-C10-

Scott L.

Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

May 8, 2001

Mary F. Smallwood
Ruden, McClosky, Smith, Schuster & Russell, P.A.
215 South Monroe Street
Suite 815
Tallahassee, Florida 32301

Via facsimile and regular mail

RE: DEP v. Covanta Lake, Inc.
OGC Case No.: 00-1162

Dear Mary:

Enclosed please find a revised Consent Order and civil penalty calculation for your review. The Department is hopeful that the Consent Order language revisions adequately address the concerns of both parties as discussed at our April 10, 2001 meeting.

In addition, for settlement purposes only, the Department has recalculated its civil penalty. The current civil penalty demand is **$104,100** as detailed in the attached Penalty Computation Worksheet.

Please contact me at 850/921-8875 on or before May 18, 2001 to discuss the potential resolution of this matter.

Sincerely,

Trina L. Vielhauer
Assistant General Counsel

Enclosures

Pc: Vivian Garfein, Len Kozlov, Caroline Shine, Garry Kuberski, John Turner, CFD
Kirby Green
Howard Rhodes, Jim Pennington, Martin Costello, Clair Fancy, Scott Sheplak, Bruce Mitchell, DARM

COVANTA PENALTY COMPUTATION WORKSHEET

Violation Type	Type	Base	Multi-day	History Noncompliance/ Economic Benefit	Total
Unit 1 1998 Mercury Exceedance Std 70 ug/dscm 85% reduction Ogden 202 ug/dscm 28% reduction	Emission Major source subject to NSPS emission limiting standards for the specific pollutant violation.	($8000.) Emissions greater than or equal to 150% of allowable. Health/human Major Source	($14,800) $ 400/day for 37 days	(1,600) History of Noncompliance 2 violation/5 years	($24,400)
Unit 2 1998 Mercury Exceedance Std 70 ug/dscm 85% reduction Ogden 103 ug/dscm 40.5 reduction	Emission Major source subject to NSPS emission limiting standards for the specific pollutant violation.	($8000) Emissions greater than or equal to 150% of allowable. Health/human Major Source	($14,800) $ 400/day for 37 days	(1,600) History of Noncompliance 2 violation/5 years	($24,400)
1998 Unit 1 Medical Waste Operating > 30% Process Rate 1.12 tons Allowable. Company did not de-rate operation after testing low. Company operated about tested range.	Other Major source, PSD, exceedance process weight limitations	($8,000)	13,450) 40 days: 31 days at $400; 6 days at $160; 1 day at $30.	(1,600) History of Noncompliance 2 violation/5 years	($23,050)
Unit 1 1999 Mercury Exceedance Std 70 ug/dscm 85% reduction Ogden 2994 ug/dscm 42% reduction	Emission Major source subject to NSPS emission limiting standards for the specific pollutant violation.	($8,000) Emissions greater than or equal to 150% of allowable.	($8,800) 22 days.	(-$2,400) carbon system improvements	($14,400)
Unit 2 1999 Mercury Exceedance Std 70 ug/dscm 85% reduction Ogden 258 ug/dscm 62% reduction	Major Major source subject to NSPS emission limiting standards for the specific pollutant violation.	($8,000) Emissions greater than or equal to 150% of allowable.	($8,800) 22 days.	(-$2,400) carbon system improvements	($14,400)
			PLUS Department cost	3,450	
		$40,000	$60,650	0	$104,100

DEP CERTIFIED MAIL NO.:

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION Complainant, vs. COVANTA LAKE, INC. Respondent .	)	IN THE OFFICE OF THE CENTRAL DISTRICT OGC FILE NO: 00-1162

CONSENT ORDER

This Consent Order is entered into between the State of Florida Department of Environmental Protection ("Department") and Covanta Lake, Inc. formerly known as 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 neither admits nor denies:

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 Department of State. 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").

4. At all times relevant to the matters at issue in this Consent Order, the Department mercury emissions standards applicable to the Facility were 70 micrograms per dry standard cubic meter ("ug/dscm") of flue gas, corrected to 7 percent O_2, 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.

5. During the period of January 27 through January 29, 1998, the Respondent conducted its annual compliance tests. Both Units 1 and 2 demonstrated emissions in excess of all applicable mercury emissions standards. Unit 1 mercury emissions were 202 ug/dscm with 28% reduction; Unit 2 mercury emissions were 103 ug/dscm with 40% reduction.

6. 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. Unit 1 was also tested on April 23, 1998 at 52% of its permitted capacity of biomedical waste

and 92% of its permitted capacity of its municipal waste. Rule 62-297.310(2), F.A.C. requires that emissions units tested at less than 90-100% of permitted capacity be operated at no more than 110 percent of the tested rate until a new test is conducted. Respondent did not limit its operation rate following these tests. Respondent disputes the applicability of Rule 62-297.310(2), F.A.C. to these situations.

7. Respondent retested Unit 1 on April 23, 1998. Unit 1 passed the test with a mercury reduction rate of 88%. Unit 1's mercury emissions were 81.8 ug/dscm.

8. Units 1 and 2 met all applicable mercury emissions standards during Respondent's March 1998 internal engineering tests.

9. Respondent did not demonstrate via a compliance test burning only the permitted waste stream Unit 2's compliance with applicable mercury emissions standards as required by Rule 62-296.416(3)(a)(3), F.A.C., for calendar year 1998. Respondent contends that the Unit 2 stack test conducted April 20-21, 1998, constitutes a compliance test.

10. Respondent conducted its 1999 annual compliance tests during the period of January 26 through 29, 1999. Both Units 1 and 2 exceeded all applicable mercury emissions standards. Unit 1's mercury emissions were 2,994 ug/dscm with 33% reduction. Unit 2's mercury emissions were 258 ug/dscm with 65% reduction.

11. The Respondent conducted internal engineering tests in February 1999, during which both Unit 1 and Unit 2 met all applicable mercury emissions standards.

12. Respondent retested Unit 2 on April 22, 1999. Unit 2 passed the April 1999 test. The mercury emissions were 4 ug/dscm with 94% reduction.

13. Respondent re-tested Unit 1 on June 3, 1999. Unit 1 passed the test with 25 ug/dscm mercury emissions and 95% reduction.

14. The Department informed Respondent of the Respondent's alleged violations of Chapter 403, Florida Statutes, and Department Rules in Warning Letter OWL-AP-99-413, dated June 15, 1999. By letters dated July 15, 1999, and November 17, 1999, Respondent provided comments and responses to the Department's June 15, 1999 Warning Letter and civil penalty calculations.

15. From at least April 19, 1999 through present, there have been seven boiler tube ruptures at Respondent's facility causing excess carbon monoxide emissions. On May 15, 2000, the Department issued Warning Letter OWL-AP-00-475 seeking additional information concerning three boiler tub failures at Respondent's Facility during March and April 2000 and alleging violations of Chapter 403, Florida Statutes, and Department Rules. By letter dated June 1, 2000, Respondent submitted the requested documentation and opposed the allegations in the Department's May 15, 2000 Warning Letter.

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

ORDERED:

16. Respondent agrees to pay the Department a civil penalty of one hundred four thousand one hundred dollars ($104,100) in settlement of the matters addressed in 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. Respondent shall have the following options for payment of the civil penalty:

a. Respondent may choose to use its best efforts to secure pilot project site status for Phase 2 of the United States Environmental Protection Agency's ["USEPA"] mercury continuous emission monitoring system ["CEMS"] verification test program ["Program"]. If Respondent chooses this option, Respondent shall submit a letter to the Department's Central District Office within ten days of the effective date of this Consent Order indicating this option has been elected.

i. In the event Respondent is not chosen by USEPA as a Program site, the civil penalty payment of one hundred four thousand one hundred dollars ($104,100) shall be due in full thirty days from the date USEPA announces its test site(s); or

ii. In the event Respondent is chosen by USEPA as a Program site, the civil penalty payment of one hundred four thousand one hundred dollars ($104,100), less any offsets described in paragraph 16aii2 below, shall be due in full thirty days from the date that Program testing at Respondent's Facility is completed. Respondent shall complete the Program requirements regardless of the availability of any outside funding other than that addressed in paragraph 16aii2, below.

1. Respondent shall provide a copy of all data, analyses and studies obtained from the Program to the Department's Central District Office within forty five days from the date that Program testing at Respondent's Facility is completed, unless prohibited from doing so by USEPA. The Department will not use the data, analyses and studies resulting from the Program as a basis for an enforcement action against Respondent.

2. The Department will offset documented capital, operation and maintenance costs Respondent incurs as a direct result of its participation in the Program from the civil penalty. In no event shall such offset exceed the amount of the civil penalty identified in paragraph 16. Documentation of such costs shall include receipts, purchase orders, timesheets and/or other information which clearly identifies the costs incurred and establishes the costs were incurred as a direct result of Respondent's participation in the Program. Documentation shall be submitted to the Department's Central District Office within seven days of incurring such costs or expenses; or

b. Respondent may choose not to pursue project site status for the Program. Respondent shall submit a letter to the Department's Central District Office

within ten days of the effective date of this Consent Order indicating this option has been elected. The civil penalty of one hundred four thousand one hundred dollars ($104,100) shall be due in full within thirty days of the date of the effective date of this Consent Order except as set forth in paragraph 16cii, below.

c. Respondent may pursue in-kind penalty projects in addition to or in lieu of paragraphs 16a and 16b above, in accordance with the Department's in-kind penalty guidelines. Specifically, in-kind penalties must be in an amount 1 ½ times the cash civil penalty and approved by the Department's Central District Office. Proposed in-kind penalty project proposals ("proposal") must be submitted to the Department's Central District Office by the following dates:

i. If Respondent selects the option in subsection a above, on or before May 30, 2001; or

ii. If Respondent selects the option in subsection b above, within 10 days of the effective date of this Consent Order. The Respondent's submittal of a proposal will extend the civil penalty due date established in subsection b, above, until May 30, 2001.

In the event the Department approves the proposal, Respondent shall begin implementing the proposal within 30 days of receipt of the Department's approval. In the event the Department rejects the proposal, Respondent shall submit any new proposals to the Department for review and approval within 30 days of receipt of the Department's rejection. In the event the Department approves the new proposal, Respondent shall begin implementing the new proposal within 30 days of receipt of the

Department's approval. In the event the Department rejects the new proposal, the Respondent shall make the cash civil penalty payment according to either subsection a, above, or subsection cii, above, whichever is applicable.

17. Within 30 days of the effective date of this Consent Order the Respondent shall submit to the Department for approval a plan to reduce carbon monoxide exceedances and boiler tube failures at the Facility ("Plan"). The Respondent shall implement the Plan within 30 days of receipt of the Department's written approval. If the Department does not approve the Plan, the Department will provide written comments to Respondent. Respondent shall submit an acceptable Plan to the Department within 30 days of receipt of the Department's comments and shall implement the plan within 30 days of receipt of the Department's written approval.

18. 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 paragraph 16 or 17 of this Consent Order. A separate stipulated penalty shall be assessed for each violation of paragraphs 16 or 17 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 23 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.

19. With regard to any agency action taken by the Department concerning Respondent's submittals pursuant to paragraphs 16aii2 and 17 or the Department's assessment of stipulated penalties pursuant to paragraph 18, Respondent may request a determination by the District Director or the Director of the Division of Air Resource Management on the adequacy of such submittals or the appropriateness of such stipulated penalties. In the event such determination is unsatisfactory, Respondent may file a Petition for Formal or Informal Administrative Hearing. If Respondent objects to the Department's agency action pursuant to Sections 120.569 and 120.57, Florida Statutes, Respondent shall have the burden to establish the inappropriateness of the Department's agency action. The petition must contain the information set forth below in paragraph 20 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 the Department's agency action the Respondent intends to challenge and must conform with the requirements of Florida Administrative Code Rule 28-106.201 or Rule 28-106.301. Failure to file a petition within this time period shall constitute a waiver by Respondent of its right to request an administrative proceeding

under Sections 120.569 and 120.57, Florida Statutes. The Department's determination, upon expiration of the 21 day time period if no petition is filed, or the Department's Final Order as a result of the filing of a petition, shall be incorporated by reference into this Consent Order and made a part of it. All other aspects of this Consent Order shall remain in full force and effect at all times. If both parties agree, the Department and Respondent may mediate the dispute as provided in Section 120.573, Florida Statutes. If the parties agree to mediation, the time for filing a petition pursuant to this paragraph is tolled until such time as the mediation is unsuccessful. Upon notice from the Department that the mediation is unsuccessful, the Respondent shall have 21 days to file its petition as provided herein. If Respondent seeks an administrative proceeding pursuant to this paragraph, the Department may file suit against Respondent in lieu of or in addition to holding the administrative proceeding to obtain judicial resolution of all the issues unresolved at the time of the request for administrative proceeding.

20. Respondent shall publish the following notice in a newspaper of daily circulation in Lake County, Florida. The notice shall be published one time only within 10 days after the effective date of the Consent Order:

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF CONSENT ORDER

The Department of Environmental Protection gives notice of agency action of entering into a Consent Order with Covanta Lake, Inc., formerly known as NRG/Recovery Group, Inc. and doing business as Ogden Martin Systems of Lake, Inc., pursuant to Section 120.57(4), Florida Statutes. The Consent Order addresses the air pollutant emissions violations at its waste to energy facility located at 3830 Rogers

Industrial Park Road, Okahumpka, Lake County, Florida. The Consent Order 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 the Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803-3767.

Persons whose substantial interests are affected by this Consent Order have a right to petition for an administrative hearing on the Consent Order. The Petition must contain the information set forth below and must be filed (received) in 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 Department's 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 identification number for the Consent Order 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.

A person whose substantial interests are affected by the Consent Order may file a timely petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes, or may choose to pursue mediation as an alternative remedy under Section 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth below.

Mediation may only take place if the Department and all the parties to the proceeding agree that mediation is appropriate. A person may pursue mediation by reaching a mediation agreement with all parties to the proceeding (which include the Respondent, the Department, and any person who has filed a timely and sufficient petition for a hearing) and by showing how the substantial interests of each mediating party are affected by the Consent Order. The agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 10 days after the deadline as set forth above for the filing of a petition.

The agreement to mediate must include the following:

(a) The names, addresses, and telephone numbers of any persons who may attend the mediation;

(b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;

(c) The agreed allocation of the costs and fees associated with the mediation;

(d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;

(e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;

(f) The name of each party's representative who shall have authority to settle or recommend settlement; and

(g) Either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference.

