-mail from Joseph Kahn to Alvaro Linero documented a phone conversation between Mr. Kahn and Mr. Jason Gorrie. In this e-mail, Mr. Kahn noted "I told Jason that our review of the file suggested that the issuance of an AO permit to burn 51.6 TPD of biomedical waste was an error, and that it seemed to never be the Department's intention to allow for more than 26.88 TPD in both units ... Jason said that Ogden's position is that the AC permit actually provides for the firing of up to 288 TPD of BMW in each unit, by virtue of the way the BMW was permitted in an AC modification, defining BMW as MSW... Jason asked that we meet on this issue when Clair returns to the office. I told him that I would refer the matter back to you, and that we would likely review the matter internally..."

I am uncertain as to whether the permitted BMW throughput of 51.6 TPD was an error. However, from my review of the documentation I am confident that the Department had no intention of allowing 100% throughput of BMW. It is my opinion [see f) above] that the permit modification of May 25, 1993 was intended to provide for a facility-wide limit of 51.6 TPD and that the words "for Unit 1 only" were placed incorrectly.

- r) On July 15, 1998 a meeting was held between Department representatives, as well as Ogden representatives. A summary of the meeting (minutes) is not included here, but the purpose was stated to be "first, to confirm the appropriate mechanism OMSL was to follow to achieve acknowledgement from DEP that OMSL could commence processing biomedical waste in Unit 2, and second, to discuss the results of the stack tests conducted.... on Unit 2 while processing biomedical waste at a maximum throughput of 2.02 TPH, in accordance with a DEP approved test protocol". These minutes were provided by Ms. Smallwood in a draft form (for Department comment) on July 15, 1998. On August 3, 1998 a reply to the minutes was forwarded to Ms. Smallwood indicating that the minutes agreed with DEP staff recollection, however "our understanding was that the facility would conduct additional tests as part of reasonable assurance if it seeks in its construction permit application an increase in throughput above its previously tested rates."
- s) Summary information on a meeting held September 17, 1998 indicates that Joe Kahn met with Jason Gorrie and Brian Bahor to discuss an application to amend PSD-FL-113. The summary information was prepared by Ogden and intended to describe the impending application.
- t) An application was received on September 29, 1998. The essence of the application was to obtain a federally enforceable biomedical waste throughput of 240 ton/day for each unit.
- u) On October 8, 1998 a "Notice of Application" was clerked out and sent to Mr. G. Crane of Ogden (Fairfield, New Jersey). The cover letter summarized the publishing and notification requirements. A fax copy was also sent to Jason Gorrie of Ogden on October 13, 1998. On October 22, 1998 the Department received a letter from Mr. Crane requesting a modification to the public notice language which was prepared by the Department. Although I cannot find the pertinent discussion detailing the resolution of this matter, the notice was ultimately published on October 24, 1998 in the Lake Sentinel portion of the Orlando Sentinel and appears to be identical to the Department's prepared language. A second notice was published on November 4, 1998 in the same newspaper.

11/22/99

- v) On October 30, 1998 Joe Kahn reviewed the aforementioned application and that document is filed as "oglkcom.doc".
- w) On December 1, 1998 a "Request for Additional Information" was submitted to Ogden raising (at least) seven issues; the issues raised were predominantly those identified in Joe Kahn's 10/30/98 review. On February 25, 1999 the Department granted an extension of time for Ogden to reply to the request for additional information. The response deadline was set at June 7, 1999.

III. History of Testing / Compliance Issues

- a) In correspondence dated July 30, 1992 Ogden included stack test results from January, 1991 and January, 1992. The apparent reason was to show that emission limits were being met while co-firing medical waste, as the 1992 test was conducted in that operating mode and the 1991 test was not. Noteworthy is that the waste was "Benlate 50DF" which was used for treatment of vegetation. I am uncertain as to whether this is typical of biohazardous waste. The permittee concluded that "The results of the stack test were very similar, thus showing the vegetation had no negligible impact." Below is a summary of what was reported (averages only):

No Biohazardous Waste (1991)	Pollutant	10% BHZ Waste Unit 1 (1992) [1.12 tons per hour for 9 hr]
534	Unit 1 SD inlet: ppm of HCl	628
542	Unit 2 SD inlet: ppm of HCl	447
92.7	Unit 1 SD inlet: ppm of SO ₂	61.3
64.8	Unit 2 SD inlet: ppm of SO ₂	62.5
15.7	Unit 1 Stack: ppm of CO (100)	6.69
22.3	Unit 2 Stack: ppm of CO (100)	7.9
37.2	Unit 1 Stack: ppm of HCl (50)	2.29
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9.67E-7	Unit 1 Stack: gr/dscf Pb @ 12% CO ₂ (3.1E-4)	Not tested
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Note: Data in **BOLD** font represents biohazardous waste test.

- b) Ogden's letter dated November 3, 1994 stated that they wished to enter into an Administrative Consent Order with the Department related to Warning Letters: OWL-AP-94-0298, AP-94-0294 and AP-94-0278. The issues appeared to be minimizing "pluggage and carbon monoxide during upset conditions" and "Throughput calculations based on heat release".
- c) From January 26-29, 1999 compliance (stack) tests were run on both units. Exceedances were found on both units with respect to mercury emission rate and mercury removal efficiency. This is summarized as follows:

11/22/99

Mercury emission limit	Unit 1 Actual	Unit 2 Actual
70 ug/dscm	2994 ug/dscm	258 ug/dscm
80% removal efficiency	32.9%	65.1%

Additionally, the medical waste rate for unit 1 was not reported, but is assumed to be at the permitted rate of 2.15 tons per hour.

"6. In order for the burning of biohazardous waste to be incorporated into the operation permit, the Department must receive reasonable assurance including but not limited to:

- a. Particulate matter emissions shall not exceed 0.020 grains per dry standard cubic foot of flue gas, corrected to 7% O₂. (See Table 700-1)
- b. Hydrochloric acid (HCl) emissions shall not exceed 50 parts per million by volume, dry basis, corrected to 7% O₂ on a three hour average basis or shall be reduced by 90% by weight on an hourly average basis (See Table 700-1).

[Of note – the maximum individual throughput of each MWC "... shall not exceed 288 tons per day, 120 million BTU per hour and 69,000 pounds steam per hour (3 hour average).]

- b) On June 29, 1992 an AO Permit Amendment was issued. Although I cannot locate the documentation, it appears to have been requested by Ogden as a result of conditions not "carried over" from the AC permit amendment identified above. The pertinent conditions which were modified are shown below (as modified), allowing them to co-fire 5% medical waste per day:
 - 1.a. The maximum individual MWC throughput shall not exceed 288 tons per day, 120 million BTU per hour and 69,000 pounds steam per hour (3-hour average). The maximum throughput of biohazardous waste shall not exceed a total of 1.12 tons/hour and 26.88 tons/day for the entire facility.
 - 1.c. The MWC shall be fueled with wood chips or municipal waste which can include biohazardous waste. Radioactive waste may not be burned unless the combustor has been issued a permit for such burning or the waste is such quantity to be exempt in accordance with Department of Health and Rehabilitative Services (HRS) Rule 10D-91 or 10D-104.003, F.A.C. Hazardous waste may not be burned unless the combustor has been issued a permit for such burning or the waste is of such quantity to be exempt in accordance with Department Rule 17-30, F.A.C. Other wastes and special wastes shall not be burned without specific prior written approval of the Florida DER.
 6. During Incineration of biohazardous waste the following conditions shall apply:
 - 6.e. Each unit which incinerates biohazardous waste shall conduct annual compliance tests which demonstrate compliance with the applicable biohazardous incinerator standards. The test must be conducted while combusting the maximum desired rate of biohazardous waste and this rate must be determined during the test.
- c) On August 6, 1992 the DEP Central District received a letter dated 8/3/1992 from Mr. John Power (of Ogden) stating that they would like the DEP "to allow our Lake Facility to split the 1.12 tons/hour or the 26.88 tons/daily between both units. The primary reason for this change is to stay current with the trend in handling bio-medical in a bulb handling system, thus reducing the handling of the waste, this system would be designed for the second unit."

My interpretation of what the applicant was specifically requesting, was the ability to combust the medical waste in a co-firing manner, yet to be able to burn it all in one unit (Unit 2, referred to as the "second unit"). This equates to 5% at the facility level, by co-firing 10% on Unit 2 and 0% on Unit 1.

- d) On September 2, 1992 the DEP issued a letter to Dr. Crane (of Ogden), [Re: Request to Construct a Biohazardous Waste Conveyor System for Unit No. 2...]. This letter stated: "In order to allow some operational flexibility, Ogden Martin requested to be allowed to process a maximum total of 1.12 tons/hr of biohazardous waste between both units. Therefore, Unit No. 2 shall be tested for compliance with the allowable air emissions while processing 1.12 tons/hr of biohazardous waste via the conveyor system; and, both Units Nos. 1 and 2 are operating at their maximum capacity of municipal waste. If the results are satisfactory, the facility will be permitted to process a maximum of 1.12 tons/hr (26.88 tons/day) of biohazardous waste between both units. If the permittee desires to increase the combined maximum total throughput of biohazardous waste above 1.12 tons/hr, then a permit modification will be required. A permit modification will require, at a minimum, the submittal of a complete application package and appropriate processing fee; and, public notice of the Department's Intent will be required."

