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MAY 14 2002

BUREAU OF AIR REGULATION

SEO

OKEECHOBEE LANDFILL, INC.  
A WASTE MANAGEMENT COMPANY

10800 NE 128th Ave.  
Okeechobee, FL 34972  
(863) 357-0111  
(863) 357-0772 Fax

May 14, 2002

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

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

**Re: MACT Hammer Part 1 Application Submittal  
Berman Road Landfill**

Okeechobee Landfill, Inc. (Okeechobee) is pleased to submit the Part 1 Application, National Emission Standards For Hazardous Air Pollutants (NESHAP) - 40 CFR Part 63, Section 112(j) (MACT Hammer), for the Berman Road Landfill.

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

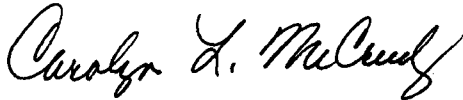
MACT Hammer Part 1 Application  
May 10, 2002

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If you have any questions regarding the information contained in this submittal please contact the undersigned at (863) 357-0111.

Sincerely,

BERMAN ROAD LANDFILL



Carolyn McCreedy  
Compliance and Permitting Engineer

Attachments: Part 1 Application Form  
Supporting Calculations

cc: M. Orr, Berman Road Landfill  
E. Valis, EMCON

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

<b>Source Identification</b>	
1) Source Name <b>Berman Road Landfill</b>	
2) Source ID No. <b>0930104-004</b>	
<b>Physical Location</b>	
3) Street Address <b>10800 NE 128<sup>th</sup> Avenue</b>	
4) City <b>Okeechobee</b>	5) County <b>Okeechobee</b>
6) State <b>FL</b>	7) Zip Code <b>34972</b>
<b>Mailing Address (if different than physical location)</b>	
8) Address	
9) City	10) County
11) State	12) Zip Code

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**Applicability Determination**

13) Is your facility a major source of hazardous air pollutants (HAP)? If not, you need not complete the rest of this form.

*A major source is any contiguous area under common control that emits or has the potential to emit considering controls, in the aggregate, at least 10 tons per year of any single HAP or 25 tons per year total HAP.*

< YES

NO

14) Do you own or operate an affected source in a source category for which EPA has not promulgated standards under 40 CFR 63? If so, which one(s)?  
40 CFR 63, Subpart AAAAA

If not, you need not complete the rest of this form.

*(See Table of Promulgated Regulations, Table of Proposed Regulations, and Table of Upcoming Regulations at [www.epa.gov/ttn/atw/eparules.html](http://www.epa.gov/ttn/atw/eparules.html) to determine if your standard has not been promulgated.)*

###  YES

< NO

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

This facility is not a major HAP Source

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

Berman Road Landfill is a municipal Solid Waste (MSW) landfill the could potentially be subject to the MSW Landfill MACT, 40 CFR 63, Subpart AAAA when and if that standard is promulgated.

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

None

**Certification and Signature of Responsible Official**

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

Responsible Official:

*Matthew Orr*

Signature

*District Manager*

Title

*Matthew Orr*

Printed name of Signatory

*5/10/02*

Date

*A responsible official can be:*

§ *The president, vice president, secretary, or treasurer of a corporation that owns the facility or a duly authorized representative that is responsible for the overall operation of the facility.*

§ *An owner of the facility.*

§ *A principal executive officer if the facility is owned by the federal, state, city or county government.*

§ *A ranking military officer if the facility is located at a military base.*

§ *A general partner of a partnership that owns the facility.*



Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

June 12, 2002

Ms. Carolyn McCreedy  
Compliance and Permitting Engineer  
Waste Management  
Berman Road Landfill  
10800 NE 128<sup>th</sup> Avenue  
Okeechobee, FL 34972

Re: "MACT Hammer Part 1 Application Submittal" – Berman Road Landfill

Dear Ms. McCreedy:

In response to your letter received May 14, 2002, which implies that you want the Department to make a determination of MACT applicability for the referenced Landfill, I have attached Chapter 28-105, F.A.C., Declaratory Statements, which specifies the procedure that you must follow if you do, in fact, want us to make a determination.

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

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

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

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

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

Sincerely,

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

attachment

"More Protection, Less Process"

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## CHAPTER 28-105, F.A.C.

### DECLARATORY STATEMENTS

#### 28-105.001 Purpose and Use of Declaratory Statement.

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

#### 28-105.002 The Petition.

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

(1) The caption shall read:

Petition for Declaratory Statement

Before (Name of Agency)

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

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

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

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

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

(7) The date.

#### 28-105.003 Agency Disposition.

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