(h) The signatures of all parties or their authorized representatives.

As provided in Section 120.573, Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, Florida Statutes, for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within 21 days of receipt of this notice. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57, Florida Statutes, remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

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

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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 acknowledges but waives its

right to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, on the terms of this Consent Order. Respondent acknowledges its right to appeal the terms of this Consent Order pursuant to Section 120.68, Florida Statutes, but waives that right upon signing this Consent Order.

28. 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.

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

30. In the event of a change in ownership or control 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 change in ownership or control of the property or Facility, (1) notify the Department of such pending change in ownership or control, (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, operator and/or person(s) in control of the Facility. The change in ownership or control 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 unless the new owner or operator or person(s) in control agrees in writing to fulfill the obligations of this Consent Order and the Department approves such agreement to release the Respondent.

31. 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.

[this space intentionally left blank]

32. 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:

_____ _____

[name] Date
Covanta Lake, Inc.
c/o Ogden Corp.
2 Penn Plaza 26th Floor
New York, NY 10121

Done and ordered this_____day of_____, 2001 in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

_____

Vivian F. Garfein
Director of District Management
Central District Office
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

AMENDMENT AGREEMENT

This Amendment Agreement (the "Agreement") is entered into this 17th day of January, 1995 by and between NRG/Recovery Group, Inc., a Florida corporation (the "Company") and Lake County, Florida (the "County") a municipal corporation under the laws of the State of Florida.

BACKGROUND

The parties hereto have entered into an Addendum XII to NRG/Lake County Agreement, dated as of November 8, 1988 (the "Service Agreement") pursuant to which Company is obligated to, among other things design, construct, operate and maintain a municipal waste-to-energy facility located in Lake County, Florida (the "Facility"). Pursuant to the Service Agreement, Company and the County have agreed that, among other things, from time to time changes in legal requirements may require that modifications to the Facility be made or that the parties' rights and obligations under the Service Agreement be modified. The parties have agreed that in order to implement the requirements of recently promulgated regulations of the Florida Department of Environmental Protection, certain modifications to the Facility and the Service Agreement should be made in accordance with such provisions of the Service Agreement. This Amendment sets forth such modifications.

AGREEMENT

1. Definitions. Unless otherwise defined herein, capitalized terms shall have the meaning given to such terms in the Service Agreement. In addition, the following definition shall be deemed to be added to Section 1.01 of the Service Agreement.

> "Assumed Capital Improvement Debt Service" shall mean, with respect to Billing Year ending March, 1996, an amount equal to $73,233.92, and with respect to Billing Years ending March, 1997 through 2014, an amount equal to $97,645.23.

2. Installation and Operation of Mercury Control Technology. The parties agree that Company will design, construct and install, operate and maintain at the Facility the activated carbon injection technology described in Schedule 1 hereto (the "Mercury Control System"). Except to the extent affected by and Event of Force Majeure, Company will cause the Mercury Control System to be fully installed and ready for testing in accordance with applicable law on or prior to July 1, 1995.

3. Funding of Capital Cost of Mercury Control System. In

consideration of Company's obligation to design and install the Mercury Control System at the Facility pursuant to the terms of this Amendment, the County shall pay to Company the sum of $1.1 million. Such payment shall be due in full within ten (10) business days after the date that Company certifies to the County in writing that the Mercury Control System has been fully installed and is ready for testing in accordance with applicable law; provided that if and to the extent an Event of Force Majeure causes a delay in the installation of the Mercury Control System such that completion is delayed beyond July 1, 1995, the Company shall be paid $990,000 (i.e. 90% of $1.1 million) on July 1, 1995 and the remaining 10% shall be paid upon completion, and any costs and expenses to which the Company would otherwise be entitled as a result of such event of Force Majeure shall be paid in accordance with the terms of this Service Agreement.

4. Other Changes to the Service Agreement.

(a) Section 8.03 of the Service Agreement is amended to replace the first sentence thereof with the following:

> "For any Monthly Billing Period the County shall pay to the Company the sum of (i) the Operation and Maintenance Charge of one-twelfth (1/12) of the amounts shown on Schedule 9 for the applicable Billing Year, and (ii) $.60 per ton of County Waste processed and escalated by the Escalation Factor, utilizing July, 1988 as the base month with respect to (i) above and May, 1994 as the base month with respect to (ii) above."

(b) Sections 8.05(a), 8.09(b)(iii), 8.09(e) and Section 4.2 of Schedule 4 of the Service Agreement are hereby amended to replace references to "525 kwh per ton" with "523 kwh per ton" wherever they appear.

(c) Section 8.06(e) of the Service Agreement is hereby amended to modify the Adjusted Service Fee component of the Shortfall calculation stated therein by adding the following proviso at the end of the description of the Adjusted Service Fee:

> "; provided that for purposes of this Shortfall calculation, SF shall include the Assumed Capital Improvement Debt Service as part of the DS component thereof."

(d) Section 8.06 of the Service Agreement is hereby amended to add the following new subsection 8.06(f):

"(f) For purposes of calculating amounts due under the annual settlement statement referred to in Section 8.06(d) with respect to Billing Years 1996 and thereafter, if and to the extent the Company uses a greater amount of activated carbon reagent (per ton of waste processed) in operating Unit I of the Facility than it uses in operating Unit II of the Facility, then the Company shall owe to the County an amount equal to the incremental cost of such greater amount of reagent, using the average cost of such reagent per pound during the prior Billing Year."

(e) Section 8.09(b)(ii) of the Service Agreement is hereby amended to replace the reference therein to "472.50 kwh per ton" with "470.70 kwh per ton".

(f) Schedule 3 to the Service Agreement is hereby amended to add the following new item (17):

"17. The cost of activated carbon reagent used by the Company in connection with operation of the Mercury Control System."

(g) Schedule 4, Section 4.2(i) to the Service Agreement is hereby amended to read as follows:

"(i) Mercury emissions for ~~each unit of~~ the Facility shall comply with the less stringent of (a) 70 mg/dscm (at 7% O_2) at a ~~point downstream~~ of the baghouse for each unit, or (b) 80% removal efficiency of the inlet concentration of mercury as measured at the economizer outlet. Such emissions shall be measured based upon quarterly tests, comprised of three test runs per unit using EPA Method 101A, and compliance with such emissions limitations shall be determined by the annual average of all such emissions tests performed in a calendar year.

Pg 4-2 Sch 4 - perf stds

(h) Schedule 4 to the Service Agreement is hereby amended to delete the last paragraph thereof and replace it with the following:

"Process Residue shall be tested to determine compliance utilizing the Putrescible and Unburned Carbon Test. The Unburned Carbon Performance Standard is five percent (5%) by dry weight of the ash (but excluding the amount of carbon in the ash that is attributable to the use of activated carbon

injection as part of the operation of the Mercury Control System) and the Putrescible Matter Performance Standard is five-tenths percent (0.5%) by dry weight of the ash."

(i) Schedule 5 to the Service Agreement is hereby amended to add the following parenthetical clause at the end of the first paragraph in Section 5.5 thereof:

"... (excluding that amount of carbon in the ash that is attributable to the use of activated carbon injection as part of the operation of the Mercury Control System)."

5. Miscellaneous.

As amended by this Amendment, the Service Agreement shall continue in full force and effect. This Amendment, together with the Service Agreement, contains the entire agreement between the parties with respect to the subject matter hereof, and supersedes any and all prior oral or written understandings relating to the subject matter hereof.

IN WITNESS WHEREOF, the parties have made and executed this Amendment on the respective dates under each signature: LAKE COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Chairman, authorized to execute same by Board action on the 17th day of January, 1995, and BRUCE W. STONE signing by and through its EXECUTIVE VICE-PRESIDENT duly authorized to execute same.

COUNTY

BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA

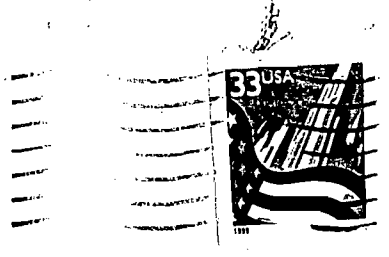
Rhonda H. Gerber, Chairman

This 16th day of February, 1995.

ATTEST:

James C. Watkins, Clerk of the Board of County Commissioners of Lake County, Florida

Mr. J. M. Lashay
5500 Zinnia Street
Leesburg, FL 34748-8979



State of Florida DEP
2600 Blair Stone Rd.
MS - 5505
Tallahassee, FL
32399-2400

Attn. Scott Sheplack

32399+2400

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:

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.

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.

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 Odgen Martin was observed and this ash had virtually no unburned materials present.

INSPECTOR(S) NAME(S): John Turner (air) / James Bradner (solid waste)

SIGNATURE(S): John Turner James N. Bradner

DATE: Inspection – 10/29/99
Report – 11/1/99

PERM FORM NO. 85-1

LAKE COUNTY
BOARD OF COUNTY COMMISSIONERS

Gary R. Debo
Division Director
Department of Solid Waste Management Services
Waste Management Facilities Oporations 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 Roslov
Co./Dept. DARM | Co. DEP ORL
Phone # | Phone #
Fax # | Fax #

5/1/00
cc: Clair Fancy
Bruce Mitchell
Scott Sheplak

Astatula Landfill PHOTO 1/BK

SITE:
LOCATION: ash pile
DATE/TIME: 10/29/99 ~ 5 00 pm
PHOTOGRAPHER: John Turner
CAMERA/FILM:
DESCRIPTION: foil like container with rubber gloves taken from piece of red plastic in photo

Photo 2

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 5

Astatula Landfill

ash pile

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

PHOTOGRAPHER: John Turner

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

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ARCHIVE SEARCH

Ogden's incinerator issues still smolder

David Damron
of the Sentinel Staff
Posted January 3, 2001

State officials are still pressing for owners of the Okahumpka trash-burning plant to pay a $227,160 fine for mercury-emission violations.

They also want the Ogden Corp. facility to stop burning medical waste, a recent settlement offer mailed to company officials shows.

But Ogden spokesman Vincent Ragucci said the giant energy company opposes such a steep fine, maintaining the illegal mercury-emission woes were a fluke or caused by trash from a thermometer company that shouldn't have gone to the plant.

Ragucci would not discuss any settlement specifics. He also would not comment on a separate legal fight with Lake County officials about a contract to operate the incinerator.

County leaders say the deal cripples taxpayers, and they want a state court to tear up the contract. Ogden says the deal is fair and legal.

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The New York-based corporation has asked instead that a federal judge hear the case. The county wants it heard in a state court, fearing a federal hearing will drag out longer.

When considering its options for disposal of trash in Osceola, Lake's facility was once considered. But such a deal appears to be a long shot, because Osceola county's Solid Waste Committee recommended late last year that the County Commission begin what could be several years of negotiations with both Omni Waste and Waste Management to handle the 600 tons of trash produced in Osceola each day.

Osceola officials had shied away from a contract with Lake because while the operation is hungry for trash to cover costs, the price of sending waste there would have been much more than current fees. Osceola leaders also once planned a trip to Minnesota to study the operation of a high-tech incinerator to see if it made sense to build a similar plant here.

Meanwhile, it's unclear whether the company's mercury-violation issues will be cleared up by then, though one of the two incidents dates to 1998.

In the two years since, Ogden and state officials have argued about the facts surrounding the emission problems, and what, if any, penalty should be meted out.

Also in dispute is the continuous emission-monitoring equipment that state and county officials want the company to install. The equipment would

track mercury pollution around the clock.

But Ogden says the technology behind that equipment, widely used in Europe, is still unproved in United States plants.

If the $227,160 fine sticks, it would be one of the highest air-emission penalties ever imposed in Florida. Another $3,450 in state costs brings the proposed penalty to $231,700.

Tougher restrictions proposed for Lake incinerator

David Damron
of The Sentinel Staff

Published in The Orlando Sentinel on May 22, 2000

OKAHUMPKA -- After a pair of mercury emission violations in recent years, state officials are drafting a permit with tougher smokestack regulations for the garbage-burning plant owned and operated by Ogden Corp.

Mercury emission tests at the garbage-burning incinerator would jump to four times a year under a new permit proposal. It's a hike in pollution oversight that county taxpayers must pay out of their own pockets.

It's unclear if Ogden will agree to the stepped-up requirements.

But county officials like the added security -- even though taxpayers pay for it. Lake's current contract with Ogden requires all regulatory improvements be paid for by taxpayers, not the company.

"That will cost us more," County Commission Chairman Welton Cadwell said. "But there's too big of a risk to our residents not to do it."

Ogden spokesman Vincent Ragucci said Friday that the company is reviewing the proposed permit. "I have no further comment at this time," he said.

The permit being worked out between Ogden and state and federal regulators will cover the next five years. Under the proposed permit requirements, mercury testing would occur quarterly, not just once a year, according to a draft copy.

The plant also would face new restrictions on how it handles medical waste. For instance, a special

it handles medical waste. For instance, a special device must be installed that stops medical waste from being fed to the burners on a conveyor belt if the temperature drops too low.

And for the first time, the permit would carry federal enforcement weight behind it, said county solid waste contract specialist David Crowe.

However, state officials say the permit is separate from any enforcement action still pending from mercury emission violations in 1998 and 1999.

"Each stands on it's own legs," said Department of Environmental Protection manager Caroline Shine. "There's permitting. And then there's enforcement."

The department proposed a $230,000 fine last year for the violations. But they are also negotiating with Ogden to install continuous mercury emission monitors on its smokestacks.

"Putting in the [new continuous monitors] will make any resolution easier," Shine said.

The technology, widely used in Europe, is untested in America, Ogden officials say.

Besides, Ogden officials maintain the mercury pollution problems were a fluke or caused by an outsider delivering contaminated trash to the plant.

But environmental officials say the plant owners still should not have released what amounted to 42 times the allowable levels during one annual smokestack test.

As for the pending new permit, the public has a 30 day comment period to weigh in on the requirements. That deadline runs out June 13. Interested persons should contact Scott M. Sheplack at 850-921-9532 for more information.

Posted May 21 2000 11:36AM

22 May 00 — May 22, 2000

State wants stricter rules for incinerator

Tot-5 Permit

Okahumpka plant could get more emissions tests

By David Damron
OF THE SENTINEL STAFF

OKAHUMPKA — After a pair of mercury-emission violations in recent years, state officials are drafting a permit with tougher smokestack regulations for the garbage-burning plant owned and operated by Ogden Corp.