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 23-Aug-2000 10:53am

From: Leonard Kozlov ORL 407/894-755
KOZLOV_L@a1.depor1.dep.state.fl.us

Dept:

Tel No:

To: See Below

Subject: FWD: Ogden Inhouse Meeting

FYI, Change of time for teleconference on Ogden.
Len

Distribution:

To: Bruce Mitchell TAL

(MITCHELL_B@a1)

To: Howard Rhodes TAL

(RHODES_H@a1)

To: Clair Fancy TAL

(FANCY_C@a1)

To: Jim Pennington TAL

(PENNINGTON_J@a1)

To: Scott Sheplak TAL

(SHEPLAK_S@a1)

CC: Dina Jones ORL

(JONES_DX@a1.depor1.dep.state.fl.us)

INTEROFFICE MEMORANDUM

Date: 23-Aug-2000 .09:20am
From: Stephanie Lalonde ORL 407/894-7
LALONDE_S@a1.deporl.dep.state.fl.us
Dept:
Tel No:

To: Leonard Kozlov ORL (KOZLOV_L@a1.deporl.dep.state.fl.us)
To: William Bostwick ORL (BOSTWICK_W@a1.deporl.dep.state.fl.us)
To: Caroline Shine ORL (SHINE_C@a1.deporl.dep.state.fl.us)
To: Bret LeRoux ORL (LEROUX_B@a1.deporl.dep.state.fl.us)
To: John White ORL (WHITE_J@a1.deporl.dep.state.fl.us)

Subject: Ogden Inhouse Meeting

Brue fyi SAH

Please note that due to Larry Morgan's schedule, the August 29 meeting has been moved to 11:15 am.

Please make this change on your calendars.

If I left someone out, please notify him/her.

Thanks.

(2) Unauthorized Fuel. Subject to the limitations contained in this permit, the authorized fuels for the facility also include the other solid wastes that are not MSW which are described in (4), (5), and (6), below. However, the facility

(a) shall not burn:

- (1) those materials that are prohibited by state or federal law;
- (2) those materials that are prohibited by this permit;
- (3) lead acid batteries;
- (4) hazardous waste;
- (5) nuclear waste;
- (6) radioactive waste;
- (7) sewage sludge;
- (8) explosives;
- (9) beryllium-containing waste, as defined in 40 CFR 61, Subpart C.

(b) and shall not knowingly burn:

- (1) untreated biomedical waste;
- (2) segregated loads of biological waste.

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 22-May-2000 11:15am
From: Barbara Boutwell, TAL
BOUTWELL_B
Dept: Air Resources Management
Tel No: 850/488-1344

To: See Below
Subject: New Posting #0690046

There is a new posting on Florida's website.

0690046001AV
OGDEN MARTIN SYSTEMS OF LAKE, INC.

Draft

The notification letter is encoded and attached. If you have any questions, feel free to contact me.

Thanks,
Barbara

Distribution:

To: worley.gregg@epa.gov@in
To: Elizabeth Walker TAL (WALKER_E)
To: huey.joel@epa.gov@in
To: BARTLETT.ELIZABETH@EPA.GOV@IN
To: Mary Fillingim TAL (FILLINGIM_M)
To: danois.gracy@epa.gov@in
CC: Bruce Mitchell TAL (MITCHELL_B)
CC: Scott Sheplak TAL (SHEPLAK_S)

RUDEN
MCCLOSKEY
SMITH
SCHUSTER &
RUSSELL, P.A.
ATTORNEYS AT LAW

*Bree
 may want to
 put this in
 TV file
 Clem*

April 28, 2000

VIA FACSIMILE and U.S. MAIL

Vivian Garfein, Director
 Central District
 Department of Environmental Protection
 3319 Maguire Blvd, Suite 232
 Orlando, Florida 32803-3767

Re: Technical Advisory Committee on Mercury Continuous Emissions Monitoring System

Dear Vivian:

At the first meeting of the Department's Technical Advisory Committee (TAC) on mercury continuous emissions monitoring devices (CEMS) Mike Harley indicated that the TAC would meet again on May 2, 2000, in Orlando. In light of recent events, Ogden Martin Systems of Lake (OMSL) is reconsidering its position with respect to participation in the TAC and will not be attending any meeting on May 2.

Since the time of the first meeting, OMSL received a notice of intent to issue an air construction permit modification for Permit No. 0690046-002-AC, PSD-FL-113A. OMSL was greatly surprised to find out that the draft permit contained a requirement for installation of a mercury CEMS. It is not clear whether or how that requirement is related to the ongoing enforcement action resulting from Warning Letter OWL-AP-99-413. OMSL has formally withdrawn its permit application as a result of this and other unacceptable proposed permit conditions.

As you know, OMSL has repeatedly stated that it has serious concerns about the viability of mercury CEMS, both the technology and the costs involved. The Company agreed to participate in the TAC because it felt that there might be some means of furthering research in this area in a manner that would be beneficial to both the Company and the Department. However, OMSL has been clear that it would not agree to any imposition of mercury CEMS to be used for compliance purposes without Department rulemaking. We strongly believe that the Department is not at a point yet that it could adopt such a rule.

At the first TAC meeting, I raised a concern about whether the Department was coordinating its efforts with the Environmental Protection Agency (EPA). There appear to be a number of ongoing research projects in this area, but I was not satisfied that the Department had access to that

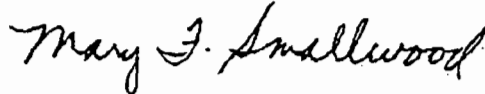
Vivian Garfein, Director
April 28, 2000
Page 2

information. As you may heard, the designated EPA representative did not even participate in the meeting. The scope of project that was being discussed by the Department's TAC representatives would involve a very significant financial commitment from OMSL. In addition, it would appear that there is the possibility for duplication of efforts at the federal level. In all honesty, OMSL has concerns that the Department has not thought through the goals and objectives to be gained from mercury CEMS "research" by OMSL. Instead, it seems that the Department views the TAC process as a means of unilaterally imposing an unproven technology on OMSL with the express intent of utilizing it for future compliance. The issuance of the permit modification appears to be consistent with that approach. We reiterate our position that the Department is without authority to take such an action short of rulemaking.

Under the circumstances, OMSL is unwilling at this time to continue its participation in the TAC. Obviously, the Company will continue to work with the Department to resolve the pending enforcement action in a manner that is mutually acceptable.

Sincerely,

RUDEN, McCLOSKEY, SMITH,
SCHUSTER & RUSSELL, P.A.



Mary F. Smallwood

MFS/

cc: Howard Rhodes (via hand delivery)
Clair Fancy (via hand delivery)
M.J. Harley (via hand delivery)
Leonard Kozlov (via facsimile)
Nancy Tammi (via facsimile)
Derek Porter (via facsimile)
Jason Gorrie (via facsimile)

5-19-2000
corrected and submit to Barbara
for posting. B

Florida's DRAFT Permit Electronic Notification Cover Memorandum

TO: Elizabeth Bartlett, U.S. EPA Region 4
CC: Gregg Worley, U.S. EPA Region 4
THRU: Scott M. Sheplak, P.E., Tallahassee Title V Section
FROM: Bruce Mitchell, Permit Engineer
DATE: 5/18/2000
RE: U.S. EPA Region 4 DRAFT Title V Operation Permit Review

The following DRAFT Title V operation permit(s) and associated documents have been posted on the DEP World Wide Web Internet site for your review. Please provide any comments via Internet E-mail, to Scott M. Sheplak, P.E., at "Sheplak_S@dep.state.fl.us".

<u>Applicant Name</u>	<u>County</u>	<u>Method of Transmittal</u>	<u>Electronic File Name(s)</u>
Ogden Martin Systems of lake, Inc.	Lake	INTERNET	0690046d.zip

This zipped file contains the following electronic files:

0690046.SOB
0690046i.1
0690046d2
0690046G
0690046H1

Florida's DRAFT Permit Electronic Notification Cover Memorandum

TO: Elizabeth Bartlett, U.S. EPA Region 4
CC: Gregg Worley, U.S. EPA Region 4
THRU: Scott M. Sheplak, P.E., Tallahassee Title V Section
FROM: Bruce Mitchell, Permit Engineer
DATE: 5/18/2000
RE: U.S. EPA Region 4 DRAFT Title V Operation Permit Review

The following DRAFT Title V operation permit(s) and associated documents have been posted on the DEP World Wide Web Internet site for your review. Please provide any comments via Internet E-mail, to Scott M. Sheplak, P.E., at "Sheplak_S@dep.state.fl.us".

<u>Applicant Name</u>	<u>County</u>	<u>Method of Transmittal</u>	<u>Electronic File Name(s)</u>
Ogden Martin Systems of lake, Inc.	Lake	INTERNET	0690046d:zip

This zipped file contains the following electronic files:

0690046.SOB
0690046i.1
0530021d2
0530021G
0530021H1

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 17-May-2000 11:09am

From: Leonard Kozlov ORL 407/894-755
KOZLOV_L@a1.deporl.dep.state.fl.us

Dept:

Tel No:

To: See Below

Subject: FWD: Re: Ogden Martin Draft Title V Permit New Item

FYI

Distribution:

To: Jim Pennington TAL	(PENNINGTON_J@A1)
To: Scott Sheplak TAL	(SHEPLAK_S@A1)
To: Bruce Mitchell TAL	(MITCHELL_B@A1)
CC: Caroline Shine ORL	(SHINE_C@a1.deporl.dep.state.fl.us)
CC: Garry Kuberski ORL	(KUBERSKI_G@a1.deporl.dep.state.fl.us)
CC: John B. Turner ORL	(TURNER_JB@a1.deporl.dep.state.fl.us)
CC: Vivian Garfein ORL	(GARFEIN_V@a1.deporl.dep.state.fl.us)
CC: Clair Fancy TAL	(FANCY_C@A1)
CC: Jim Pennington TAL	(PENNINGTON_J@A1)

INTEROFFICE MEMORANDUM

Date: 17-May-2000 10:24am
From: Patricia Comer TAL 850/488-9730
COMER_P@A1
Dept:
Tel No:

Subject: Re: Ogden Martin Draft Title V Permit New Item

The consent order will have to be incorporated into the TV permit, if and when a consent order is signed. The major function of any consent order would be fines/cost imposition, because all matters that are intended to bring the facility back into compliance and to assure continued compliance thereafter have to be built into the TV permit. the money stuff wouldn't be built in, though. There's nothing in our statutes or rules about putting money (except the annual air fees) into permits.

