

Monday, 5/22/00 9:30 a.m. >

Mr. Don Pullum 352/728-2314  
Leesburgh resident

He read this morning's (5/22/00) news article. He would like to see the permit. I informed him the permit file is available in the DEP's Orlando office and the DEP's world wide web site. He plans to download & read the permit. He wants more information on the company's compliance, especially with regard to mercury. He's familiar with Title V permitting. He's a retired consulting environmental engineer from CH2M Hill. He worked on a controversial project in Louisiana called "The Cleve Rover borrow pit."

# INTEROFFICE MEMORANDUM

**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

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

**Sheplak, Scott**

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**From:** Sheplak, Scott  
**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.

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

**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 <sup>1</sup>	Avg. Tons Burned	Avg. TPH	Tons Capacity Utilization <sup>2</sup>
1	8011	0.91	76572	9.6	0.80
2	8082	0.92	78562	9.7	0.81

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

<sup>2</sup> 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% O<sub>2</sub>. (See Table 700-1)
- b. Hydrochloric acid (HCl) emissions shall not exceed 50 parts per million by volume, dry basis, corrected to 7% O<sub>2</sub> 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 depositories 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.

10/07/99

- 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	<b>628</b>
542	Unit 2 SD inlet: ppm of HCl	447
92.7	Unit 1 SD inlet: ppm of SO <sub>2</sub>	<b>61.3</b>
64.8	Unit 2 SD inlet: ppm of SO <sub>2</sub>	62.5
15.7	Unit 1 Stack: ppm of CO (100)	<b>6.69</b>
22.3	Unit 2 Stack: ppm of CO (100)	7.9
37.2	Unit 1 Stack: ppm of HCl (50)	<b>2.29</b>
30.9	Unit 2 Stack: ppm of HCl (50)	4.0
313	Unit 1 Stack: ppm of NO <sub>x</sub> (385)	<b>226</b>
322	Unit 2 Stack: ppm of NO <sub>x</sub> (385)	279
31.7	Unit 1 Stack: ppm of SO <sub>2</sub> (60)	<b>0.36</b>
19.8	Unit 2 Stack: ppm of SO <sub>2</sub> (60)	0.16
0.0006	Unit 1 Stack: gr/dscf PM @ 7% O <sub>2</sub> (0.02)	<b>0.0035</b>
0.0006	Unit 2 Stack: gr/dscf PM @ 7% O <sub>2</sub> (0.02)	0.0023
0.0006	Unit 1 Stack: gr/dscf PM @ 12% CO <sub>2</sub> (0.015)	<b>0.0033</b>
0.0006	Unit 2 Stack: gr/dscf PM @ 12% CO <sub>2</sub> (0.015)	0.0023
0	Unit 1 Stack opacity (15%)	<b>0</b>
0	Unit 2 Stack opacity (15%)	0
0.9	Unit 1 Stack: ppm of VOC (70)	<b>Not tested</b>
3.2	Unit 2 Stack: ppm of VOC (70)	Not tested
1.49E-5	Unit 1 Stack: gr/dscf FI @ 12% CO <sub>2</sub> (1.5E-3)	<b>Not tested</b>
1.79E-5	Unit 2 Stack: gr/dscf FI @ 12% CO <sub>2</sub> (1.5E-3)	Not tested
ND	Unit 1 Stack: gr/dscf Be @ 12% CO <sub>2</sub>	<b>Not tested</b>
ND	Unit 2 Stack: gr/dscf Be @ 12% CO <sub>2</sub>	Not tested
9.67E-7	Unit 1 Stack: gr/dscf Pb @ 12% CO <sub>2</sub> (3.1E-4)	<b>Not tested</b>
1.61E-6	Unit 2 Stack: gr/dscf Pb @ 12% CO <sub>2</sub> (3.1E-4)	Not tested
2.17E-4	Unit 1 Stack: gr/dscf Hg @ 12% CO <sub>2</sub> (3.4E-4)	<b>Not tested</b>
1.73E-4	Unit 2 Stack: gr/dscf Hg @ 12% CO <sub>2</sub> (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:

10/07/99

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.

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.