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Please see **PERMIT, 5**

State could tighten medical waste rules

PERMIT from 1

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FAX 850-922-6979

2600-Blair Stone Rd.
Tallahassee FL. 32399

4/23/00

County already has right to order incinerator tests

TAVARES — Lake County can require quarterly mercury pollution tests at the Ogden Corp.-owned trash incinerator but never bothered in the past five years, an official said Monday.

State officials require annual mercury smokestack tests. In 1998 and 1999 Ogden failed those tests. Now the state wants to test quarterly, a measure the county already has secured from Ogden but never required of the company.

Some county officials said they didn't know they could require the tests; others said the county made a conscious decision not to perform the tests. The company said Lake didn't want to bother with the tests because they were too expensive.

"I don't think anybody realized the requirement was in place," Commissioner Rhonda Gerber said. "Somebody made a mistake along the way."

Ogden has begun testing quarterly this year.

Meanwhile, state officials will still listen to what the public has to say about Ogden's request for a new five-year permit to continue operating the garbage burner. The deadline is June 13. Residents who want to challenge the permit have until May 30.

Adams seeks new trial

copy to Bruce

copy to Bruce per your request Bill

orlando sentinel.com

Incinerator talks proceed in private

Published in The Orlando Sentinel on June 19, 2000

By David Damron

Lake County leaders promise an open process when it comes to reworking an incinerator contract with the garbage-plant owner, Ogden Corp.

It will be markedly different than when the original deal was inked, they say, when gripes about backroom deals and votes made with little public input were rampant.

But as attorneys from both sides meet in New York City this week, lips are firmly sealed about most bargaining specifics surrounding the controversial Okahumpka incinerator.

Lake County Attorney Sandy Minkoff said he can`t discuss what deal may be in the works or what the county might demand. He will fly solo to New York Wednesday.

Commission Chairman Welton Cadwell said it has to kept mum for now. Talks must stay under wraps to get an initial deal done.

Yet any final agreement will get a full public hearing before it`s signed, he said.

Company officials agree the delicate negotiations can`t play out in the public. While stressing that there is still a cooperative spirit between the two sides to hammer out a new deal, early talks must be private.

"In order to make this happenthey feel it`s in the best interest to keep it within a small group," Ogden spokesman Vincent Ragucci said. "It`s just very complicated."

But based on recent company and county interviews and past bargaining points, here`s a

rundown of what's likely to be on the table when lawyers talk this week:

• Ownership. It's unclear if either side will push a hard line on taking over or retaining title to the plant. Bondholders essentially own it now. But when that debt is paid off in 2013, Ogden is due to get title to the facility. The county may challenge that. Who's ultimately responsible for the debt will likely be in play, too.

• Trash flow. The county is contractually obligated to deliver 130,000 tons of trash to the plant each year. That level was set before the courts struck down flow control ordinances which previously allowed governments to dictate where trash went. Now they can't. What level of waste county residents will be on the hook for in the future may be a bargaining chip.

• Tipping fees. That trash that comes in gets charged one of the highest rates in Florida. Ogden and county leaders will surely haggle over that fee. Lake County already has one of the highest tipping fees for municipal trash, at $91.37 a ton. The state average was $42.69, as of June of last year.

• Medical Waste. Cadwell made clear this week that the county will push to limit or eliminate the controversial hospital refuse from going into the plant. It's considered a more intense source of mercury and dioxin emissions. Ogden has been cited by the state twice in recent years for allowing too much mercury to escape from its smokestacks. The company says the problems were a fluke or caused by mercury-tainted trash arriving from outside the plant.

But for now, residents must wait for those details to come out.

The county was poised to go to court last month. But Cadwell pushed to meet with top Ogden brass one last time, and both sides came away with a renewed spirit to get Lake's taxpayers out of the deal.

But a frustrated Cadwell said he would only give this latest round of talks two months in which to get a deal done.

The clock on the 60-day deadline started June 6, Minkoff said, the day commissioners were briefed on the newest round of talks.

"But it may be sooner than 60 days," Cadwell said.

"But it may be sooner than 60 days," Cadwell said. "We could this wrapped up quicker. Besides, the board has waited long enough."

Posted Jun 18 2000 3:00PM

Florida Department of Environmental Protection

Meeting Sign-In Sheet

Re: OGDEN MARTIN-LAKE Date: 6/6/00

Name	Representing	Telephone
C H Fancy	FDEP/BAR	850 921 9503
D. BEASLEY	FDEP/OGC	921-9624
Brian Bahor	Ogden Energy Group	973-882-7286
Jason Gorrie	Ogden Martin Systems of Lake	352 365 1611
Mary Smallwood	Ruden McClosky	850-681-9027
JR Treshler	Ogden Energy Group	727-856-2917
DAVID R CROWE	LAKE COUNTY DEPT OF SOLID WASTE	352-343-3776
Kathleen Farner Thomas	Lake County Dept of Solid Waste	352-343-3776
Trina Blakemore	OGC/FDEP	850-921-8875
JIM PENNINGTON	FDEP/BAR	850-921-9515
PAT COMER	OGC FDEP	850 921 9621
Scott Sheplak	FDEP/BAR	850 921 9532
Bruce Mitchell	FDEP/BAR	850/921-9506
Lew Kozlov	FDEP/CN	
Caroline Shiue	"	
Gary Kuburski	"	

Brian Bahor, QEP
Vice President - Environmental Permitting

COVANTA
ENERGY

Covanta Projects, Inc.
A Covanta Energy Company
40 Lane Road
Fairfield, NJ 07004
Tel 973 882 7236
Fax 973 882 4167
Email bbahor@covantaenergy.com

August 24, 2001

Mr. Bruce Mitchell
Title V Section
Bureau of Air Regulation
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Reference: Covanta Lake, Inc. - Lake County Resource Recovery Facility
Draft Air Construction Permit/PSD Amendment No.s 0690046-003-AC/PSD-FL-113(E)
Initial Title V Air Operation Permit and Revised DRAFT Title V Operation Permit No.: 0690046-001-AV

Dear Mr. Mitchell:

Covanta Lake, Inc. is please to provide comments on the Draft Air Construction Permit and Revised Draft Title V Operation Permit for the Lake County Resource Recovery Facility. The attached document is being submitted in a timely manner. If you have any questions or comments on this submittal, please do not hesitate to contact me direct at 973-882-7236.

Thank you for your assistance in this matter.

Brian Bahor
Vice President, Environmental Permitting
Covanta Waste to Energy, Inc.

Distribution
Cecil Boatwright (Lake) Viet Ta (Pasco) Joe Treshler (Pasco) File

COMMENTS OF COVANTA LAKE, INC.

On Draft Air Construction Permit/PSD Amendment No.s 0690046-003-AC/PSD-FL-113(E) and; Initial Title V Air Operation Permit Revised DRAFT Title V Operation Permit No.: 0690046-001-AV

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COMMENTS OF COVANTA LAKE, INC.
On Draft Air Construction Permit/PSD Amendment No.s 0690046-003-AC/PSD-FL-113(E) and;
Initial Title V Air Operation Permit
Revised DRAFT Title V Operation Permit No.: 0690046-001-AV

The comments provided herein are organized into two parts. Part 1 is for the referenced Draft Air Construction Permit/PSD Amendment and Part 2 is for the associated Initial Title V Air Operation Permit. This approach is consistent with the issuance by the Department of a combined set of documents and the public notice issued for both documents. The PSD amendment comments are presented first since they are a subset of the Title V comments and they are the foundation of the Title V conditions.

Part 1 – Comments On Draft Air Construction Permit/PSD Amendment No.s 0690046-003-AC/PSD-FL-113(E)

1. Comment/Request 2.b
The Facility proposes that the following terms should be removed from the first sentence of (2) Auxiliary Burners – "until design furnace gas temperature is achieved". This change would make Condition 2.b consistent with Condition 2.a.

2. Comment/Request 2.b
The Facility proposes that Item (3)(a)(3) lead acid batteries and Item (3)(a)(10) beryllium-containing waste should be removed from Condition (3)(a) and added to Condition (3)(b). The Facility does not solicit lead-acid batteries or beryllium-containing waste for disposal and has signage to inform all transporters that lead-acid batteries are not to be delivered to the facility. The proposed change will not have an effect on air emissions because the Facility will continue its current efforts to prevent delivery of lead-acid batteries and beryllium-containing waste. The Facility will modify signage to inform transporters that beryllium containing waste is not to be delivered to the Facility.

Beryllium-containing waste is not inherent to local waste. The EPA defines this waste as that generated by a foundry, extraction plant, ceramic plant or propellant plant. The low beryllium stack emissions that supported the Departments decision to remove the requirement for testing of beryllium emissions, also supports the fact that this type of waste is not inherent in the waste stream.

While the Facility does not solicit these types of waste and does not want these types of waste to be delivered, the Facility prefers to avoid a situation where the Facility is asked to provide evidence that something is not being delivered. The Facility can demonstrate that we are not knowingly accepting this material but we cannot prove that lead batteries or beryllium waste does not exist anywhere and anytime.

3. Comment/Request 2.b
The Facility proposes that Item (3)(a)(8) should be removed from Condition (3)(a) in its entirety in order for the Title V permit to be consistent with the terms of the June 15, 1995 Amendment of Air Construction Permit PSD-FL-113 that allows for the processing of nonhazardous waste contaminated with virgin or used oil. New Specific Condition 1.e.1 specifically authorizes the firing of non-hazardous solid waste contaminated with virgin or used oil products. The proposed change will not have an effect of air emissions because the Facility because it is consistent with existing operations as defined by the June 15, 1995 permit amendment.

4. Comment/Request 2.b
The Facility proposes that items (7)(b), (7)(f) and (7)(g) should be consolidated into one condition to accurately and completely summarize all of the terms in the June 15, 1995 Amendment of Air Construction Permit PSD-FL-113 that allows for the processing of on-site and off-site nonhazardous waste contaminated with virgin or used oil. Please note that these items by themselves do not equal the June 15, 1995 amendment and that other items identified in Comment/Request 13. and 17. must be added to fully represent the June 15, 1995 amendment. Consolidation of these terms will not have an effect on air emissions and would avoid potential confusion in reporting data to the Department. As an example, the June 15, 1995 permit limits the amount of nonhazardous waste contaminated with virgin or used oil to not exceed twenty (20) percent by weight of the total solid waste input however Condition (7) limits the oil-based waste to five (5) percent. The proposed change would require a re-labeling of conditions however the results would yield a permit condition that is consistent with the underlying June 15, 1995 permit amendment.

5. Comment/Request 2.h
The condition includes two time weighted averages; 3-hours for the stack concentration and 1-hour for removal efficiency. One common time weighted average is required to translate stack concentration into a removal efficiency, therefore a 3-hour time weighted average is proposed for both conditions. The use of a common time-weighted average will not cause an increase in air emissions but it will provide a clear method of calculations that is consistent with subpart Cb of 40 CFR part 60.

6. Comment/Request 13. and 17. Page 11 of 16.
The Facility proposes that the following terms should be removed from the first sentence of (2) Auxiliary Burners – "until design furnace gas temperature is achieved". This change would make Condition 2.b consistent with Condition 2.a.

7. Comment/Request 13. and 17. Page 11 of 16.
The Facility proposes that Item (3)(a)(3) lead acid batteries and Item (3)(a)(10) beryllium-containing waste should be removed from Condition (3)(a) and added to Condition (3)(b). The Facility does not solicit lead-acid batteries or beryllium-containing waste for disposal and has signage to inform all transporters that lead-acid batteries are not to be delivered to the facility. The proposed change will not have an effect on air emissions because the Facility will continue its current efforts to prevent delivery of lead-

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8. Comment/Request 13. and 17. Page 11 of 16.
The Facility proposes that Item (a)(8) should be removed from Condition (3)(a) in its entirety in order for the Title V permit to be consistent with the terms of the June 15, 1995 Amendment of Air Construction Permit PSD-FL-113 that allows for the processing of nonhazardous waste contaminated with virgin or used oil. New Specific Condition 1.e.1 specifically authorizes the firing of non-hazardous solid waste contaminated with virgin or used oil products. The proposed change will not have an effect of air emissions because the Facility because it is consistent with existing operations as defined by the June 15, 1995 permit amendment

9. Comment/Request 13. and 17. Page 12 of 16.
The Facility proposes that three changes are necessary in Article (a) of *SOLID WASTE FROM ON_SITE OPERATIONS* to maintain consistency with regulatory citations throughout the permit. The first change is the reference to 40 CFR 279.10. The Facility proposes that the more appropriate citation is 40 CFR 279.11. The second change is the reference to Rule 62-730.181, F.A.C. The Facility proposes that the appropriate citation is 62-710.210. The third and final change is to the Allowable Concentration of Total Halogens. The Facility proposes that the 4000 ppm Allowable Concentration in 40 CFR 279 is the appropriate value instead of the 1000 ppm maximum value. The Facility therefore proposes that a value of 4000 ppm should be used along with the appropriate note citing that "*Used oil containing more than 1000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under 279.10(b)(1). Such oil is subject to subpart H of Part 266 of this chapter rather than this part when burned for energy recovery unless the presumption of mixing can be successfully rebutted*".

10. Comment/Request 13. and 17. Page 12 of 16.
Condition (5)(c) presents specific test methods for constituents/properties. The Facility proposes that the Test Methods in Item (c) do not fully represent the correct test method or the full range of currently available test methods. The Facility proposes that the

condition should be amended by adding " or equivalent EPA approved methods" to the condition.

11. Comment/Request 14. Page 14 of 16.

The existing condition establishes that the duration of excess emissions shall not exceed three (3) hours in any 24 hour period. Other Title V permits including FINAL Permit No.:0570261-001-AV for Hillsborough County Resource Recovery Facility establish that an excess emission event shall be limited to three (3) hours for any one occurrence and do not include the stipulation of one per day. The Facility proposes that the existing condition should be modified to be consistent with the Hillsborough condition.

The EPA has proposed an amendment to the startup, shutdown and malfunction provisions in the NSPS and EG for large MWC's (Federal Register: December 18, 2000, Volume 65, Number 243). The Facility is proposing that the Final Title V permit should include a permit note that recognizes this pending EPA amendment and that the amendment can be incorporated in to the Title V permit as a permit amendment.

PART 2 – Comments on the Initial Title V Air Operation Permit, Revised DRAFT Title V Operation Permit No.: 0690046-001-AV

1.0 Section II. Facility-wide Conditions

1.1 Condition 2. General Pollutant Emission Limiting Standards. Objectional Odor Prohibited.

The Facility proposes that Condition 2 should identify that the condition is not federally enforceable because odor limitations are not related to the purpose of the New Source Review Program.