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 18-May-2000 01:59pm

From: Bruce Mitchell TAL
MITCHELL_B

Dept: Air Resources Management

Tel No: 850/488-1344

To: Leonard Kozlov ORL 407/894-755 (KOZLOV_L@a1.deporl.dep.state.fl.us)

Subject: Re: FWD: Re: Ogden Martin Draft Title V Permit New Item

5/18/2000

Dear Len,

When it is signed, please advise.

Bruce

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 17-May-2000 10:30am

From: Patricia Comer TAL 850/488-973
COMER_P@A1

Dept:

Tel No:

To: See Below

Subject: Re: Ogden Martin Draft Title V Permit New Item

Len, I sent the last message without copying all the players and it wasn't too clear, anyway. what I meant to say is that all the terms and conditions needed to bring the facility back into compliance and to assure continued compliance will have to be built into the TV permit whether they are also contained in a consent order or not. A requirement to sign a consent order isn't really what we'd be looking to build in. It would be the meat of the order that would have to be built in. Except that any requirement relating to fines/damages/costs would not usually be included into the permit because our rules and permit statutes don't really address that aspect.

Distribution:

To: Leonard Kozlov ORL 407/894-755 (KOZLOV_L@a1.deporl.dep.state.fl.us)
To: Scott Sheplak TAL (SHEPLAK_S@A1)
To: Bruce Mitchell TAL (MITCHELL_B@A1)
CC: Clair Fancy TAL (FANCY_C@A1)
CC: Caroline Shine ORL (SHINE_C@a1.deporl.dep.state.fl.us)
CC: John B. Turner ORL (TURNER_JB@a1.deporl.dep.state.fl.us)
CC: Garry Kuberski ORL (KUBERSKI_G@a1.deporl.dep.state.fl.us)
CC: Jim Pennington TAL (PENNINGTON_J@A1)
CC: Vivian Garfein ORL (GARFEIN_V@a1.deporl.dep.state.fl.us)
CC: Dina Jones ORL (JONES_DX@a1.deporl.dep.state.fl.us)
CC: Alan Zahm ORL (ZAHM_A@a1.deporl.dep.state.fl.us)

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 11-May-2000 12:14pm
From: LBridgewater
LBridgewater@OrlandoSentinel.com

Dept:
Tel No:

To: Bruce.Mitchell (Bruce.Mitchell@dep.state.fl.us)

Subject: Re: Public Notice for a Title V Source.

We have logged your email under Sii-156651. We will release the ad to run and call you with the cost.

Thank you for responding so promptly.

Linda

-----Original Message-----

From: Bruce Mitchell TAL 850/488-1344
[mailto:Bruce.Mitchell@dep.state.fl.us]
Sent: Thursday, May 11, 2000 11:57 AM
To: Classified_legal@orlandosentinel.com
Subject: Public Notice for a Title V Source.
Sensitivity: Confidential

*Linda Fee correction:
#45.61*

5/11/2000

Dear Linda,

Thank you for your assistance in this matter. Please let me know if I can be of any help on this matter. Take care.

Bruce Mitchell
850/921-9506

RFC-822-headers:

Received: from epic5.dep.state.fl.us ([199.73.143.30])
by mail.epic1.dep.state.fl.us (PMDF V5.2-33 #37976)
with ESMTP id <01JP9UP8AV5Y003EQG@mail.epic1.dep.state.fl.us> for
MITCHELL_B@a1.epic1.dep.state.fl.us
(ORCPT rfc822;Bruce.Mitchell@dep.state.fl.us); Thu, 11 May 2000 12:13:55 EDT
Received: from mail1.tribune.com ([163.192.21.15])
by mail.epic5.dep.state.fl.us (PMDF V5.2-33 #31508)
with ESMTP id <01JP9UPMG3LE005BH4@mail.epic5.dep.state.fl.us> for
MITCHELL_B@a1.epic1.dep.state.fl.us
(ORCPT rfc822;Bruce.Mitchell@dep.state.fl.us); Thu,
11 May 2000 12:14:15 -0400 (EDT)
Received: by mail1.tribune.com; id LAA05258; Thu,
11 May 2000 11:14:42 -0500 (CDT)
Received: from unknown(163.193.219.17) by mail1.tribune.com via smap (4.1)
id xma005095; Thu, 11 May 2000 11:14:06 -0500
Received: by OSCSYSXCH with Internet Mail Service (5.5.2448.0)
id <KJPPAP1V>; Thu, 11 May 2000 12:15:33 -0400
X-Mailer: Internet Mail Service (5.5.2448.0)

NEW ASBESTOS NESHAP ENFORCEMENT CASES

Central District, Seminole County, City of Altamonte Springs. Central District issued a warning letter to the City of Altamonte Springs for five violations during a demolition of a condominium: failure to provide notice; failure to remove RACM prior to demolition; failure to adequately wet the material; failure to adequately seal; and improper disposal.

South District, Collier County, Founders Building. South District has begun enforcement for a renovation of the Founders Building by contractor, F & D Construction, Inc. without notification being given or a survey performed.

RESOLVED ASBESTOS NESHAP ENFORCEMENT CASES

South District, Lee County, Larry and Marla Rochelle. A complaint inspection by the South District found the building site of Bonita Flowers & Gifts being demolished by contractor Donald Dachuk. There was no notification; no survey performed and no wetting. Visible emissions were observed. The owners, Larry and Marla Rochelle, signed a consent order and paid a penalty of \$500.

South District, Lee County, new Flexbon store. South District found violations at the renovation site for a new Flexbon store after a complaint inspection revealed no notification had been submitted and no asbestos survey performed. The contractor is the Triad Group. A consent order was signed and a penalty of \$1,000 was paid.

Northwest District, Okaloosa County, Resort Development Inc.

The owner, Resort Development, Inc. and the contractor, Tindle Enterprises, signed a consent order and paid a penalty of \$1,650 for a demolition of Silver Beach motel without an asbestos survey and no notification prior to the demolition.

NEW STATIONARY SOURCE ENFORCEMENT CASES

Central District, Lake County, Ogden Martin Systems of Lake, Inc. Central District issued a warning letter to Ogden Martin Systems of Lake for excess CO at units 1 & 2.

STATIONARY SOURCE ENFORCEMENT CASES OPEN MORE THAN 270 DAYS

Central District, Lake County, Ogden Martin Systems of Lake, open 427 days. Ogden Martin had mercury exceedances at units 1 and 2. Central District has requested the facility installs a continuous emissions monitor for mercury. The facility stated they are reconsidering their position with respect to participation in the Technical Advisory Committee on mercury continuous emissions monitoring, and would not attend the meeting scheduled in May.

Central District, Orange County, Crown Cork and Seal, open 353 days. Crown Cork and Seal failed a stack test for VOC and had inadequate recordkeeping. Orange County and Tallahassee will begin working together to resolve the violation.

Southwest District, Hillsborough County, Tampa Bay Shipbuilding, open 534 days. Tampa Bay Shipbuilding was cited for MACT violations for inadequate record keeping. Hillsborough sent a draft consent order to Tampa Bay Shipbuilding and requested the facility respond. The facility did not respond by the due date and will receive a call from Hillsborough EPC.

RESOLVED STATIONARY SOURCE ENFORCEMENT CASES

Southwest District, Hillsborough County, Tampa Electric Company- Big Bend. Tampa Electric Company resolved the SO2 and VE exceedances at unit 4. The facility signed a consent order and paid a penalty of \$6,750.

Central District, Indian River County, The New Piper Aircraft, Inc. The facility was cited for failure to submit the annual Title V statement of compliance. The violation was resolved through compliance without formal enforcement.

Southwest District, Manatee County, Oshkosh Truck Corporation; Component Technologies, Inc. The facilities were cited for failure to submit the annual Title V statement of compliance. The violations were resolved through compliance without formal enforcement.

Southwest District, Polk County, Xerxes Corporation; Carpenter Co. Insulation Division; and Lakeland Drum Service, Inc. The facilities were cited for failure to submit the annual Title V statement of compliance. The violations were resolved through compliance without formal enforcement.

Central District, Volusia County, Tyco Healthcare Group. The facility was cited for failure to submit the annual Title V statement of compliance. The violation was resolved through compliance without formal enforcement.

Bruce
fi
S#
ala

- Classifieds
- > Place an Ad
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- > Misc. Trans
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- > Sentinel Careers
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- > Legals
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SEARCH RESULTS - Delete ads by selecting checkboxes and clicking on Delete Ads button

PUBLIC NOTICE OF INTENT

**TO ISSUE TITLE V AIR OPERATION PERMIT
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Title V DRAFT Permit No.:
0690046-001-AV
Ogden Martin Systems
of Lake, Inc.
Lake County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit to Ogden Martin Systems of Lake for the resource recovery facility located at 3830 Rogers Industrial Park Road, Okahumpka, Lake County. The applicant's name and address are: Ogden Martin Systems of Lake, Inc., 3830 Rogers Industrial Park Road, Okahumpka, FL 34762.

The permitting authority will issue the Title V PROPOSED Permit, and subsequent Title V FINAL Permit, in accordance with the conditions of the Title V DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed Title V DRAFT Permit issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit, the permitting authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.

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 of the Florida Statutes (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 of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). 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 the notice of intent, 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 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 applicable time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code (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; 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 petitioner's substantial rights will be affected by the agency determination;
- (c) A statement of how and when the 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 state;
- (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle petitioner to relief;
- (f) A statement of the 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 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 notice of intent. 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 is not available for this proceeding.