1.2 Condition 6. General Pollutant Emission Limiting Standards. Volatile Organic Compounds Emissions or Organic Solvents Emissions

The Facility proposes that Condition 6 should be modified to identify that the condition is not federally enforceable. Condition 7 of Title V Permit No. 0570261 for the Hillsborough County Resource Recovery Facility includes the exact same language except the title of the Condition includes the statement, Not Federally Enforceable.

2.0 Section III. Emission Units and Conditions. Subsection A.

2.1 Condition A.11 (1) Municipal Solid Waste

The Facility proposes that the term " non-hazardous waste contaminated with oil" should be replaced with "nonhazardous waste contaminated with virgin or used oil" in order to keep the Title V language consistent with the June 15, 1995 Amendment of Air Construction Permit PSD-FL-113.

2.2 Condition A.11 (2) Auxiliary Fuels

The Facility proposes that the first sentence should be modified by removal of the terms "until design furnace gas temperature is achieved". This modification would make Condition A.11 (2) consistent with the terms of the Specific Condition 1.c of the Draft Air Construction Permit/PSD Permit Amendment Nos.:0690046-003-AC/PSD-FL-113(E).

2.3 Condition A.11 (3) Unauthorized Fuel

The Facility proposes that Item (3)(a)(3) lead acid batteries and Item (3)(a)(10) beryllium-containing waste should be removed from Condition (3)(a) and added to Condition (3)(b). The Facility does not solicit lead-acid batteries or beryllium-containing waste for disposal and has signage to inform all transporters that lead-acid batteries are not to be delivered to the facility. The proposed change will not have an effect on air emissions because the Facility will continue its current efforts to prevent delivery of lead-acid batteries and beryllium-containing waste. The Facility will modify signage to inform transporters that beryllium containing waste is not to be delivered to the Facility.

Beryllium-containing waste is not inherent to local waste. The EPA defines this waste as that generated by a foundry, extraction plant, ceramic plant or propellant plant. The low beryllium stack emissions that supported the Departments decision to remove the requirement for testing of beryllium emissions, also supports the fact that this type of waste is not inherent in the waste stream.

While the Facility does not solicit these types of waste and does not want these types of waste to be delivered, the Facility prefers to avoid a situation where the Facility is asked to provide evidence that something is not being delivered. The Facility can demonstrate that we are not knowingly accepting this material but we cannot prove that lead batteries or beryllium waste does not exist anywhere and anytime.

2.4 Condition A.11 (3) Unauthorized Fuel

The Facility proposes that Item (a)(8) should be removed from Condition A.11 (3) in its entirety in order for the Title V permit to be consistent with the terms of the June 15, 1995 Amendment of Air Construction Permit PSD-FL-113 that allows for the processing of nonhazardous waste contaminated with virgin or used oil. New Specific Condition 1.e.1 specifically authorizes the firing of non-hazardous solid waste contaminated with virgin or used oil products. The proposed change will not have an effect of air emissions because the Facility because it is consistent with existing operations as defined by the June 15, 1995 permit amendment.

2.5 Condition A.11 (5) Other Solid Waste. *Solid Waste From On-Site Operations*

The Facility proposes that three changes are necessary in Article (a) to maintain consistency with regulatory citations throughout the permit. The first change is the reference to 40 CFR 279.10. The Facility proposes that the more current citation is 40 CFR 279.11 (. The second change is the reference to Rule 62-730.181, F.A.C. The Facility proposes that the appropriate citation is 62-710.210. The third and final change is to the Allowable Concentration of Total Halogens. The Facility proposes that the 4000 ppm Allowable Concentration in 40 CFR 279 is the appropriate value instead of the 1000 ppm maximum value. The Facility therefore proposes that a value of 4000 ppm should be used along with the appropriate note citing that "*Used oil containing more than 1000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under 279.10(b)(10. Such oil is subject to subpart H of Part 266 of this chapter rather than this part when burned for energy recovery unless the presumption of mixing can be successfully rebutted*".

2.6 Condition A.11 (5) Other Solid Waste. *Solid Waste From On-Site Operations*

Condition (5)(c) presents specific test methods for constituents/properties. The Facility proposes that the Test Methods in Item (c) do not fully represent the correct test method or the full range of currently available test methods. The Facility proposes that the condition should be amended by adding " or equivalent EPA approved methods" to the condition.

2.7 Condition A.11 (7)

The Facility proposes that Items 5(a), 5(b) and 5(c) of *Solid Waste From On-Site Operations* and (7)(b), (7)(f) and (7)(g) of *Solid Waste From Off-Site Operations* should be added to Item (7)(i) of *Solid Waste From Off-Site Operations* and that a new condition should be created to consolidate all terms related to the June 15, 1995 Amendment of Air Construction Permit PSD-FL-113 that allows for the processing of on-site and off-site nonhazardous waste contaminated with virgin or used oil. Consolidation of these terms will not have an effect on air emissions and would avoid potential confusion in reporting data to the Department. As an example, the amount of nonhazardous waste contaminated with virgin or used oil cannot exceed twenty (20) percent by weight of the total solid waste input however Condition (7) limits the total of all items (including b, f, g and i) to five (5) percent. The proposed change would require a re-labeling of conditions however the results would yield a permit condition that is consistent with the underlying June 15, 1995 permit amendment.

2.8Condition A.21 Visible Emissions

The existing condition identifies the opacity monitor as the only method to prove that a violation of the visible emission standard was attributable to one MWC instead of both MWCs. The Facility proposes that there are other methods available to prove that one MWC was the cause of a violation instead of both units. Therefore, the Facility is proposing a modification of the existing language to include "opacity meter results or other method acceptable to the Department" in lieu of "opacity meter results".

2.8 Condition A.29 Hydrogen Cloride

The condition includes two time weighted averages; 3-hours for the stack concentration and 1-hour for removal efficiency. One common time weighted average is required to translate stack concentration into a removal efficiency, therefore a 3-hour time weighted average is proposed for both conditions.

2.9 Condition A.31 Nitrogen Oxides

The existing condition does not contain the daily arithmetic time-weighted average established in Condition A.51 where EPA Method 19 shall be used to determine the daily arithmetic average NOX emission concentration. The Facility proposes that Condition A.31 should be modified to include the time-weighted average to create a condition that includes both the emission limit and the time-weighted average.

2.10 Condition A.37

The existing condition establishes that the duration of excess emissions shall not exceed three (3) hours in any 24 hour period. Other Title V permits including FINAL Permit No.:0570261-001-AV for Hillsborough County Resource Recovery Facility establish that an excess emission event shall be limited to three (3) hours for any one occurrence and do not include the stipulation of one per day.

The Facility proposes that the existing condition should be modified to be consistent with the Hillsborough condition.

The EPA has proposed an amendment to the startup, shutdown and malfunction provisions in the NSPS and EG for large MWC's (Federal Register: December 18, 2000, Volume 65, Number 243). The Facility is proposing that the Final Title V permit should include a permit note that recognizes this pending EPA amendment and that the amendment can be incorporated in to the Title V permit as a permit amendment.

2.11 Condition A.70

Item c of Condition 70 states that CEMS data shall be recorded during periods of startup, shutdown and malfunction, but shall be excluded from emission averaging calculations for CO, SO2 and opacity. The Facility proposes that NOX should also be included within this condition because NOX emissions are not controlled to normal levels when either the MWC or SNCR system is subject to startup, shutdown or malfunction conditions.

3.0 Appendix I-1. List of Insignificant Emissions Units and/or Activities

The Facility would like to add a new ash conveyor to the scope presently considered in the group titled Ash Conveyors. The new conveyor will transfer ash from the ash storage building to the shared fence at the Recyclable 100, Inc. facility. Therefore as provided by Covanta of Lake, Inc. will be wetted in a manner consistent with existing operations.

Recyclable 100, Inc. is separate from the Covanta of Lake, Inc. facility and is not owned or operated by Covanta Energy Corporation or any subsidiary of affiliate of Covanta. Recyclable 100, Inc. has secured an exemption from air permitting based upon Rule 62-210.300(3)(b)2., F.A.C. A copy of the exemption is provided herein as Appendix A.

The new conveyor will be designed and installed by Recyclable 100, Inc. and according to the information provided by Recyclable 100, Inc., will be fully enclosed and will therefore be an insignificant emission source in accordance with Rule 62-210.300(3)(b)2., F.A.C. Information pertaining to the conveyor design is provided as Appendix B of this document.

The Facility would like to add a new ash residue transfer conveyor system to the scope presently considered in the group titled Ash Conveyors. The new conveyor will transfer ash residue from the Facility's ash residue storage building to the ash residue storage building across the shared fence at the Recyclable 100, Inc. materials recovery facility. Therefore as provided by Covanta of Lake, Inc. the ash residue will be wetted in a manner consistent with existing operations.

The Recyclable 100, Inc material recovery facility is separate from the Covanta of Lake, Inc. facility and is not owned or operated by Covanta Energy Corporation or any subsidiary of affiliate of Covanta. Recyclable 100, Inc. has secured an exemption from air

permitting based upon Rule 62-210.300(3)(b)2., F.A.C. A copy of the exemption is provided herein as Appendix A.

The new ash residue transfer conveyor system will be designed and installed by Recyclable 100, Inc. and according to the information provided by Recyclable 100, Inc., will be fully enclosed and will therefore be an insignificant emission source in accordance with Rule 62-210.300(3)(b)2., F.A.C. Following completion of construction/installation of the new ash residue transfer conveyor system, Covanta Lake will assume ownership and responsibility for the systems long term operation and maintenance. Information pertaining to the new ash residue transfer conveyor system design is provided as Appendix B of this document.

Appendix A

Recyclable 100, Inc. Permit Correspondence

Department of Environmental Protection

DEC 20 2001

Jeb Bush
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803 3767

David B. Struhs
Secretary

cc: Mike Kirby

Recycling 100, Inc.
1616 South 14th Street
Orlando FL 34748

OCD-AP-00-278

Attention: Dennis Kenney. President

Lake County - AP
Oklahumka Materials Recovery Facility
Permit Exemption

Dear Mr. Kenney:

In response to a letter submitted on your behalf by Steven C Cullen, P.E., Koogler & Associates, requesting an exemption from air permitting for the above-referenced facility, the Department confirms that Rule 62-210.300(3)(b)2., F.A.C. provides a generic air pollution permit exemption for facilities that meet the following criteria:

a. No emissions unit or pollutant-emitting activity within the facility would be subject to any unit-specific regulatory requirement;

b. The facility would not emit or have the potential to emit:
   (i) 1,000 pounds per year or more of lead and lead compounds expressed as lead;
   (ii) 1.0 ton per year or more of any hazardous air pollutant;
   (iii) 2.5 tons per year or more of total hazardous air pollutants;
   (iv) 25 tons per year or more of carbon monoxide, nitrogen oxides and sulfur dioxide; or
   (v) 10 tons per year or more of any other regulated pollutant; and

c. The facility would not emit or have the potential to emit any pollutant in such amount as to make the facility a Title V source, nor would the facility be a Title V source for any other reason.

Based on information provided in the letter received November 20, 2000, the referenced facility located on Haywood Worm Farm Road, 0.6 miles S. of SR 48, Okahumpka, Lake County, appears to qualify for this air permit exemption. Therefore, no air permit is required at this time.

In the future, please be aware this source may be required to obtain a permit if the Department establishes an air permitting rule for this source or if the source is the subject of complaints. This office should be notified prior to any significant increase in the source emissions. This source will be subject to all applicable sections of the Department's air pollution rule.

If you have questions, please call Alan Zahm at 407-893-3335 or write to the above address.

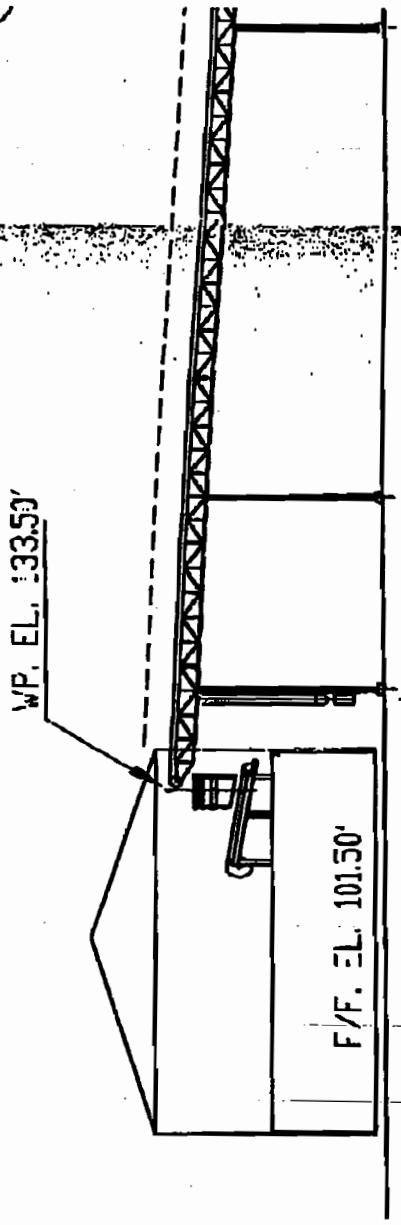
Sincerely,

L.T. Kozlov, P.E.
Program Administrator
Air Resources Management

DATE: 12-1-00

AB
LTK/aze

cc: Steven C. Cullen, P.E., Koogler & Associates



RECYCLABLE 100, INC.