In addition to the above, pursuant to 42 United States Code (U.S.C.) Section

7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

A complete project file 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:

Permitting Authority:

Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive,
Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-0114
Fax: 850/922-6979

Affected District/Local Program:

Central District
3319 Maquire Boulevard
Suite 232
Orlando, Florida 32803-3767
Telephone: 407/894-7555
Fax: 407/897-5963

The complete project file includes the DRAFT Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Scott M. Sheplak, P.E., at the above address, or call 850/921-9532, for additional information.

LAK3305405 May 14, 2000

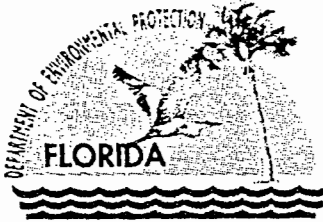
OrlandoSentinel Date: May 14 2000 12:00:00:000AM

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Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

April 6, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Gary K. Crane
Executive Vice President
Ogden Energy Group, Inc.
40 Lane Road
Fairfield, New Jersey 07004

Re: DEP File No. 0690046-002-AC, PSD-FL-113A
Ogden Martin Systems of Lake, Inc. / Lake County

Dear Mr. Crane

1. Article Addressed to:
*Gary Crane, Ex. V.P.
Ogden Energy Group
40 Lane Rd
Fairfield, NJ
07004*

2. Article Number (Copy from service label)
2031 391 938

3. Service Type
 Certified Mail
 Registered
 Insured Mail
 Express Mail
 Return Receipt for Merchandise
 C.O.D.
 Restricted Delivery? (Extra Fee) Yes

4. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

5. Received by (Please Print Clearly) *Joseph S. Morette* B. Date of Delivery *4 APR 2000*

6. Signature *Joseph S. Morette*

7. Agent Agent Addressee

PS Form 3849, April 1999

Construction Permit Modification for the Ogden 30 Rogers Industrial Park Road, Okahumpka, Lake Eliminatory Determination, the Department's Intent to Issue and the Public Notice of Intent to Issue Air included.

Air Construction Permit Modification must be published in a legal advertisement section of a newspaper of general circulation to the requirements Chapter 50, Florida Statutes. Proof of publication must be provided to the Department's Bureau of Air Regulation. Failure to publish the notice and provide a copy of the permit.

If you wish to have considered concerning the permit, please contact Michael P. Gero, P.E., Administrator, New Source Review Section. If you have any other questions, please contact Michael P.

Sincerely,

C. H. Fancy, P.E., Chief,
Bureau of Air Regulation

More Protection. Less Process™

Printed on recycled paper.

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 11-May-2000 12:14pm
From: LBridgewater
LBridgewater@OrlandoSentinel.com
Dept:
Tel No:

To: Bruce.Mitchell (Bruce.Mitchell@dep.state.fl.us)

Subject: Re: Public Notice for a Title V Source.

We have logged your email under Sii-156651. We will release the ad to run and call you with the cost.

Thank you for responding so promptly.

Linda

-----Original Message-----

From: Bruce Mitchell TAL 850/488-1344
[mailto:Bruce.Mitchell@dep.state.fl.us]
Sent: Thursday, May 11, 2000 11:57 AM
To: Classified_legal@orlandosentinel.com
Subject: Public Notice for a Title V Source.
Sensitivity: Confidential

5/11/2000

Dear Linda,

Thank you for your assistance in this matter. Please let me know if I can be of any help on this matter. Take care.

Bruce Mitchell
850/921-9506

#45.61
5-11-2000
from Linda
RM

RFC-822-headers:

Received: from epic5.dep.state.fl.us ([199.73.143.30])
by mail.epic1.dep.state.fl.us (PMDF V5.2-33 #37976)
with ESMTP id <01JP9UP8AV5Y003EQG@mail.epic1.dep.state.fl.us> for
MITCHELL_B@a1.epic1.dep.state.fl.us
(ORCPT rfc822;Bruce.Mitchell@dep.state.fl.us); Thu, 11 May 2000 12:13:55 EDT
Received: from mail1.tribune.com ([163.192.21.15])
by mail.epic5.dep.state.fl.us (PMDF V5.2-33 #31508)
with ESMTP id <01JP9UPMG3LE005BH4@mail.epic5.dep.state.fl.us> for
MITCHELL_B@a1.epic1.dep.state.fl.us
(ORCPT rfc822;Bruce.Mitchell@dep.state.fl.us); Thu,
11 May 2000 12:14:15 -0400 (EDT)
Received: by mail1.tribune.com; id LAA05258; Thu,
11 May 2000 11:14:42 -0500 (CDT)
Received: from unknown(163.193.219.17) by mail1.tribune.com via smap (4.1)
id xma005095; Thu, 11 May 2000 11:14:06 -0500
Received: by OSCSYSXCH with Internet Mail Service (5.5.2448.0)
id <KJPPAP1V>; Thu, 11 May 2000 12:15:33 -0400
X-Mailer: Internet Mail Service (5.5.2448.0)

Linda

14th - 15th

407/650-6309

Classified - legal@orlando
sentinel.com

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 03-Jan-2000 02:18pm

From: Garry Kuberski ORL 407/894-755
KUBERSKI_G@a1.deporl.dep.state.fl.us

Dept:

Tel No:

To: See Below

Subject: Pre Test Meeting with Ogden Martin -Lake

I spoke with Jason Gorrie of Ogden Martin and he stated that the stack test which will be conducted about three weeks from now, is intended to show compliance with Subpart Cb. He also stated that they will include VOC testing using Method 25A.

A pre test meeting is scheduled for Monday, January 10 at 2:00 PM. The stack test is scheduled for the week of January 24, 2000.

I will prepare a pre test agreement to be reviewed, discussed, and signed at the meeting. If you would like an electronic copy before the meeting, let me know and I will e-mail one later this week.

Distribution:

To: Leonard Kozlov ORL	(KOZLOV_L@a1.deporl.dep.state.fl.us)
To: John B. Turner ORL	(TURNER_JB@a1.deporl.dep.state.fl.us)
To: Caroline Shine ORL	(SHINE_C@a1.deporl.dep.state.fl.us)
To: Scott Sheplak TAL	(SHEPLAK_S@A1)
To: Bruce Mitchell TAL	(MITCHELL_B@A1)
To: Mike Harley TAL	(HARLEY_M@A1)
To: Matthew Boze TAL	(BOZE_M@A1)
To: Paul Brandl TAL	(BRANDL_P@A1)

DEP CERTIFIED MAIL NO.:

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION)	CENTRAL DISTRICT
)	
Complainant,)	
)	
vs.)	OGC FILE NO:
)	
NRG/Recovery Group, Inc.)	
)	
)	
Respondent .)	

CONSENT ORDER

This Consent Order is entered into between the State of Florida Department of Environmental Protection ("Department") and NRG/Recovery Group, Inc., c/o Ogden Martin Systems, Inc., d/b/a Ogden Martin Systems of Lake, Inc. ("Respondent"), to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and the Respondent admit the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Chapter 403, Florida Statutes, and the rules promulgated

thereunder, Florida Administrative Code ("F.A.C.") Title 62. The Department has jurisdiction over the matters addressed in this Consent Order.

2. The Respondent is a corporation doing business in the State of Florida and is registered with the Florida Division of Corporations. The Respondent is a person within the meaning of Section 403.031(5), Florida Statutes.

3. The Respondent owns and operates two 288 ton-per-day combustors, Unit 1 and Unit 2, at its Waste to Energy Facility ("Facility") located at 3830 Rogers Industrial Park Road, Okahumpka, Lake County, Florida, Latitude 28° 44'22"N and Longitude 81°53' 23"W ("property"). On January 29, 1992, the Department issued the Permit AO35-193817 ("AO Permit") to the Respondent to operate the Facility. On April 14, 1995, the Department issued Permit AC35-264176 ("AC Permit") to the Respondent to construct the Facility's activated carbon storage silo. Unit 1 is permitted to incinerate biomedical waste at a rate of 2.15 tons per hour and 288 tons per day municipal solid waste. Unit 2 is only permitted to incinerate municipal solid waste and is not permitted to burn biomedical waste.

4. The Facility uses post-combustion control equipment designed to remove mercury from flue gases. The Department mercury emissions standards for the Facility are 70 micrograms per dry standard cubic meter ("ug/dscm") of flue gas, corrected to 7 percent O₂, or 20 percent by weight of the mercury in the flue gas upstream of the mercury control device (80 percent reduction by weight), whichever occurs first. The Federal limitations of mercury emissions are 80 ug/dscm or 85% reduction.

5. During the period of January 27 through January 29, 1998, the Respondent conducted its annual tests to demonstrate compliance with the current AO Permit and AC Permit conditions. Units 1 and 2 were tested for mercury emissions as well as other air pollutants listed in the permits. The units were required to be tested at 90-100% of the permitted capacities.

6. The Respondent contacted the Department on or near February 29, 1998 and advised that both Units 1 and 2 mercury tests referenced in Paragraph 5 of this Consent Order failed to meet the Department and Federal mercury limitations. The Department received the report of the tests on March 11, 1998. The Department reviewed the test reports and confirmed the mercury emission failures.

7. The test report indicated that during the January 1998 tests, Unit 1 was tested at 60% of the permitted biomedical waste capacity and 91% of its permitted municipal waste capacity. Because the Respondent did not test at 90-100% of the permitted capacity, it was required to limit subsequent emissions unit operation to 110 percent of the tested rate until a new test was conducted. The Respondent did not limit its operation rate following the January 1998 tests and did not retest Unit 1 until April 23, 1998. The Respondent's failure to limit the subsequent operation rate is a violation of Florida Administrative Code Rule 62-297.310(2).