LEESBURG **FLORIDA**

DATE	APPROVED BY	CHECKED BY	DRAWN BY
12/5/00			J.M.C.
SCALE 1"=30'-0"			

G.A. CHARGE CONVEYOR
LAKE COUNTY RESOURCE RECOVERY FACILITY

OKAHUMPKA
FLORIDA

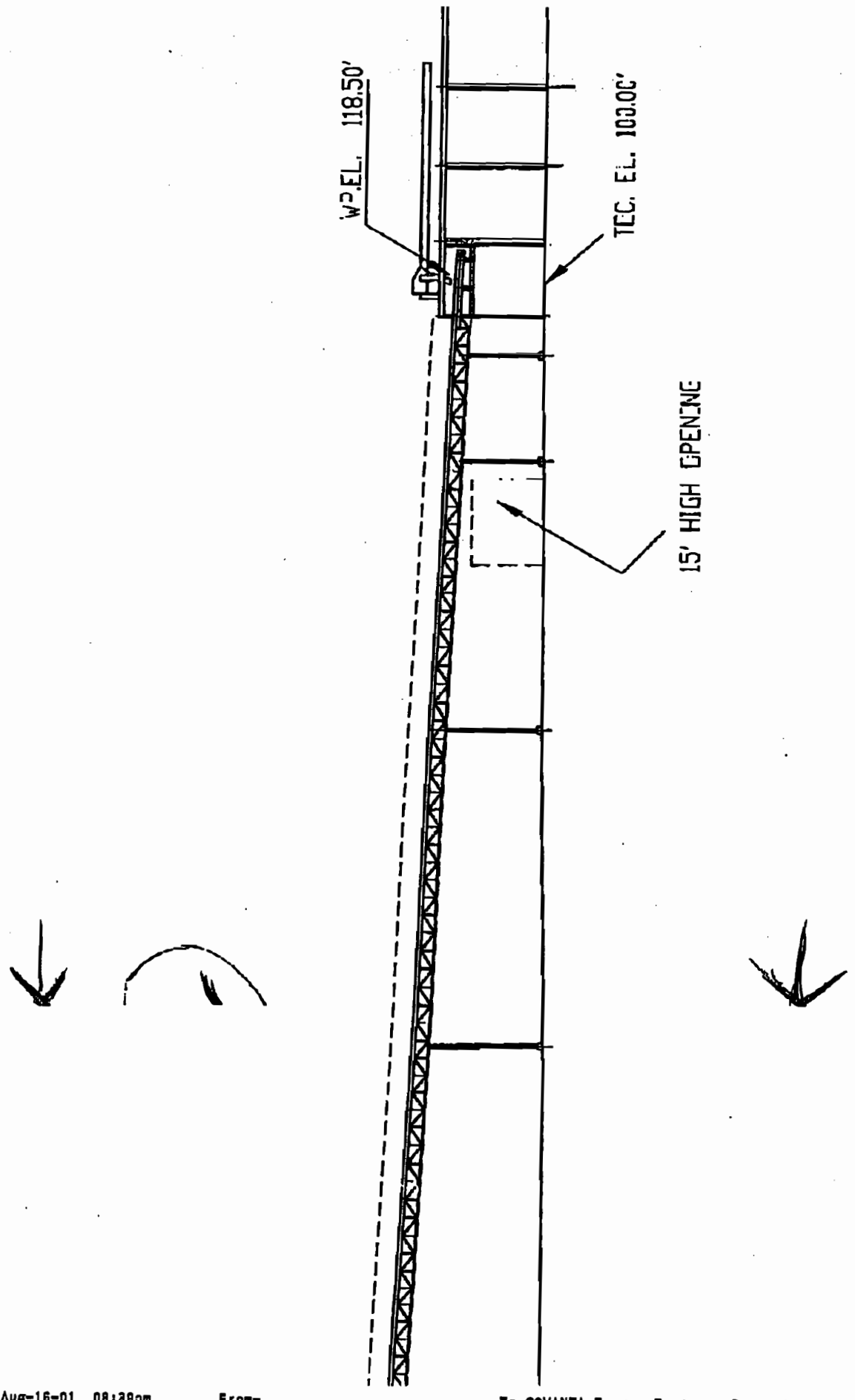
DRAWING NUMBER
ASH024-1/1

B

DATE	BY
1/10/01	JMC

5.1.01

CADFILE ASH024I0.DWG


W.E.L. 118.50'
TEC. EL. 100.00'
15' HIGH OPENING

Appendix B
Recyclable 100, Inc. Conveyor Information and Drawing

August 21, 2001

Mr. Brian Bahor
Vice President Environmental Permitting
Covanta Waste to Energy, Inc.
40 Lane Road
Fairfield, NJ 07007

Subject: Lake County Resource Recovery Facility
Ash Residue Transfer Conveyor System

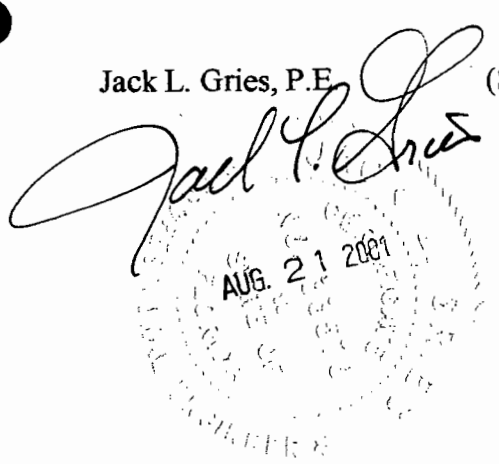
Dear Mr. Bahor:

Please find attached the following certified drawing for the above identified system.

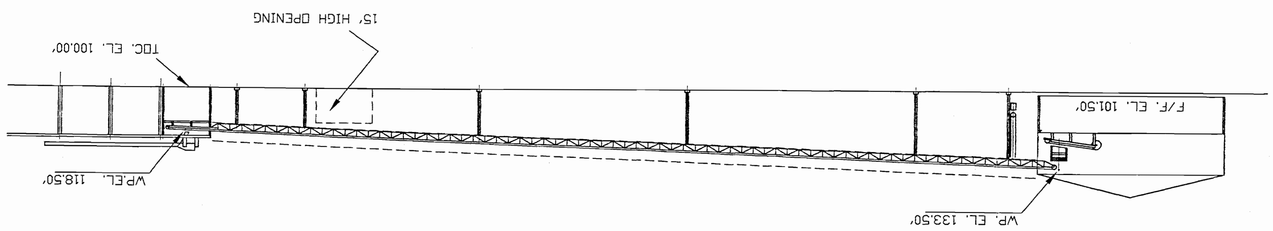
The transfer conveyor system will be fully enclosed and is being designed to accept wetted ash residue as it is currently generated by your Lake County Resource Recovery Facility.

Thank you for your assistance in this matter.

Jack L. Gries, P.E. (Seal)



CERTIFIED BY:
JACK L. GRIES PE
LICENSE NO. 33570, FLORIDA
PHONE NO. 352.787.6161
715 BALMORAL CIRCLE
LEESBURG, FL. 34748



① 0690046-00

RECYCLABLE 100, INC.
LEESBURG FLORIDA

DATE	12/5/00	CHECKED BY		DRAWN BY	JMC.
SCALE	1"=30'-0"	APPROVED BY		DRAWING NUMBER	ASH024-1/1

G.A. CHARGE CONVEYOR
LAKE COUNTY RESOURCE RECOVERY FACILITY
OKAHUMPKA FLORIDA

CAD FILE ASH024B.DWG

BY	DATE	REVISION
JMC	1/10/01	ISSUED FOR QUOTATION

NO.	ISSUED TO	DATE
B		

DESCRIPTION	DRAWING No
REFERENCE DRAWINGS	

HAYWOOD WORM FARM ROAD

POWERLINES

COOLING TOWER POND #1 (EXIST)

COOLING TOWER POND #2 (EXIST)

COOLING TOWER POND #3 (EXIST)

RETENTION POND#4 (EXIST)

N6258.10'
E3517.99'
WELL

(EXIST) FIREWATER STORAGE TANK

(EXIST) WELL

COOLING TOWER (NEW)

COOLING TOWER (EXIST)

FIRE PUMP HOUSE (EXIST)

WATER TREAT BLDG (EXIST)

N6164.66'
E3390.76'

N6227.79'
E3146.46'

ASH BUILDING

101.50'

N6257.60'
E3066.35'

COVERED CONVEYOR DESIGNED & MANUFACTURED BY MATERIAL HANDLING SYSTEMS INC. C/W STAINLESS STEEL DROP PAN

WP. EL. 133.50'

N6218.54'
E3072.70'

N6257.37'
E2863.30'

N6648.75'
N6603.75'
N6595.75'
N6593.75'
WP. EL. 118.50'
E3026.75'
E3011.75'

12'-10 1/2"
8'-0"
2'-0"

N

Covanta Energy Group, Inc.
A Covanta Energy Company
40 Lane Road, CN 2615
Fairfield, NJ 07007-2615
Tel 973 882 9000

COVANTA
ENERGY

April 10, 2001

Mr. Clair H. Fancy, P.E.
Deputy Chief, Bureau of Air Management
Department of Environmental Protection
111 South Magnolia Drive
Suite 4
Tallahassee, Florida 32301

RE: PSD Modification Application:
Professional Engineer (P.E.) Seal and Processing Fee Due

Dear Mr. Clair:

Enclosed please find our check number 028957 for the amount of $250.00, which had been previously omitted from our letter of April 5, 2001. This is for a Construction permit for an emissions unit having potential emissions of less than 5 tons per year of each pollutant.

Thank you for your assistance in this matter. If there are any questions, please give Leon Brasowski a call at 973/882-7285.

Sincerely,

Patricia Masseau

Patricia A. Masseau
Administrative Assistant

/pm

Enclosure

cc: Leon Brasowski, VP, Environmental Permitting

Brian Bahor, QEP
Vice President - Environmental Permitting

COVANTA
ENERGY

Covanta Projects, Inc.
A Covanta Energy Company
40 Lane Road
Fairfield, NJ 07004
Tel 973 882 7236
Fax 973 882 4167
Email bbahor@covantaenergy.com

August 24, 2001

Mr. Bruce Mitchell
Title V Section
Bureau of Air Regulation
Department of Environmental Protection
Mail Station #5505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: Covanta Lake, Inc.
Lake County Resource Recovery Facility
Facility ID No. 0690046
Lake County
Request to Add Ash Residue Transfer Conveyor System to Insignificant Activities

Dear Mr. Mitchell:

This letter is being sent with regards to a telephone conversation you had on August 13, 2001 with Steven C. Cullen, PE representing Recyclable 100, Inc. (R-100). R-100 has received a Generic Exemption from Air Permitting Determination from the Departments' Central District Office for its Okahumpka Materials Recovery Facility (copy attached). R-100, Inc.'s material recovery facility will accept ash residue generated by the Lake County Resource Recovery Facility (the "Facility") by means of the proposed Ash Residue Transfer Conveyor System (drawing & letter attached). This conveyor system will connect the Facility's ash residue storage building to R-100's Ash Building located across the shared fence on R-100's material recovery facility site. We currently contemplate that this new ash residue transfer conveyor system will be constructed on our Facility Site by R-100. Covanta Lake will assume operational responsibility following completion of construction.

As the existing residue storage building vents and ash residue conveyors are described in the DRAFT permit as insignificant activities, we are requesting that you add the new ash residue transfer conveyor system as another insignificant activity. As has been certified

in the letter from R-100's Registered Professional Engineer (attached), the transfer conveyor system will be fully enclosed and is being designed to accept wetted ash residue.

Thank you for your assistance in this matter.

Brian Bahor
Vice President, Environmental Permitting
Covanta Waste to Energy, Inc.

Distribution
Joe Treshler (Pasco)
Cecil Boatwright (Lake)
Viet Ta (Pasco)
File

August 21, 2001

Mr. Brian Bahor
Vice President Environmental Permitting
Covanta Waste to Energy, Inc.
40 Lane Road
Fairfield, NJ 07007

Subject: Lake County Resource Recovery Facility
Ash Residue Transfer Conveyor System

Dear Mr. Bahor:

Please find attached the following certified drawing for the above identified system.

The transfer conveyor system will be fully enclosed and is being designed to accept wetted ash residue as it is currently generated by your Lake County Resource Recovery Facility.

Thank you for your assistance in this matter.

Jack L. Gries, P.E. (Seal)

CERTIFIED BY:
JACK L. GRIES PE
LICENSE NO. 33570, FLORIDA
PHONE NO. 352.787.6161
715 BALMORAL CIRCLE
LEESBURG, FL. 34748

0690046-003-AC
PSD-FL-113(B)

Brian Bahor, QEP
Vice President - Environmental Permitting

Covanta Projects, Inc.
A Covanta Energy Company
40 Lane Road
Fairfield, NJ 07004
Tel 973 882 7236
Fax 973 882 4167
Email bbahor@covantaenergy.com

COVANTA ENERGY

RECEIVED
APR 23 2001
BUREAU OF AIR REGULATION

April 20, 2001

Mr. Clair H. Fancy, P.E.
Deputy Chief, Bureau of Air Management
Department of Environmental Protection
111 South Magnolia Drive
Suite 4
Tallahassee, Florida 32301

RE: PSD Modification Application
Professional Engineer (P.E.) Seal and Processing Fee Due

Dear Mr. Fancy:

Your letter of April 6, 2001 identified that the referenced project required two additional items; 1) a processing fee and 2) a P.E. seal. The processing fee was submitted via an April 10, 2001 letter. This letter provides three sets of the P.E. seal.

Thank you for the timely review of the initial submittal. If there are any questions about this submittal or the application in general, please call me direct at 973-882-7236.

Sincerely,

Brian Bahor

Brian Bahor, QEP
Vice President – Environmental Permitting

Distribution
Cecil Boatwright (Lake)
Viet Ta (Pasco)
Joe Treshler (Pasco)

Professional Engineer Certification

1.	Professional Engineer Name: William Robert Crellin, Jr. Registration Number: 0000046574
2.	Professional Engineer Mailing Address: Organization/Firm: Covanta Waste to Energy Street Address: 14230 Hays Road City: Spring Hill State: FL Zip Code: 34610
3.	Professional Engineer Telephone Numbers: Telephone: (727) 856 - 2917 Fax: (727) 856 - 0007

4. Professional Engineer Statement:

I, the undersigned, hereby certify, except as particularly noted herein, that:*

(1) To the best of my knowledge, there is reasonable assurance that the air pollutant emissions unit(s) and the air pollution control equipment described in this Application for Air Permit, when properly operated and maintained, will comply with all applicable standards for control of air pollutant emissions found in the Florida Statutes and rules of the Department of Environmental Protection; and

(2) To the best of my knowledge, any emission estimates reported or relied on in this application are true, accurate, and complete and are either based upon reasonable techniques available for calculating emissions or, for emission estimates of hazardous air pollutants not regulated for an emissions unit addressed in this application, based solely upon the materials, information and calculations submitted with this application.

If the purpose of this application is to obtain a Title V source air operation permit (check here [ ], if so), I further certify that each emissions unit described in this Application for Air Permit, when properly operated and maintained, will comply with the applicable requirements identified in this application to which the unit is subject, except those emissions units for which a compliance schedule is submitted with this application.