8. The test report indicated that during the January 1998 tests, Unit 1 mercury emissions were 202 ug/dscm with 28% reduction, while processing co-mingled biomedical and municipal waste. The Respondent's operation of Unit 1 above 70 micrograms per dry standard cubic meter or 85% reduction is a violation Florida

Administrative Code Rule 62-296.416 (1) ; (3)(a)(1), AC Permit, Specific Condition 3.c., and 40 Code of Federal Regulation ("CFR"), Part 60, Subpart Cb.

9. The test report indicated that during the January 1998 tests, Unit 2 was tested at 91% of its permitted capacity of municipal solid waste. The mercury emissions for Unit 2 were 103 ug/dscm with 40% reduction. The Respondent's operation of Unit 2 above 70 ug/dscm or 85% reduction is a violation Florida Administrative Code Rule 62-296.416 (1); (3)(a)(1), AC Permit, Specific Condition 3.c., and 40 CFR, Part 60, Subpart Cb. The Respondent's written explanation for the Unit 2 mercury failure was likely sample contamination but could not prove by any supporting evidence.

10. The Respondent re-tested Unit 1 on April 23, 1998 at 52% of its permitted capacity of biomedical waste and 92% of its permitted capacity of its municipal waste. The mercury emission during this test was 81.8 ug/dscm, but passed the test because the reduction rate was 88%. The Respondent informed that the test was conducted at 52% of the permitted capacity because it did not have a sufficient quantity of medical waste because of previous special testing activities. Because Unit 1 was not tested at 90-100% of its permitted capacity, the Respondent should have then limited its process rate for biomedical waste to 1.2 tons/hour. The company could have re-tested at any subsequent time at full capacity, with proper notice, to regain the higher rate. The Respondent's records indicated the company continued to run above the limited amount through April 30, 1999. The Respondent's failure to limit the operation is violation of Florida Administrative Code Rule 62-297.310(2).

11. The Respondent conducted a special testing of Unit 2 during the period of April 20-21, 1998 to obtain a permit modification to allow incineration of both biomedical and municipal waste. The Respondent did not conduct a re-test of Unit 2 incinerating only municipal solid waste to demonstrate compliance with the AO permit. Prior to this time, the Respondent's last compliance demonstration of Unit 2, incinerating only municipal solid waste in accordance with its permit, was conducted in January 1997. The Respondent's failure to demonstrate compliance of Unit 2 with the AO permit is a violation of Florida Administrative Code Rule 62-296. (3)(a)(3).

12. The Respondent conducted its 1999 annual compliance tests, including the mercury tests, during the period of January 26 through 29, 1999. The Respondent's representative contacted the Department by phone on February 27, 1999 and advised that the mercury tests failed for both Units 1 and 2. The report of the test results was received on March 12, 1999. The report omitted one of the test runs and process rate information which was later submitted after requested by the Department, in violation of Florida Administrative Code Rule 62-297.310.

13. The test report indicated that during the January 1999 tests, Unit 1 mercury emissions were 2994 ug/dscm with 33% reduction, while processing biomedical and municipal waste. The Respondent's operation of Unit 1 above 70 ug/dscm or 85% reduction is a violation Florida Administrative Code Rule 62-296.416 (1) and (3)(a)(1), AC Permit, Specific Condition 3.c., and 40 CFR, Part 60, Subpart Cb.

14. The test report indicated that during the January 1999 tests, Unit 2 mercury emissions were 258 ug/dscm with 65% reduction, while processing municipal waste.

The Respondent's operation of Unit 1 above 70 ug/dscm or 85% reduction is a violation Florida Administrative Code Rule 62-296.416 (1) and (3)(a)(1), AC Permit, Specific Condition 3.c., and 40 CFR, Part 60, Subpart Cb.

15. The company stated that the drive belt for the carbon injection system needed to be replaced on Unit 2 and internal tests conducted following the replacement showed that Unit 2 would successfully pass a compliance test. The maintenance records indicated that the carbon system belt was replaced on February 14, 1999. The Respondent rescheduled the test for April 19, 1999.

16. The Respondent began retesting Unit 2 on April 22, 1999. The Respondent advised the Department's test observer that the company found thermometers on the tipping floor that morning, but this material was not processed during the test. Unit 1 re-test was delayed because of the finding of the thermometers and the cleanup that would be needed. Unit 1 was not re-tested until June 3, 1999. The Respondent indicated that it suspected from the April 22, 1999 observance, the January 1999 mercury emission failures were a result of waste material tainted by thermometers in the waste stream.

17. The test report indicated that Unit 2 passed the April 1999 tests, with 4 ug/dscm mercury emission and 94% reduction. The Unit 2 mercury inlet stream averaged 64 ug/dscm, below the 70 ug/dscm permitted outlet stream limitation. Prior to the April 1999 re-test of Unit 2, the Respondent increased the carbon injection rate of both Units 1 and 2 from 11.2 pounds per hour to 23.1 pounds per hour. The process of injection of carbon into the waste stream is done to control mercury emissions. The

Department was informed at a later date that the carbon injection systems for both Units had also been changed during a April 1999 outage from a straight stream to a grid system which more evenly disburses the carbon into the flue gas.

18. The Respondent conducted the re-test of Unit 1 on June 3, 1999. The test report indicated that Unit 2 passed the tests with 25 ug/dscm mercury emission and 95% reduction.

19. The Department informed Respondent of the Respondent' violations of Chapter 403, Florida Statutes, and applicable Department Rules in Warning Letter OWL OWL-AP-99-413, dated. Informal meetings were held at the Department's Orlando office on August 12, 1999 and October 27, 1999 between Respondent and the Department.

20. Having reached a resolution of the matter, the Department and the Respondent mutually agree and it is,

ORDERED:

21. Within 30 days from the effective date of this Consent Order, the Respondents shall pay the Department two hundred thirty thousand, seven hundred dollars (\$230,700) in settlement of the matters addressed in this Consent Order. This amount includes two hundred twenty seven thousand one hundred sixty dollars (\$227,160) in civil penalties for alleged violations of Section 403.161, Florida Statutes, and of the Department's rules, and three thousand five hundred and forty dollars (\$3,540.00) for costs and expenses incurred by the Department during the investigation of this matter and preparation and tracking of this Consent Order. Payment shall be

made by cashier's check or money order. The instrument shall be made payable to the Department of Environmental Protection and shall include thereon the OGC number assigned to this Consent Order and the notation "Ecosystem Management and Restoration Trust Fund." The payment shall be sent to the Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767.

22. Respondent agrees to pay the Department stipulated penalties in the amount of \$400.00 per day for each and every day the Respondent fails to timely comply with any of the requirements of paragraphs 23, 24, and 25 of this Consent Order. A separate stipulated penalty shall be assessed for each violation of this Consent Order. Within 30 days of written demand from the Department, Respondent shall make payment of the appropriate stipulated penalties to "The Department of Environmental Protection" by cashier's check or money order and shall include thereon the OGC number assigned to this Consent Order and the notation "Ecosystem Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767. The Department may make demands for payment at any time after violations occur. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any of the terms of this Consent Order. Any penalties assessed under this paragraph shall be in addition to the settlement sum agreed to in paragraph 11 of this Consent Order. If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department will not be foreclosed

from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.

23. Within 30 days of the effective date of this Consent Order the Respondent shall submit to the Department for approval, a mercury waste separation program to be implemented on site by the Respondent. The program would require reduction of objects containing mercury from the waste stream before the waste is used as a fuel. The Respondent shall implement the program within 30 days receipt of the Department's written approval. If the Department does not approve of the program submitted by the Respondent and after receiving the Department's written disapproval with comments, the Respondent shall submit an acceptable program with 30 days of Department's written disapproval, and implement within 45 days.

24. Beginning December 19, 2000 the Respondent begin conducting quarterly EPA Method 29 testing of mercury emissions of both Unit 1 and Unit 2, in accordance with the procedures requirements of Florida Administrative Code Rule 62-297.310 and future permit requirements.

25. As an alternative to the payment of the cash penalties referenced in paragraph 21 and the quarterly testing in paragraph 24 of this Consent Order, the Respondent shall install mercury continuous emission monitors ("CEM") in both Units 1 and 2 stacks within ninety (90) days of the effective date of the Consent Order. The Respondent must give the Department written notice within 30 days of the effective date of this Consent Order of its intent to install the mercury CEMS. The mercury CEMS shall be installed and calibrated in accordance with the manufacturer's

instructions. The Respondent shall submit written notification of the date of installation of the CEMS and a copy of the manufacturers written calibration instructions to the DEP Central District office. Within 60 days of installation the CEMS, the Respondent shall certify the CEMS pursuant to the requirements of Draft Performance Specification 10 (PS-10). The Respondent shall provide a test protocol and the date of PS-10 testing no less than 15 days prior to the test date. The CEMS shall convert measurements to hourly total mercury at 7 percent oxygen.

26. Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are

affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code. Mediation is not available to petitioners in this case.

27. Entry of this Consent Order does not relieve Respondent of the need to comply the applicable federal, state or local laws, regulations or ordinances

28. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida

Statutes. Failure to comply with the terms of this Consent Order shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

29. Respondent are fully aware that a violation of the terms of this Consent Order may subject Respondent to judicial imposition of damages, civil penalties up to \$10,000.00 per day per violation and criminal penalties.

30. Respondent shall allow all authorized representatives of the Department access to the property and Facility at reasonable times for the purpose of determining compliance with the terms of this Consent Order and the rules of the Department.

31. All plans, applications, penalties, stipulated penalties, costs and expenses, and information required by this Consent Order to be submitted to the Department should be sent to Florida Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767.

32. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any violations of applicable statutes or the rules promulgated thereunder that are not specifically addressed by the terms of this Consent Order.

33. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Consent Order, hereby waives its right to seek judicial imposition of damages or civil penalties for alleged violations outlined in this Consent Order. Respondent acknowledge but waive their right to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, on the terms of this Consent Order. Respondent acknowledge their right to

appeal the terms of this Consent Order pursuant to Section 120.68, Florida Statutes, but waive that right upon signing this Consent Order.

34. The provisions of this Consent Order shall apply to and be binding upon the parties, their officers, their directors, agents, servants, employees, successors, and assigns and all persons, firms and corporations acting under, through or for them and upon those persons, firms and corporations in active concert or participation with them.

35. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by both of the Respondent and the Department.

36. In the event of a sale of the Facility or of the property upon which the Facility is located, if all of the requirements of this Consent Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the property or Facility, (1) notify the Department of such sale or conveyance, (2) provide to the Department the name and address of the purchaser, or operator, or person(s) in control of the Facility, and (3) provide a copy of this Consent Order with all attachments to the new owner. The sale or conveyance of the Facility or the property upon which the Facility is located shall not relieve the Respondent of the obligations imposed in this Consent Order.

37. This Consent Order is a settlement of the Department's civil and administrative authority arising from Chapters 403 and 376, Florida Statutes, to resolve the allegations addressed herein. This Consent Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law.

38. This Consent Order is a final order of the Department pursuant to Section 120.52(7), Florida Statutes, and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Florida Statutes. Upon the timely filing of a petition this Consent Order will not be effective until further order of the Department.

FOR THE RESPONDENT:

NRG/Recovery Group, Inc.,
Gary K. Crane, Ph. D., Executive Vice President
Ogden Martin Systems of Lake, Inc.
40 Lane Road
Fairfield, N. J. 07007-2615

Date

Done and ordered this _____ day of _____, 2000 in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Vivian F. Garfein
Director of District Management
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

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

CLERK

Date

cc: Larry Morgan

Mitchell, Bruce

From: Mitchell, Bruce
Sent: Friday, January 12, 2001 4:17 PM
To: Beason, Doug
Cc: Fancy, Clair; Sheplak, Scott
Subject: Review and suggested edits to the Stipulation for Settlement for Ogden Martin of Lake: OGC Case No.: 00-1119.

1/12/2001

Dear Doug,

I made one additional change in the 4th paragraph. Take care.

Bruce

Dear Doug,

We (Clair, Scott and I) have reviewed the proposed Stipulation for Settlement, as referenced. We have provided suggested changes that we feel are very pertinent to the case, specifically to the agreements made in the meeting. The suggested added language are represented by the underlined letters and words; and, the suggested deletions are represented by strikethroughs. If there are any questions, please give us a call.

Bruce Mitchell
921-9506

stip order.doc

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

**OGDEN MARTIN SYSTEMS OF
LAKE, INC.,**

Petitioner,

DOAH Case No.: 00-2523

vs.

OGC Case No.: 00-1119

**DEPARTMENT OF ENVIRONMENTAL
PROTECTION,**

Respondent.

STIPULATION FOR SETTLEMENT

Petitioner, Ogden Martin Systems of Lake, Inc. (hereafter "Ogden"), and Respondent, Florida Department of Environmental Protection (hereafter "the Department"), jointly stipulate and agree as follows:

On May 15, 2000, Ogden received notice from the Department of its intent to issue a DRAFT Title V operating permit, DEP File Number 0690046-001-AV, to Ogden.

On May 25, 2000, Ogden filed a timely Petition for Formal Administrative Proceeding (hereafter the "Petition") with the Department challenging a number of the proposed conditions in the ~~draft~~ DRAFT Title V operating permit.

Since the filing of the Petition, the parties have continued to discuss the possibility of settlement of the matters raised in the Petition. The Department has taken the position that the changes modifications in to the DRAFT Title V operating permit requested by Ogden cannot be made unless the underlying Prevention of Significant Deterioration construction (hereafter "PSD") permit (PSD-FL-113) originally issued to Ogden is first formally amended modified.

On January 10, 2001, the parties met and agreed to resolve this matter in the following

manner:

Ogden will submit an application to modify the PSD permit in certain particulars, as ~~deemed necessary by Ogden.~~ Ogden shall provide as part of the application assurance of how Ogden will demonstrate compliance with each specific requirement of Rule 62-296.401(4), F.A.C., Biological Waste Incineration Facilities. The application shall be submitted to the Department no later than sixty (60) days after the Administrative Law Judge in this matter relinquishes jurisdiction to the Department.

The Department shall process the application in accordance with the applicable statutory and regulatory timeframes and criteria.

If the Department determines that the application is incomplete and requests (by certified mail) additional information from Ogden, Ogden will submit the additional information within 21 days after receipt of the request; provided, however, that Ogden may request more time to respond to the request if such response involves the compilation or preparation of information that is not readily available to Ogden. A justified request by Ogden for additional time to respond shall not be unreasonably denied by the Department.

If the Department amends ~~modifies~~ the PSD permit as requested by Ogden, it shall also ~~modify~~ revise the DRAFT Title V permit to conform to the amended PSD permit ~~modifications~~.

If the Department proposes to issue an amended ~~modified~~ PSD permit, Ogden shall have the right, to challenge the draft permit and, further, shall have the right to continue its challenge of the DRAFT Title V operating permit, by filing a new petition for administrative hearing pursuant to Chapter 120, Florida Statutes.

If the Department proposes to deny the requested ~~modifications~~ to the amended PSD permit, Ogden shall have the right to challenge that proposed denial, and, further, shall have the

right to continue its challenge of the DRAFT Title V operating permit, by filing a petition for administrative hearing pursuant to Chapter 120, Florida Statutes.

The parties recognize that any actions taken by the Department with respect to the PSD permit and/or the DRAFT Title V permit may be are subject to the public notice requirements of Chapters 62-110 and 62-210, F.A.C.

Upon execution of this Settlement Stipulation, the Department shall immediately file with the Division of Administrative Hearings a Notice of Filing of Settlement Stipulation and Motion for Relinquishment of Jurisdiction requesting that the Administrative Law Judge relinquish jurisdiction in this matter to the Department for further action in accordance with this Settlement Stipulation.

AGREED TO BY THE PARTIES this _____ day of January, 2001.

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____
Douglas Beason, Esquire
Assistant General Counsel, Department of Environmental Protection

OGDEN MARTIN SYSTEMS OF LAKE, INC.

By: _____
Mary F. Smallwood, Esquire
Counsel for Ogden Martin Systems of Lake, Inc.

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

**OGDEN MARTIN SYSTEMS OF
LAKE, INC.,**

Petitioner,

DOAH Case No.: 00-2523

vs.

OGC Case No.: 00-1119

**DEPARTMENT OF ENVIRONMENTAL
PROTECTION,**

Respondent.

STIPULATION FOR SETTLEMENT

Petitioner, Ogden Martin Systems of Lake, Inc. (hereafter "Ogden"), and Respondent, Florida Department of Environmental Protection (hereafter "the Department"), jointly stipulate and agree as follows:

On May 15, 2000, Ogden received notice from the Department of its intent to issue a DRAFT Title V operating permit, DEP File Number 0690046-001-AV, to Ogden.

On May 25, 2000, Ogden filed a timely Petition for Formal Administrative Proceeding (hereafter the "Petition") with the Department challenging a number of the proposed conditions in the ~~draft~~ DRAFT Title V operating permit.

Since the filing of the Petition, the parties have continued to discuss the possibility of settlement of the matters raised in the Petition. The Department has taken the position that the changes modifications in to the DRAFT Title V operating permit requested by Ogden cannot be made unless the underlying Prevention of Significant Deterioration construction (hereafter "PSD") permit (PSD-FL-113) originally issued to Ogden is first formally amended modified.

On January 10, 2001, the parties met and agreed to resolve this matter in the following

manner:

Ogden will submit an application to modify the PSD permit in certain particulars, as ~~deemed necessary by Ogden.~~ Ogden shall provide as part of the application assurance of how Ogden will demonstrate compliance with each specific requirement of Rule 62-296.401(4), F.A.C., Biological Waste Incineration Facilities. The application shall be submitted to the Department no later than sixty (60) days after the Administrative Law Judge in this matter relinquishes jurisdiction to the Department.

The Department shall process the application in accordance with the applicable statutory and regulatory timeframes and criteria.

If the Department determines that the application is incomplete and requests (by certified mail) additional information from Ogden, Ogden will submit the additional information within 21 days after receipt of the request; provided, however, that Ogden may request more time to respond to the request if such response involves the compilation or preparation of information that is not readily available to Ogden. A justified request by Ogden for additional time to respond shall not be unreasonably denied by the Department.

If the Department ~~amends~~ ~~modifies~~ the PSD permit as requested by Ogden, it shall also ~~modify~~ ~~revise~~ the DRAFT Title V permit to conform to the amended PSD permit ~~modifications~~.

If the Department proposes to issue an amended ~~modified~~ PSD permit, Ogden shall have the right, to challenge the draft permit and, further, shall have the right to continue its challenge of the DRAFT Title V operating permit, by filing a new petition for administrative hearing pursuant to Chapter 120, Florida Statutes.

If the Department proposes to deny the requested ~~modifications~~ ~~to the~~ amended PSD permit, Ogden shall have the right to challenge that proposed denial, and, further, shall have the

right to continue its challenge of the DRAFT Title V operating permit, by filing a petition for administrative hearing pursuant to Chapter 120, Florida Statutes.

The parties recognize that any actions taken by the Department with respect to the PSD permit and/or the DRAFT Title V permit may be are subject to the public notice requirements of Chapters 62-110 and 62-210, F.A.C.

Upon execution of this Settlement Stipulation, the Department shall immediately file with the Division of Administrative Hearings a Notice of Filing of Settlement Stipulation and Motion for Relinquishment of Jurisdiction requesting that the Administrative Law Judge relinquish jurisdiction in this matter to the Department for further action in accordance with this Settlement Stipulation.