If the purpose of this application is to obtain an air construction permit for one or more proposed new or modified emissions units (check here [✓], if so), I further certify that the engineering features of each such emissions unit described in this application have been designed or examined by me or individuals under my direct supervision and found to be in conformity with sound engineering principles applicable to the control of emissions of the air pollutants characterized in this application.

If the purpose of this application is to obtain an initial air operation permit or operation permit revision for one or more newly constructed or modified emissions units (check here [ ], if so), I further certify that, with the exception of any changes detailed as part of this application, each such emissions unit has been constructed or modified in substantial accordance with the information given in the corresponding application for air construction permit and with all provisions contained in such permit.

William R. Crellin Jr., P.E. — 4/18/01

Signature PE License # 00000 46574 — Date

(seal)

* Attach any exception to certification statement.

Professional Engineer Certification

1.	Professional Engineer Name: William Robert Crellin, Jr. Registration Number: 0000046574
2.	Professional Engineer Mailing Address: Organization/Firm: Covanta Waste to Energy Street Address: 14230 Hays Road City: Spring Hill State: FL Zip Code: 34610
3.	Professional Engineer Telephone Numbers: Telephone: (727) 856 - 2917 Fax: (727) 856 - 0007

4. Professional Engineer Statement:

I, the undersigned, hereby certify, except as particularly noted herein, that:*

(1) To the best of my knowledge, there is reasonable assurance that the air pollutant emissions unit(s) and the air pollution control equipment described in this Application for Air Permit, when properly operated and maintained, will comply with all applicable standards for control of air pollutant emissions found in the Florida Statutes and rules of the Department of Environmental Protection; and

(2) To the best of my knowledge, any emission estimates reported or relied on in this application are true, accurate, and complete and are either based upon reasonable techniques available for calculating emissions or, for emission estimates of hazardous air pollutants not regulated for an emissions unit addressed in this application, based solely upon the materials, information and calculations submitted with this application.

If the purpose of this application is to obtain a Title V source air operation permit (check here [ ], if so), I further certify that each emissions unit described in this Application for Air Permit, when properly operated and maintained, will comply with the applicable requirements identified in this application to which the unit is subject, except those emissions units for which a compliance schedule is submitted with this application.

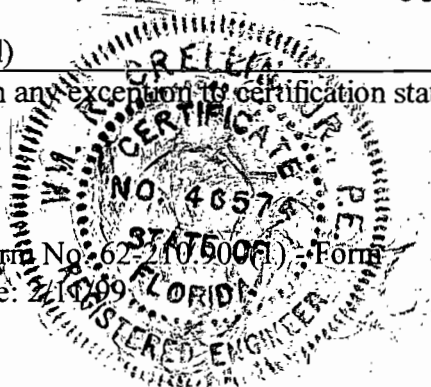
If the purpose of this application is to obtain an air construction permit for one or more proposed new or modified emissions units (check here [✓], if so), I further certify that the engineering features of each such emissions unit described in this application have been designed or examined by me or individuals under my direct supervision and found to be in conformity with sound engineering principles applicable to the control of emissions of the air pollutants characterized in this application.

If the purpose of this application is to obtain an initial air operation permit or operation permit revision for one or more newly constructed or modified emissions units (check here [ ], if so), I further certify that, with the exception of any changes detailed as part of this application, each such emissions unit has been constructed or modified in substantial accordance with the information given in the corresponding application for air construction permit and with all provisions contained in such permit.

William R. Crelli Jr., P.E. — 4/18/01

Signature PE License # 00000 46574 — Date

(seal)



* Attach any exception to certification statement.

COVANTA
ENERGY

Covanta Lake, Inc.
A Covanta Energy Company
3830 Rogers Industrial Park Road
Okahumpka, FL 34762
Tel 352 365 1611
Fax 352 365 6359

August 16, 2001

Mr. Bruce Mitchell
Bureau of Air Bureau of Air Regulation
Department of Environmental Protection
111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301

RE: Draft Air Construction Permit/PSD Permit Amendment Nos. 0690046-003-AC/PSD-FL-113(E)
Revised DRAFT Air Operation Permit No. 0690046-001-AV

Dear Mr. Mitchell:

I am sending you my original of the Affidavit of Publication to cover the possibility that the previously sent document did not reach your office.

Please feel free to contact me at (727) 856-2917, if you have any questions.

Sincerely,

Viet Q. Ta, REM
Facility Environmental Engineer

c: B. Bahor

Attach Notice Here

Affidavit of Publication

The Daily Commercial

Leesburg, Lake County, Florida

Case No. _____

RECEIVED
AUG 27 2001
BUREAU OF AIR REGULATION

STATE OF FLORIDA
COUNTY OF LAKE

Before the undersigned authority personally appeared Jim Perry who on oath says that he is Publisher of The Daily Commercial, a daily newspaper published at Leesburg in Lake County, Florida, that the attached copy of advertisement, being

AD NO: 04534261

in the matter of Public Notice

in the _____ Court,

was Inserted in said newspaper in the issues of

July 28, 2001

Affiant further says that the said Daily Commercial is a newspaper published in said Leesburg, in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each day and has been entered as second class matter at the post office in Leesburg in said Lake County, Florida, for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

Signed _____
Jim Perry, Publisher

Sworn to and subscribed before me this 1 day of August, 2001, by Jim Perry, Publisher, who is personally know to me.

(Seal)

Tina L. Reader, Notary Public

TINA L. READER
Notary Public, State of Florida
My comm. expires Nov. 19, 2001
No. CC697436
Bonded thru Ashton Agency, Inc.

PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT/PSD PERMIT AMENDMENT AND A TITLE V AIR OPERATION PERMIT

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Draft Air Construction Permit/PSD Permit Amendment Nos.: 0690046-003-AC/PSD-FL-113 (E)
Revised DRAFT Title V Air Operation Permit No.: 0690046-001-AV Covanta Energy Corporation, Inc. Covanta Lake,, Inc. Lake County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue an Air Construction Permit/PSD Permit Amendment and a Title V Air Operation Permit to Covanta Energy Corporation, Inc., for the Covanta lake, inc.'s facility (formerly NRG/Recovery Group, Inc. and Ogden Martin of Lake, Inc.) located at 3830 Rogers Industrial Park Road, Okahumpka, Lake County. The applicant's name and address are: Mr. Leon Brasowski, Vice President, Environmental Permitting, Covanta Energy Corporation, Inc., 40 Lane Road, Fairfield, NJ. 07004
The subject of the Air Construction Permit/PSD Permit Amendment is to remove the authority to process/incinerate biomedical waste at the Lake County Resource Recovery Facility and to address some issues contained in the previously issued state/federal construction permits, Nos. AC 35-115379/PSD-FL-113 (A). The permits will contain the proposed changes.

The permitting authority will issue the Air Construction Permit/PSD Permit Amendment (letter) and the PROPOSED Title V Air Operation Permit, and subsequent FINAL Title V Air Operation Permit, in accordance with the conditions of the Draft Air Construction Permit/PSD Permit Amendment and the Revised DRAFT Title V Air Operation 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 and requests for public meetings concerning the proposed Draft Air Construction Permit/PSD Permit Amendment and Revised DRAFT Title V Air Operation Permit issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments and requests for public meetings should be provided to the Department's Bureau of Air Regulation, at 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 these Draft Air Construction Permit/PSD Permit Amendment and Revised DRAFT Title V Air Operation Permit, the permitting authority shall issue a Revised Draft Air Construction Permit/PSD Permit Amendment and a Revised DRAFT Title V Air Operation Permit and require, if applicable, another Public Notice.

The permitting authority will issue these permits unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, Florida Statutes (F.S), or a party requests mediation as an alternative remedy under Section 120.573, F.S., before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

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, 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 must be filed within 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of the notice of intent, whichever occurs first. A petitioner must 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 (or a request for mediation, as discussed below) 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 28-5.207, Florida Administrative Code (F.A.C.).
A petition must contain the following information:
(a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number, and the county in which the project is proposed;
(b) A statement of how and when each petitioner received notice of the permitting authority's action or proposed action;
(c) A statement of how each petitioner's substantial interests are affected by the permitting authority's action or proposed action;
(d) A statement of the material facts disputed by the petitioner, if any;
(e) A statement of the facts that the petitioner contends warrant reversal or modification of the permitting authority's action or proposed action;

(f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the permitting authority's action or proposed action; and,
(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the permitting authority to take with respect to the action or proposed action addressed in this notice of intent.
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.
A person whose substantial interests are affected by the permitting authority's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department of Environmental Protection a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, FL 32399-3000, by the same deadline as set forth above for the filing of a petition.
A request for mediation must contain the following information:
(a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any;
(b) A statement of the preliminary agency action;
(c) A statement of the relief sought; and,
(d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.
The agreement to mediate must include the following:
(a) The names, addresses, and telephone numbers of any persons who may attend the mediation;
(b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;
(c) The agreed allocation of the costs and fees associated with the mediation;
(d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
(e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
(f) The name of each party's representative who shall have authority to settle or recommend settlement; and,
(g) The signatures of all parties or their authorized representatives.
As provided in Section 120.573, F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, F.S., for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within 60 (sixty) days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department of Environmental Protection must enter an order incorporating the agreement of the parties in accordance with the provisions of Section 403.0872(7), F.S. If mediation terminates without settlement of the dispute, the permitting authority shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57, F.S., remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.
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 permits 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 410 M. Street, SW, 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: 850/488-1344
Fax: 850/922-6979

Affected District Office:
Department of Environmental Protection
Central District Office
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767
Telephone: 407/894-7555
Fax: 407/897-5963

The complete project file includes the Technical Evaluation and Preliminary Determination and associated Draft Air Construction Permit/PSD Permit Amendment and DRAFT Title V Air Operation 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.

No.:04534261
July 28, 2001

Brian Bahor, QEP
Vice President - Environmental Permitting

COVANTA
ENERGY

Covanta Projects, Inc.
A Covanta Energy Company
40 Lane Road
Fairfield, NJ 07004
Tel 973 882 7236
Fax 973 882 4167
Email bbahor@covantaenergy.com

August 3, 2001

Mr. Bruce Mitchell
Florida Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301

Reference : Public Notice

Dear Mr. Mitchell;

I am enclosing a hardcopy of the public notice that was advertised on Saturday, July 28, 2001. I hope that you got my voice mail on Wednesday regarding this notice.

Sincerely,

Brian Bahor, QEP
Vice President, Environmental Permitting

Distribution
Cecil Boatwright (Lake)
Viet Ta (Pasco)
Joe Treshler (Pasco)

0690046-001

N

E3011.75'
E3026.75'
N6648.75'
ASH BUILDING
12'-10 1/2"
N6603.75'
8'-0"
N6595.75'
2'-0"
N6593.75'
WP. EL. 118.50'

WATER TREAT BLDG (EXIST)
FIRE PUMP HOUSE (EXIST)
(EXIST) FIREWATER STORAGE TANK
(EXIST) WELL
COOLING TOWER (EXIST)
COOLING TOWER (NEW)
COOLING TOWER POND #1 (EXIST)
COOLING TOWER POND #2 (EXIST)
COOLING TOWER POND #3 (EXIST)
RETENTION POND#4 (EXIST)
POWERLINES
HAYWOOD WORM FARM ROAD

COVERED CONVEYOR
DESIGNED & MANUFACTURED BY
MATERIAL HANDLING SYSTEMS INC.
C/W STAINLESS STEEL DROP PAN

N6257.37'
E2863.30'
N6257.60'
E3066.35'
N6258.10'
E3517.99'
WELL
WP. EL 133.50'
N6227.79'
E3146.46'
101.50'
ASH BUILDING
N6218.54'
E3072.70'
N6164.66'
E3390.76'

W.P.EL. 118.50'
TOC. EL. 100.00'
15' HIGH OPENING
WP. EL. 133.50'
F/F. EL. 101.50'

DESCRIPTION	DRAWING No							
REFERENCE DRAWINGS		DATE	ISSUED TO	NO.	REVISION	DATE	BY
				B	ISSUED FOR QUOTATION	1/10/01	JMC

JACK L. FRIES
REGISTERED ENGINEER
No. 23890
STATE OF FLORIDA

RECYCLABLE 100, INC.
LEESBURG FLORIDA

DATE	APPROVED BY	CHECKED BY	DRAWN BY
12/5/00			J.M.C.
SCALE 1"=30'-0"			

G.A. CHARGE CONVEYOR
LAKE COUNTY RESOURCE RECOVERY FACILITY

OKAHUMPKA FLORIDA

DRAWING NUMBER ASH024-1/1 B

CADFILE ASH0241B.DWG

OGDEN ENERGY GROUP, INC.

BRIAN BAHOR
Vice President
Environmental Permitting

40 Lane Road
Fairfield, NJ 07004
973 882 7236
Fax 973 882 4167
E-mail brian_bahor@ogden_energy.com

June 13, 2000

Mr. Scott M. Sheplak, P.E.
Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301

SUBJECT: Ogden Martin Systems of Lake, Inc.
DRAFT Initial Title V Air Operation Permit No. 0690046-001-AV
Written Comments on DRAFT Permit

Dear Mr. Sheplak:

Ogden Martin Systems of Lake, Inc. (OMSL) is submitting herein written comments on the DRAFT Initial Title V Air Operation Permit that was received by OMSL on May 15, 2000.

The comments have been assembled together as the attached document, which includes all referenced regulatory documents. I believe that this document is complete and is being submitted in a timely manner.

We are available to meet with you to discuss these at your earliest convenience. In the mean time, please feel free to call me at 973-882-7236.

Sincerely,

Brian Bahor

Brian Bahor, QEP
Vice President, Environmental Permitting

Distribution
Cecil Boatwright (OMSL)
Joe Treshler
Karen Stepsus
Mary Smallwood

Extra Copies Sent To:
Douglas Beason, Esquire (06-19-00)
Len Kozlov (06-19-00)

COMMENTS OF OGDEN MARTIN SYSTEMS OF LAKE, INC. ON DRAFT TITLE V PERMIT NO. 0690046-001-AV

Dated June 13, 2000

COMMENTS OF OGDEN MARTIN SYSTEMS OF LAKE, INC. ON DRAFT TITLE V PERMIT NO. 0690046-001-AV

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J

September 13, 1995 Change of Condition correspondence from FLDEP to OMSL regarding Activated Carbon Storage Silo

COMMENTS OF OGDEN MARTIN SYSTEMS OF LAKE, INC. ON DRAFT TITLE V PERMIT NO. 0690046-001-AV

1.0 Organization of Comments

Set forth below are the comments of Ogden Martin Systems of Lake, Inc. ("OMSL") in response to the document entitled "DRAFT Title V Permit No. 0690046-001-AV" ("draft permit" or "draft Title V permit"), which was issued by C.H. Fancy, P.E., Chief, Bureau of Air Regulation, Florida Department of Environmental Protection ("FLDEP" or "the Department") on May 10, 2000, and received by Dr. Gary K. Crane on behalf of OMSL on May 15, 2000. Certain of the issues raised by these comments previously were discussed with Department representatives at our meeting of June 6, 2000 in Tallahassee. These comments also discuss in further detail the issues raised by OMSL in its Petition for Formal Administrative Proceeding, which was filed on May 25, 2000.

OMSL's comments are organized broadly into two sections. Section 2.0 includes General Comments and Section 3.0 includes Detailed Comments. The General Comments have been developed both to address certain "big picture" issues that pervade the draft permit, and also to provide a foundation for the more Detailed Comments in Section 3. For example, a specific permit condition discussed in Section 3.0 may be reflective of a more general issue raised by the draft permit itself. Accordingly, throughout section 3.0, certain of the Section 2.0 General Comments specifically are incorporated by reference to provide a fuller explanation for OMSL's comments and requested changes to the draft permit. Section 2.0 also is intended, however, to stand alone as a substantive set of comments on the draft permit.

2.0 General Comments

Background

OMSL has identified eight issues that are central to many statements and conditions included by FLDEP in the draft permit, or are otherwise of more global concern. These eight issues are discussed in detail below.

General Comment No. 1 – Both Units 1 and 2 Are Authorized To Process Biomedical Waste

Throughout the draft permit, FLDEP contends that "only Unit 1" is allowed to process biomedical waste. See, e.g., Section I, Subsection A; Section III, Subsection A. FLDEP is wrong. As set forth below, both Units 1 and 2 are authorized to process biomedical waste, and have been so authorized since December 10, 1990. The draft permit therefore must be changed to eliminate the improper restriction of biomedical waste processing to "only Unit 1."

The Air Construction Permit Amendment issued by FLDEP to OMSL on December 10, 1990 (see Attachment A) included certain specific conditions applicable to both Units 1 and 2, including:

a) A revised project description that added biohazardous waste as an acceptable fuel. This approval, which was for the entire facility and not "only Unit 1", also provided that biohazardous waste was to be fed to the boilers via a conveyor in order to prevent mixing of biohazardous waste with other MSW in the pit.

b) An 1800 degree Fahrenheit design temperature at the fully mixed zone (which subsequently was changed in the May 25, 1993 Operating Permit Change of Condition).

c) Biomedical waste air permit emission limits for particulate, carbon monoxide and hydrochloric acid were because they were more stringent that the existing conditions.

Subsequent correspondence from the FLDEP (Attachment B) to OMSL confirmed that both Unit 1 and 2 were permitted to process biomedical waste.

After OMSL secured the December 10, 1990 Air Construction Permit Amendment, air emission test plans were provided to the FLDEP that identified that OMSL's intent to initiate processing of biomedical waste in Unit 1. These test plans were approved by the FLDEP on several occasions, with all subsequent results being in compliance with OMSL's air permit requirements, including the new conditions for biomedical waste. OMSL since has processed biomedical waste in Unit 1. OMSL chose not to initiate processing of biomedical waste in Unit 2, due to capacity issues and physical limitations of the conveying system, which did not provide access to the feed hopper of Unit 2. OMSL never has requested nor agreed to a condition that would not allow the processing of biomedical waste in Unit 2, however.

Since December 10, 1990, there since have been several other Changes of Condition to the Operating Permit (Permit No. AO35-193817) issued by FLDEP to OMSL as the result of compliance test results at the facility. The first Change of Condition (Attachment C), issued on June 29, 1992, approved a maximum throughput of biomedical waste of 1.12 tons/hour and 26.88 tons/day for the entire facility. A second Change of Condition (Attachment D), issued on May 25, 1993, approved a maximum throughput of biomedical waste for Unit 1 only, at 2.15 tons/hour and 51.60 tons/day. This latter Change of Condition was in response to a request by OMSL (Attachment E) to change the biomedical waste rate from the existing limit of 1.12 tons/hour to 2.15 tons/hour. Again, OMSL did not ask for a condition prohibiting the ability to process biomedical waste in Unit 2. The Change of Condition language "Unit 1 only" was understood to mean that biomedical waste could not be processed in Unit 2 until there was a conveying system available to Unit 2 that was approved by the DEP and a test plan for Unit 2 was approved by FLDEP.

In conclusion, the referenced permit documents clearly establish that the construction permit allowed for the processing of biomedical waste in both Units 1 and 2. OMSL has never requested a change to the December 10, 1990 Air Construction Permit Amendment, nor has the Department taken action to alter OMSL's permit to prohibit the processing of biomedical waste in Unit 2. As previously discussed above, the Department's attempt to use the Title V permit process to alter the substantive rights of OMSL is improper. The draft permit therefore must be changed to eliminate the arbitrary and erroneous restriction of biomedical waste processing to "only Unit 1."

General Comment No. 2 – OMSL Is Authorized To Process Boxed And/Or Bulk Biomedical Waste

The draft permit specifies in numerous locations that only "boxed" medical waste is allowed in Unit 1. See generally Section III.A, B. The permit also states that Unit 2 is not allowed to process boxed medical waste. See generally Section III.C, D. Once again, the Department errs in attempting to limit OMSL's ability to process biomedical waste. For the reasons discussed in General Comment No. 2, together with the reasons set forth below, both Units 1 and 2 can process boxed and/or bulk biomedical waste.

As discussed above, the December 10, 1990 Air Construction Permit Amendment (Attachment A) provided the facility (Unit 1 and 2) with the ability to process biomedical waste. The revised project description identified that there would be a specially designed conveyor to transport boxed biomedical waste. Although at the time of that Amendment, the facility was designing a conveyor system that would enable the transfer of boxed biomedical waste to the feed hopper of Unit 1; however, the Revised Project Description did not limit the biomedical waste to be processed solely to "boxed" waste. Indeed, there followed a series of written communication between FLDEP and OMSL (Attachment F) regarding the design and implementation of a new and different conveying system for biomedical waste that is not boxed.

The new conveying system that subsequently was implemented by OMSL uses a leak proof bucket that can transport boxed or empty reusable plastic containers (filled with red bag waste) to the feed hopper of both Units 1 and 2. The use of this system was approved by FLDEP by letter dated October 21, 1997. (OMSL sought and obtained this approval from FLDEP notwithstanding the fact that correspondence received from the Department in September 1992 stated that a waste conveyor did not require a Department permit.) The October 21, 1997 approval clearly enables OMSL to process material other than boxed medical waste. While this approval did include language that limited the use of the crane and bucket assembly to Unit 1, OMSL has never agreed with this limitation.

Finally, OMSL contends that the means by which biomedical waste is packaged and fed to the boilers is an issue outside of the purview of the Air Bureau, as it is not relevant to the issue of air emissions and is not necessary to ensure compliance with air emissions requirements. In OMSL's view, the Air Bureau lacks jurisdiction to address biomedical waste or solid waste packaging issues. Instead, such issues are properly addressed by FLDEP Solid Waste personnel with statutory jurisdiction and/or Department of Health

personnel. For all these reasons, the Department's attempt in this permit to limit OMSL's ability to process anything other than "boxed" biomedical waste is improper and such limitations must be removed from the final permit.

General Comment No. 3 – The Department Has Improperly Limited The Biomedical Waste Process Rate

The draft permit limits the process rate of biomedical waste to 1.12 tons/hour and 26.88 tons/day. See, e.g., Section III.B.8(c). This process condition is further conditioned by other permit language that restricts the processing of biomedical waste to Unit 1 only, and limits such waste to "boxed biomedical waste." As discussed below, the Department has improperly limited the biomedical waste process rate, in disregard of previously issued, valid, currently applicable permit conditions.

The December 10, 1990 Air Construction Permit Amendment (Attachment A) provided the facility (Unit 1 and 2) with the ability to process biomedical waste. This amendment did not include a process limit for biomedical waste. Thus, each of the two Units could theoretically process 100 percent biomedical waste. The exact tonnage of the waste processed would depend on the higher heating value of the waste and the ability to achieve compliance with emission limit criteria. OMSL notes that FLDEP used this interpretation of the construction permit during the period of 1991 and 1992 when the FLDEP was asked by the Florida legislature to determine the capacity of biomedical waste disposal in the State of Florida, in advance of the moratorium on biomedical waste processing that was then under consideration.

OMSL understands that the construction permit establishes the ability to process biomedical waste; however, an operating permit is necessary for specific conditions. Permit/Certification Number AO35-193817 (Attachment G) is the most recent operating permit for OMSL. There have been two different Changes of Condition issued to Permit AO35-193817, the first dated June 29, 1992 (Attachment C), and the second dated May 25, 1993 (Attachment D). The June 29, 1992 Change of Conditions established a maximum throughput of biomedical waste as a total of 1.12 tons/hour and 26.88 tons/day for the entire facility. The May 25, 1993 Change of Condition established a new condition for Unit 1 only of a total of 2.15 tons/hour and 51.60 tons/day. As described in General Comment 1, OMSL interprets this latter condition simply to define the process limit of Unit 1, and not as removing the ability of Unit 2 to process biomedical waste.

The Department has never taken final action to curtail the 2.15 tons/hour and 51.60 tons/day biomedical waste processing capacity for Unit 1 provided for in the existing operating permit, and its attempt to do so in this Title V permit process is contrary to law. OMSL understands that the Department purports to act in reliance on the June 29, 1992 Change of Condition discussed above, in disregard of the May 25, 1993 Change of Condition upon which OMSL relies. The Department has not provided a valid reason for its apparent decision to summarily disregard that latter Change. Indeed, it is ironic that the Department in this draft permit is attempting to disavow the May 25, 1993 biomedical waste permit rate, while at the same time maintaining an enforcement action against

OMSL for its alleged failure to "de-rate[] [Unit 1] from 2.15 tons of medical waste to 1.2 tons per hour of medical waste" as a consequence of April 1998 stack testing, which FLDEP has argued should have been conducted at the 2.15 tons per hour biomedical waste processing rate (see Warning Letter OWL-AP-99-413, at page 2).

In sum, the final permit must be modified to state clearly that the maximum biomedical waste processing limit for Unit 1 is 2.15 tons/hour and 51.60 tons/day; and that the maximum biomedical waste processing limit for Unit 2 would have to be established by a field test program in a manner similar to that used to establish the rate for Unit 1.

General Comment No. 4 – The Proposed Temperature Monitoring Requirements While Processing Biomedical Waste Are Inconsistent With Existing Permit Conditions And Are Operationally And Technically Infeasible

The draft permit includes several conditions that require the use of a temperature monitor in the furnace combustion chamber, and provides further that the biomedical waste feed system shall cease operation any time that the temperature measured at that proposed location drops below 1800 degrees Fahrenheit. See, e.g., Section I, Subsection B.112. These temperature monitoring requirements are not consistent with the existing permit requirements and are operationally and technically infeasible, such that, if implemented, temperature measurement would be unreliable.

The May 25, 1993 Change of Condition to the Operating Permit included a flue gas temperature requirement for both Unit 1 and Unit 2. This language was established following submittal by OMSL and Department approval of a furnace roof temperature study in OPI Report No. 326, dated February 22, 1991. This surrogate approach to combustion chamber temperature measurement is used throughout the MWC industry because the flue gas temperature cannot be reliably measured at the fully mixed zone where the flue gas temperature is above 1800 degrees Fahrenheit due to operational/technical limitations. Simply put, temperature monitoring equipment installed in that zone is not reliable for several reasons including; 1) the thermocouple would decay due to heat and corrosion., 2) the temperature measured at the sidewall is not accurate due to radiation effects, and 3) even if the sidewall temperature was accurate, it is not representative of the bulk mean temperature of the flue gas at that elevation. The flue gas temperature can be reliably measured at the roof top location, however.

The Department provides no valid rationale – and indeed there is none – for departing from the existing permit condition to measure combustion zone temperature at the furnace roof top location. Accordingly, that existing permit condition should be included in the final Title V permit.

General Comment No. 5 – The Proposed "Complete Combustion" Permit Condition Is Unenforceable And, In Any Event, Is Not Properly Included As A Condition Of An Air Permit, But Instead Is An Issue Properly Addressed By The Department's Solid Waste Bureau

The draft permit includes conditions requiring that all combustibles, including biomedical waste, be "completely combusted." See e.g. Section I, Subsection B.111. No regulatory or statutory reference requiring "complete combustion" is provided for these proposed air permit conditions, which is unsurprising, because FLDEP's Bureau of Air Regulation does not have jurisdiction over the quality or character of solid residues from combustion processes. Nor is such a requirement necessary to ensure compliance with air emissions requirements. Issues pertaining to the quality and character of solid residues from the combustion process instead are properly left to the jurisdiction and expertise of FLDEP's Bureau of Solid Waste and also, in the case of biomedical waste, the Department of Health.

Indeed, there is no rational basis for including a "complete combustion" requirement for solid waste residuals in an air permit. OMSL understands that FLDEP's purported rationale for including a "complete combustion" requirement in the draft permit is to avoid having recognizable items – particularly from biomedical waste processing – emerge as solid residues in the ash discharger. FLDEP ignores the fact that in the one recent example cited by the Air Bureau with respect to an "unburned" item reaching the Lake County Landfill, both the Department of Health and the FLDEP Bureau of Solid Waste found no regulatory violation and, just as importantly, no public health hazard. There also was no allegation of any excess emissions from the OMSL facility.

Furthermore, the proposed "complete combustion" requirement for solid waste processing residuals lacks any definition of what that requirement would mean in practice. In the absence of a clear and articulable standard against which compliance would be measured, the proposed "complete combustion" requirement is unenforceable. See, e.g., United States v. Chrysler Corp., 158 F.3d 1350 (D.C. Cir. 1998); General Electric v. EPA, 55 F.3d 1324 (D.C. Cir. 1995).

The proposed "complete combustion" requirement also appears unprecedented. OMSL is not aware of this type of a condition being applied to any type of waste combustor (medical, MSW or both) by means of an FLDEP air permit.

For all these reasons, the proposed conditions relating to "complete combustion" of solid waste must be deleted from the final Title V permit.