AGREED TO BY THE PARTIES this _____ day of January, 2001.

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____
Douglas Beason, Esquire
Assistant General Counsel, Department of Environmental Protection

OGDEN MARTIN SYSTEMS OF LAKE, INC.

By: _____
Mary F. Smallwood, Esquire
Counsel for Ogden Martin Systems of Lake, Inc.

**STATE OF FLORIDA
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FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____
Douglas Beason, Esquire
Assistant General Counsel, Department of Environmental Protection

OGDEN MARTIN SYSTEMS OF LAKE, INC.

By: _____
Mary F. Smallwood, Esquire
Counsel for Ogden Martin Systems of Lake, Inc.

January 10, 2001

Meeting

Ogden Mountain of Lake County

Bruce Mitchell

Clair Fancy

FDEP/DARM/BAR/IT/II

FDEP/DARM/BAR

850/921-9506

850 921 9503

Nancy Tammi

Brian Bahor

Mary Smallwood

DEB BARB

Scott M. Sheple

Ogden Energy

"

Ruden McClosky

DEP/UGL

DEP T&V Section

973-882-7205

973-882-7236

850/681-9027

850/921-9624

850/921-9532

Sheplak, Scott

From: Bahor, Brian [Brian_Bahor@Ogden-Energy.com]
Sent: Tuesday, January 02, 2001 4:47 PM
To: Sheplak, Scott
Cc: 'Mary Smallwood'; Tammi, Nancy; Treshler, Joseph
Subject: RE: Ogden Martin Systems of Lake, Inc.

Dear Mr. Sheplak,

Happy New Year. I was out for the holidays so I have not been able to respond to your message. The following information is provided to help find information in previously submitted documents.

Regarding the DOH letter - there was no such report issued by the DOH. As I understand the situation, they only issue letters when there is a biomedical waste threat present. Because there was not a threat, there was not a letter. Background information is provided in General Comment 5 of our June 13th submittal and Response 3 of our October 24th submittal.

Regarding the furnace temperature issue, I don't know what the Pasco permit requires but Specific Condition 6.a of the Lake permit does not require the report to be certified. Please refer to Response 3 of the October 24th submittal.

I hope that this helps with your review.

Sincerely,

Brian Bahor

-----Original Message-----

From: Sheplak, Scott
[mailto:Scott.Sheplak@dep.state.fl.us]
Sent: Friday, December 22, 2000 1:51 PM
To: bbahor@ogden-energy.com
Cc: drew_lehman@ogden-energy.com; Fancy, Clair;
Mitchell, Bruce
Subject: Ogden Martin Systems of Lake, Inc.

<< File: biowaste.jpg >> << File: inspection.xls >> Re:
Ogden Martin Systems of Lake, Inc.
Permit No. 0690046-001-AV

Dear Mr. Bahor:

The department acknowledges receipt of your response dated October 24, 2000. A cursory review of the response has been done however, two items were not provided in your response: 1) a copy of the Lake County Department of Health report deeming the "unburned biomedical waste" found at the Astatula landfill not a threat to the public; and, 2) a Florida professional engineering certification of the correlation of roof temperature to furnace temperature. The Florida P.E. certification requirement is similar to that required from the Pasco County final Title V permit.

During our recent teleconference I believe I heard that someone from your company had not received a copy of the "unburned biomedical

waste" pictures.

Attached for your distribution is an electronic version of the pictures along with the inspection report. The original documents are on file in the

Central District office in Orlando.

<<biowaste.jpg>> <<inspection.xls>>

If you should have any questions or comments, you may contact me or Bruce Mitchell.

Sincerely,

Scott M. Sheplak, P. E. Administrator
Title V Section
Department of Environmental Protection
850/921-9532
Scott.Sheplak@dep.state.fl.us

Sheplak, Scott

From: Beason, Doug
Sent: Tuesday, January 16, 2001 8:44 AM
To: Mitchell, Bruce
Cc: Fancy, Clair; Sheplak, Scott
Subject: RE: Review and suggested edits to the Stipulation for Settlement for Ogden Martin of Lake: OGC Case No.: 00-1119.

Bruce
Smith
1/16

Bruce, I have a question as to whether the PSD permit will be modified or amended. It seems to me that Ogden contemplates changes to the permit which will result in an increase in air emissions (Unit 2 is not presently authorized to incinerate biological waste). if that is true then would it be a permit modification? Otherwise I don't have any concerns vis-avis your revisions.

I received two versions (or at least two e-mails). Please make sure the attached is the latest version. thanks.

-----Original Message-----

From: Mitchell, Bruce
Sent: Friday, January 12, 2001 4:17 PM
To: Beason, Doug
Cc: Fancy, Clair; Sheplak, Scott
Subject: Review and suggested edits to the Stipulation for Settlement for Ogden Martin of Lake: OGC Case No.: 00-1119.

1/12/2001

Dear Doug,

I made one additional change in the 4th paragraph. Take care.

Bruce

Dear Doug,

We (Clair, Scott and I) have reviewed the proposed Stipulation for Settlement, as referenced. We have provided suggested changes that we feel are very pertinent to the case, specifically to the agreements made in the meeting. The suggested added language are represented by the underlined letters and words; and, the suggested deletions are represented by strikethroughs. If there are any questions, please give us a call.

Bruce Mitchell
921-9506
<< File: stip order.doc >>

1-16-01

Resending 09:29

**STATE OF FLORIDA
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1. On May 15, 2000, Ogden received notice from the Department of its intent to issue a Title V operating permit to Ogden.
2. On May 25, 2000, Ogden filed a timely Petition for Formal Administrative Proceeding (hereafter the "Petition") with the Department challenging a number of the proposed conditions in the draft Title V operating permit.
3. Since the filing of the Petition, the parties have continued to discuss the possibility of settlement of the matters raised in the Petition. The Department has taken the position that modifications to the Title V operating permit requested by Ogden cannot be made unless the underlying Prevention of Significant Deterioration construction (hereafter "PSD") permit originally issued to Ogden is first formally amended.

4. On January 10, 2001, the parties met and agreed to resolve this matter in the following manner:

a. Ogden will submit an application to modify the PSD permit in certain particulars as deemed necessary by Ogden. The application shall be submitted to the Department no later than sixty (60) days after the Administrative Law Judge in this matter relinquishes jurisdiction to the Department.

b. The Department shall process the application in accordance with the applicable statutory and regulatory timeframes and criteria.

c. If the Department determines that the application is incomplete and requests (by certified mail) additional information from Ogden, Ogden will submit the additional information within 21 days after receipt of the request; provided, however, that Ogden may request more time to respond to the request if such response involves the compilation or preparation of information that is not readily available to Ogden. A request by Ogden for additional time to respond shall not be unreasonably denied by the Department.

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e. If the Department proposes to issue a modified PSD permit, Ogden shall have the right, to challenge the draft permit and, further, shall have the right to continue its challenge of the Title V operating permit, by filing a new petition for administrative hearing pursuant to Chapter 120, Florida Statutes.

f. If the Department proposes to deny the requested modifications to the PSD permit, Ogden shall have the right to challenge that proposed denial, and, further, shall have the

right to continue its challenge of the Title V operating permit, by filing a petition for administrative hearing pursuant to Chapter 120, Florida Statutes.

g. The parties recognize that any actions taken by the Department with respect to the PSD permit and/or the Title V permit may be subject to the public notice requirements of Chapters 62-110 and 62-210, F.A.C.

h. The Department agrees that it will continue to consider the comments contained in the Petition in paragraphs 7.f. and 7.k.

i. The Department agrees that the Title V permit will be modified to reflect that EPA Method 29 will be designated as the appropriate test method for Beryllium.

j. The Department and Ogden agree that the Title V permit shall be modified to require quarterly emissions monitoring for mercury for a period of one calendar year after execution of this Settlement Stipulation, then semiannual mercury monitoring for the following two calendar years. If the quarterly and semiannual monitoring indicate compliance with emission limits, the frequency of mercury monitoring shall be reduced to annually.

5. Upon execution of this Settlement Stipulation, the Department shall immediately file with the Division of Administrative Hearings a Notice of Filing of Settlement Stipulation and Motion for Relinquishment of Jurisdiction requesting that the Administrative Law Judge relinquish jurisdiction in this matter to the Department for further action in accordance with this Settlement Stipulation.

AGREED TO BY THE PARTIES this _____ day of January, 2001.

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____
Douglas Beason, Esquire
Assistant General Counsel, Department of Environmental Protection

OGDEN MARTIN SYSTEMS OF LAKE, INC.

By: _____
Mary F. Smallwood, Esquire
Counsel for Ogden Martin Systems of Lake, Inc.

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Bruce Mitchell
921-9506
<< File: stip order.doc >>

Mitchell, Bruce

From: Kozlov, Leonard
Sent: Wednesday, December 27, 2000 1:51 PM
To: Pennington, Jim; Sheplak, Scott; Mitchell, Bruce
Subject: FW: Hg CEM status -- ETVoice December 2000

FYI

-----Original Message-----

From: Shine, Caroline
Sent: Wednesday, December 27, 2000 1:17 PM
To: Kozlov, Leonard; Vielhauer, Harold; Kuberski, Garry; Garfein, Vivian; Turner, John B.; Atkeson, Thomas
Subject: FW: Hg CEM status -- ETVoice December 2000

-----Original Message-----

From: by way of Bill Haas <haas@ameslab.gov>
[mailto:Bauer.Sarah@epamail.epa.gov]
Sent: Wednesday, December 27, 2000 1:09 PM
To: Shine, Caroline
Subject: Hg CEM status -- ETVoice December 2000

Caroline,
In response to your recent inquiry, I'm sending you the latest from ETVoice. The EPA ETV program is verifying the performance of Hg CEMs from 5 companies in a January 2001 test. The test is described below. Tom Kelly, address also provided below is the test manager.

Best wishes,

Bill

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U.S. ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL TECHNOLOGY VERIFICATION
PROGRAM

December 2000

Welcome to ETVoice! Our monthly message contains brief headlines of the latest developments in the ETV Program, and directs you to where you can find more detailed information on our Website. We hope you find this service useful. We welcome your comments and suggestions.

MERCURY CONTINUOUS EMISSION MONITORS FIELD

DAY

A "Technology Field Day" featuring five mercury continuous emission monitors (CEMs) from vendors in the US, Japan, and England, and will be held from 9 a.m. to noon, Friday, January 12, 2001, at Research Triangle Park, NC. The verification test is being directed by Battelle, which manages the ETV Advanced Monitoring Systems Center (AMS), and will be conducted in partnership with the State of Massachusetts. The test will be conducted for a two week period at the Rotary Kiln Incinerator Simulator, a pilot-scale facility at the Environmental Research Center, 86 T.W. Alexander Dr., which is part of EPA's National Risk Management Research Laboratory. In the first week of the mercury CEM verification, the test facility will be used to simulate flue gas composition at a coal-fired power plant, and in the second week flue gas composition at an incinerator. The CEMs will be challenged with mercury standard gases, and compared to the Ontario Hydro method of mercury measurement. Space in the facility is limited. If you plan to attend, please register in advance

by contacting Helen Latham, e-mail: lathamh@battelle.org or phone: 614-424-4062. For additional information visit the ETV What's New page on our website at http://www.epa.gov/etv/whats_new.htm.

IN SEARCH OF TECHNOLOGIES FOR FIELD-PORTABLE MEASUREMENTS OF MTBE IN GROUNDWATER

The ETV Site Characterization and Monitoring Technologies (SCMT) Center conducts verification tests on new and innovative technologies used for the characterization and monitoring of contaminated air, soil, surface water, and groundwater. The stakeholders have recently selected the category of field-portable technologies for the measurement of MTBE in groundwater for testing. Criteria for participating in the program include a commercially available technology, willingness to cost share a portion of the testing costs, willingness to participate in the study design process, and a commitment to deploy and operate the technology at one or more contaminated sites during the verification testing process. Program benefits to technology developers and vendors include rigorous testing protocol and data set collected under field conditions that establishes your technology's performance; an opportunity to showcase your technology through a well-developed ETV information outreach program; and, accelerated regulatory acceptance of your technology through the credibility and rapport that the ETV program has established with the federal and state regulatory community.

If you have a technology that meets these criteria or would like to refer a technology for verification testing, please contact either Wayne Einfeld, ETV Project Manager at Sandia National Laboratories (505-845-8314, weinfel@sandia.gov) or Eric Koglin, ETV Program Manager (702-798-2432, koglin.eric@epamail.epa.gov).

UPCOMING MEETINGS

A complete list of ETV meetings, conferences, and speeches is available from the ETV Calendar (<http://www.epa.gov/etv/highup.htm>). Meetings that may be of particular interest

STAKEHOLDER AND VENDOR MEETINGS

January 19, 2001 - The Advanced Monitoring Systems Center will conduct a meeting for vendors of multi-parameter water probes at Battelle's facilities in Columbus, OH. The purpose of the meeting is to discuss the verification test plan and dates for verification testing. If you would like to attend the meeting, please contact Jeff Myers, Battelle, at 614-424-7705 or e-mail myersjd@battelle.org.

January 31, 2001 - Stakeholder Meeting for the P2 Metal Finishing Technologies Center at the American Electroplaters and Surface Finishers Society/EPA Environmental Conference in Orlando, FL. The meeting will be held at the Omni Rosen Hotel, in Salon 18, from 3:00 p.m. - 6:00 p.m. For more information, please contact Donn Brown, CTC, at 727-549-7007 or e-mail browndw@ctc.com.

March 1-2, 2001 - The next meeting of the Advanced Monitoring Systems Center's Air Stakeholder Committee will be held in Albuquerque, NM. If you would like additional information, please contact Gretchen Hund, Battelle, phone 206-528-3338, fax 206-528-3552, e-mail hund@battelle.org.

March 8, 2001 - The Air Pollution Control Technologies Center will hold a Stakeholder Meeting in Research Triangle Park, NC. Visit the Air Pollution Control Technology Center Web Site for additional information <http://etv.rti.org/apct/calendar.cfm>

March 26-27, 2001 - The next meeting of the Advanced Monitoring Systems Center's Water Stakeholder Committee will be held in Pacific Grove, CA. If you would like additional information, please contact Todd Peterson, Battelle, phone

RUDEN
MCCLOSKEY
SMITH
SCHUSTER &
RUSSELL, P.A.
ATTORNEYS AT LAW

215 SOUTH MONROE STREET
SUITE 815
TALLAHASSEE, FLORIDA 32301

(850) 681-9027
FAX: (850) 224-2032
MFS@RUDEN.COM

April 20, 2000

RECEIVED

APR 20 2000

BUREAU OF AIR REGULATION

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

Re: Ogden Martin Systems of Lake, Inc.
DEP File No. 0690046-002-AC, PSD-FL-113A
Notice of Withdrawal of Permit Application

Dear Clair:

Ogden Energy Group, Inc. is in receipt of the Department's Intent to Issue Air Construction Permit Modification in the above-referenced file. Ogden originally filed its application to modify the existing permit for the Lake County facility to clarify certain ambiguous language in the permit with regard to the source of fuels for the facility and to allow the processing of biohazardous waste in Unit 2.

After a review of the draft permit, Ogden has decided to formally withdraw the subject permit application. It is the company's intent to continue to operate under the terms and conditions of the existing permit, which is in full force and effect. Accordingly, the Public Notice of Intent to Issue Air Construction Permit Modification will not be published.

Please accept this as Ogden's Notice of Withdrawal of Permit Application.

Sincerely,

RUDEN, McCLOSKEY, SMITH,
SCHUSTER & RUSSELL, P.A.



Mary F. Smallwood

MFS/

cc: Nancy Tammi
Jason Gorrie
Scott Sheplak
Al Linero
Len Kozlov
David Crowe
Kathleen Thomas

TAL:31168:1

FORTLAUDERDALE ■ MIAMI ■ NAPLES ■ ST.PETERSBURG ■ SARASOTA ■ TALLAHASSEE ■ TAMPA ■ WESTPALMBEACH

RUDEN
MCCLOSKEY
SMITH
SCHUSTER &
RUSSELL, P.A.
ATTORNEYS AT LAW

215 SOUTH MONROE STREET
SUITE 815
TALLAHASSEE, FLORIDA 32301

(850) 681-9077
FAX: (850) 224-2032
MFS@RUDEN.COM

April 28, 2000

VIA FACSIMILE and U.S. MAIL

Vivian Garfein, Director
Central District
Department of Environmental Protection
3319 Maguire Blvd, Suite 232
Orlando, Florida 32803-3767

Re: Technical Advisory Committee on Mercury Continuous Emissions Monitoring System

Dear Vivian:

At the first meeting of the Department's Technical Advisory Committee (TAC) on mercury continuous emissions monitoring devices (CEMS) Mike Harley indicated that the TAC would meet again on May 2, 2000, in Orlando. In light of recent events, Ogden Martin Systems of Lake (OMSL) is reconsidering its position with respect to participation in the TAC and will not be attending any meeting on May 2.

Since the time of the first meeting, OMSL received a notice of intent to issue an air construction permit modification for Permit No. 0690046-002-AC, PSD-FL-113A. OMSL was greatly surprised to find out that the draft permit contained a requirement for installation of a mercury CEMS. It is not clear whether or how that requirement is related to the ongoing enforcement action resulting from Warning Letter OWL-AP-99-413. OMSL has formally withdrawn its permit application as a result of this and other unacceptable proposed permit conditions.

As you know, OMSL has repeatedly stated that it has serious concerns about the viability of mercury CEMS, both the technology and the costs involved. The Company agreed to participate in the TAC because it felt that there might be some means of furthering research in this area in a manner that would be beneficial to both the Company and the Department. However, OMSL has been clear that it would not agree to any imposition of mercury CEMS to be used for compliance purposes without Department rulemaking. We strongly believe that the Department is not at a point yet that it could adopt such a rule.

At the first TAC meeting, I raised a concern about whether the Department was coordinating its efforts with the Environmental Protection Agency (EPA). There appear to be a number of ongoing research projects in this area, but I was not satisfied that the Department had access to that

Vivian Garfein, Director
April 28, 2000
Page 2

information. As you may heard, the designated EPA representative did not even participate in the meeting. The scope of project that was being discussed by the Department's TAC representatives would involve a very significant financial commitment from OMSL. In addition, it would appear that there is the possibility for duplication of efforts at the federal level. In all honesty, OMSL has concerns that the Department has not thought through the goals and objectives to be gained from mercury CEMS "research" by OMSL. Instead, it seems that the Department views the TAC process as a means of unilaterally imposing an unproven technology on OMSL with the express intent of utilizing it for future compliance. The issuance of the permit modification appears to be consistent with that approach. We reiterate our position that the Department is without authority to take such an action short of rulemaking.

Under the circumstances, OMSL is unwilling at this time to continue its participation in the TAC. Obviously, the Company will continue to work with the Department to resolve the pending enforcement action in a manner that is mutually acceptable.

Sincerely,

RUDEN, McCLOSKEY, SMITH,
SCHUSTER & RUSSELL, P.A.



Mary F. Smallwood

MFS/

cc: Howard Rhodes (via hand delivery)
Clair Fancy (via hand delivery)
M.J. Harley (via hand delivery)
Leonard Kozlov (via facsimile)
Nancy Tammi (via facsimile)
Derek Porter (via facsimile)
Jason Gorrie (via facsimile)