General Comment No. 6 – To Avoid Unnecessary Confusion And The Potential Need For Permit Amendments To Reflect Changing Requirements, Federal Regulations Regarding Testing And CEM Requirements Should Be Referenced And Not Paraphrased Or Restated In the Final Title V Permit

The draft permit paraphrases or restates language from the federal regulations regarding test methods and continuous emission monitoring ("CEM") equipment. While much of the information in the draft permit is a direct transfer of language from the federal regulations, OMSL contends that a better and more streamlined approach would be for FLDEP to cite the applicable requirements to the original source (e.g., the Code of Federal Regulations) rather than import all of the language into the text of the permit. There are a number of reasons for these suggestions.

First, in some instances, language from the relevant federal regulation or test method may be inadvertently omitted from the permit, thus lending unnecessary confusion to the permit and its interpretation and potentially necessitating the need for FLDEP clarification or even perhaps an administrative amendment to add the missing regulatory language. Such problems would be avoided by simply citing the relevant regulation in the permit.

Second, in the event that federal regulations or test methods are amended, it is likely that the permit would require amendment to reflect such regulatory changes if the language of the existing regulation is incorporated in toto into the permit. Again, such a circumstance will add unnecessary paperwork for both FLDEP and OMSL, both of whose resources are better spent on other matters. Also, in the interim prior to having the permit amended or clarified, it is possible that the permittee would be faced with an irreconcilable conflict between the state (permit) and federal requirements, potentially creating compliance problems.

For the foregoing reasons, OMSL recommends that applicable federal regulations and test methods be referenced rather than restated in the final Title V permit.

General Comment No. 7 – The Department Lacks Authority To Impose Periodic Monitoring That Exceeds Existing Regulatory Requirements

The draft permit at page 28, Condition III.A.70, includes periodic monitoring – specifically quarterly mercury compliance stack testing of Unit 1 for mercury emissions – that exceed existing state and federal law. Because this requirement has no basis in law, it must be deleted from the final Title V permit.

As FLDEP is aware, there presently is no state regulation or permit requirement applicable to OMSL that requires quarterly mercury testing. Instead, Rule 62-296.416, F.A.C. and Permit AC35-264176 impose once-yearly stack testing for this parameter. Likewise, the federal regulations, including but not limited to 40 C.F.R. Part 60, Subpart Cb (incorporated by reference at 62-204.800(8)(b), F.A.C.), do not require mercury testing be conducted by MWCs more frequently then once per year.

Rule 62-4.070(3), F.A.C., is cited by the Department as a basis for inclusion of the quarterly mercury testing requirement for Unit 1. That Rule provides that "the Department may issue any permit with specific conditions necessary to provide reasonable assurance that Department rules can be met." The Department provides no support for the invocation of this regulation, however, which is unsurprising, given that OMSL Unit 1 has passed three successive mercury stack tests. In light of these results, it is clear that OMSL Unit 1 is operating in compliance with Department rules and that additional testing is not "necessary to provide reasonable assurance" of compliance.

The Department also attempts to rely on Rule 62-4.070(5), F.A.C., as a basis for inclusion of the quarterly mercury testing requirement for Unit 1. That Rule provides that "the Department shall take into consideration a permit applicant's violation of any Department rules at any installation when determining whether the applicant has provided reasonable assurances that Department standards will be met." OMSL acknowledges that allegations of noncompliance with the applicable mercury standard have been made by the Central District Office. See Warning Letter OWL-AP-99-413. Those allegations, however, have yet to be proven by FLDEP as violations of law – and the Department bears that burden of proof. Thus, the Department's attempt to rely on Rule 62-4.070(5) as support for the proposed quarterly mercury testing requirement for Unit 1 is premature. Further, as discussed above, OMSL Unit 1 clearly is in compliance with the applicable mercury standard.

Moreover, Rule 62-213.440 (1)(b)1.b., F.A.C. does not provide FLDEP with authority to impose more frequent mercury compliance testing in OMSL's permit than is required by existing law. That regulation states that periodic monitoring is to be imposed "where the applicable requirement does not specify a method for periodic testing or instrumental or noninstrumental monitoring." Such is not the case here – the "applicable requirement," Rule 62-296.416, F.A.C., specifies a method -- EPA Method 29 – for "periodic" (annual) mercury compliance stack testing.

Rule 62-297.310(7)(a)4., F.A.C. does not, as suggested by the Department, provide support for the quarterly mercury testing requirement for Unit 1. That regulation, pertaining to the frequency of compliance tests, states in pertinent part that emissions units subject to compliance testing must be tested once annually "unless otherwise specified by rule, order, or permit." As outlined above, there is no "rule" specifying quarterly mercury testing, nor is OMSL subject to an "order" or "permit" requiring same. Although the Department plainly seeks to subject OMSL to such a permit requirement, and previously has requested that OMSL enter into an order imposing quarterly testing (with reference to the Warning Letter), OMSL has opposed and continues to oppose such requirements and, at this time, no such "permit" or "order" presently is in effect. Thus, the prerequisites for application of Rule 62-297.310(7)(a)4., F.A.C. are not satisfied, and the Department cannot rely on that Rule as a basis for imposing quarterly mercury testing on OMSL Unit 1.

Finally, any attempt by the Department to impose a quarterly mercury testing requirement for Unit 1 also would be in direct conflict with the recent decision of the U.S. Court of Appeals for the District of Columbia Circuit in Appalachian Power Company, et al. v. Environmental Protection Agency et al., which struck down EPA's 1998 "Periodic Monitoring Guidance." Having struck down that Guidance, the Court concluded that:

> State permitting authorities therefore may not, on the basis of EPA's Guidance or 40 C.F.R. 70.6(a)(3)(i)(B), require in permits that the regulated source conduct more frequent monitoring of its emissions than that provided in the applicable State or federal standard, unless that standard requires no periodic testing, specifies no frequency, or requires only a one time test.

In sum, there is no legal basis for inclusion of a quarterly mercury monitoring requirement in OMSL's Title V permit. As OMSL has discussed previously with the Department, such a monitoring requirement cannot be imposed until such time that FLDEP conducts a rulemaking in accordance with the Florida Administrative Procedures Act and properly promulgates a final regulation. In the meantime, the proposed quarterly mercury monitoring requirement must be deleted from OMSL's final Title V permit.

General Comment No. 8 – OMSL Requests Clarification Concerning The Scope Of The Permit Shield Included In the Draft Permit

The draft permit is accompanied by a document entitled "APPENDIX TV-3, TITLE V CONDITIONS (version dated 04/30/99)." According to this document, it includes "'canned conditions' developed from the 'Title V Core List.'" OMSL therefore understands that this APPENDIX TV-3 is considered by FLDEP to be a part of the draft permit setting forth general terms and conditions that presumably are applicable to all Title V permittees.

OMSL notes that item 52 in APPENDIX TV-3 is the so-called "permit shield" provision. OMSL is concerned, however, that draft permit does not include a list of requirements that specifically are not applicable to OMSL. Such a list was included by OMSL it its application for the Title V permit. Based on the language of Rule 62-213.900, F.A.C., it is OMSL's understanding that FLDEP's permit shield provision essentially incorporates by reference the list of requirements that were deemed inapplicable in the permit application, such that the Department does not believe it necessary to explicitly include that list in the final permit.

OMSL is concerned, however, that the permit shield provision included in EPA's regulations at 40 C.F.R. 70.6(f) requires that potentially applicable requirements that are deemed not applicable by the permitting agency be expressly identified in the permit, or else that the permitting authority "determine[] in writing that other requirements specifically identified are not applicable to the source, and the permit include[] a determination or a concise summary thereof." In view of this EPA language, OMSL requests that FLDEP include a statement in the final permit to the effect that the permit

shield provision of APPENDIX TV-3 shall be deemed to cover those requirements that were set forth in the permit application as not applicable to OMSL.

3.0 Detailed Comments

3.1 P. E. certification Statement

1. 2nd Paragraph. Please refer to General Comment No. 4 for a discussion on the monitoring of flue gas temperature and General Comment 5 for a discussion on complete combustion of waste.

3.2 Statement of Basis

1. Page 1 of 4. 2nd paragraph. Please refer to General Comment No. 1 for a discussion on the ability of Unit 1 and 2 to process biomedical waste and General Comment No. 2 for a discussion on boxed medical waste.
2. Page 1 of 4. 3rd paragraph. Please refer to General Comment No. 2 for a discussion on boxed medical waste.
3. Page 2 of 4. 1st paragraph.
4. Page 2 of 4. 1st paragraph. Please refer to General Comment No. 1 for a discussion on the ability of Unit 1 and 2 to process biomedical waste and General Comment No. 2 for a discussion on boxed medical waste.
5. Page 2 of 4. 5th paragraph. Neither Unit 1 or Unit 2 is subject to 40 CFR Part 60, Subpart Ce because they are exempt from this regulation according to 40 CFR Part 60.32e(e). This exemption applies regardless of how much medical waste is processed by a MWC.
6. Page 2 of 4. 5th paragraph. Please refer to General Comment No. 6 for a general discussion of periodic monitoring and why periodic monitoring is not appropriate. In addition to the general comment, we are not aware of a state-wide standard where any emission unit in any facility is subject to new test provisions due to failure to satisfy a test requirement. The proposed testing is unique and particular to one unit without any regulatory justification. We therefore request that this condition is deleted.
7. Page 2 of 4. 6th paragraph. The flue gas temperature at the inlet of the baghouse is the appropriate location for measurement of flue gas temperature in accordance with Subpart Cb. The exit of the acid gas control equipment can be interpreted to be the same location. This comment is to avoid any confusion.
8. Page 3 of 4. 1st paragraph. Please refer to General Comment No. 1 regarding the ability of Unit 1 to process biomedical waste and General Comment No. 2 regarding the type of biomedical waste that can be processed.
9. Page 3 of 4. 5th paragraph. The flue gas temperature at the inlet of the baghouse is the appropriate location for measurement of flue gas temperature in accordance with Subpart Cb. The exit of the acid gas control equipment can be interpreted to be the same location. This comment is to avoid any confusion.

3.3 Initial Title V Air Operating Permit; Draft Permit No.:0690046-001-AV
Section I. Facility Information

10. Subsection A. 1st paragraph. Please refer to General Comment No. 1 regarding the ability of Unit 1 to process biomedical waste and General Comment No. 2 regarding the type of biomedical waste that can be processed.

Section II. Facility –Wide Conditions

11. Item 2. Objectionable Odor Prohibited. We believe that the odor standard is not federally enforceable because odor limitations are unrelated to the purposes of the NSR program. Please either delete this condition or add the words "Not Federally Enforceable" to this condition.

Section III. Emission Units and Conditions

12. Subsection A. Please refer to General Comment No. 1 regarding the ability of Unit 1 to process biomedical waste and General Comment No. 2 regarding the type of biomedical waste that can be processed.
13. General. This section is already null and void due to OMSL having submitted performance test results to the DEP on March 10, 2000 and that these results demonstrated compliance with 40 CFR 60, Subpart Cb. This testing occurred between January 24th and 27th, 2000 with the results submitted as OEG Report 2503.
14. Subsection B. Please refer to General Comment No. 1 regarding the ability of Unit 1 to process biomedical waste and General Comment No. 2 regarding the type of biomedical waste that can be processed.
15. Condition B.7. Please refer to General Comment No. 4 for a discussion on the monitoring of flue gas temperature.
16. Condition B.8.(a). Unit 1 is not presently subject to hourly or annual process conditions. The Title V permit is not the mechanism for developing new permit conditions for an emission unit. OMSL therefore maintains that these conditions should be deleted.
17. Condition B.8.(b). OMSL maintains that a 4 hour limit should be used to be consistent with Condition B.10. Such practice is consistent with Title V streamlining provisions.
18. Condition B.8.(c). Please refer to General Comment No. 1 regarding the ability of Unit 1 to process biomedical waste, General Comment No. 2 regarding the type of biomedical waste that can be processed and General Comment No. 3 regarding the process rate for Unit 1.
19. Condition B.8.(d). OMSL also proposes that the heat input parameter should be deleted because it is not directly measurable and it is redundant to other more direct measurements such as the proposed steam rate unit load parameter. Since the heat input is not directly measurable, it is not practicably enforceable and it is should be removed as an operational limitation.
20. Condition B.8.(f)(1 and 2). OMSL is capable of continuous operation however the charging rate of MSW cannot be continuously measured with any reliable or accurate

values. OMSL agrees that (f)(2) is appropriate doe determining applicability of Subpart Cb however (f)(2) should be deleted because OMSL is not a batch operation.

21. Condition B.12(2). Please refer to General Comment No. 1 regarding the ability of Unit 1 to process biomedical waste, General Comment No. 2 regarding the type of biomedical waste that can be processed and General Comment No. 3 regarding the process rate for Unit 1. This condition also needs to be changed to recognize the two biomedical waste conveying systems at OMSL; the conveyor and the charging bucket. As a final note, the statement referring to 1800 degrees Fahrenheit should be changed to reference a roof furnace temperature of 1138 degrees Fahrenheit, in accordance with prior Department actions.
22. Condition B.12(10)(j). The (j) reference should be changed to (g) and all subsequent references adjusted accordingly.
23. Condition B.12(10)(existing j). The statement "or contain any hazardous waste as defined in 40 CFR 261.3 should be deleted. This condition is not consistent with 40 CFR Part 279. OMSL proposes that the new language is confusing and that the condition should use the language from the original permit condition. The June 15, 1995 permit amendment that provides OMSL with the ability to process non-hazardous waste contaminated with virgin or used oil products is provided as Attachment H.
24. Condition B.12(10)(existing k). The condition as drafted requires measurement of waste delivered to Unit 1. This condition is not in the June 15, 1995 amendment and cannot be achieved with facility operations. The Title V permit is not the mechanism for developing new permit conditions for an emission unit. OMSL therefore maintains that these conditions should be deleted. From a technical/operating perspective, this type of waste is mixed in the pit with other solid waste, therefore the exact amount delivered to Unit 1 is not known. Because the condition as specified by the Department cannot be reasonable achieved in practice, OMSL maintains that the original permit condition should be retained. The existing condition limits facility throughput to 20 % by weight of the total solid waste input based on a rolling 30-day average.
25. Condition B.13. Please refer to General Comment No. 5.
26. Condition B.16. Please refer to General Comment No. 6.
27. Condition B.16.(1). The appropriate time weighted average for Unit 1 and 2 is 1-hour, not the indicated 4-hour block arithmetic average.
28. Condition B.33. This condition should be amended to include a 24 hour block arithmetic average to be consistent with 40 CFR Subpart Cb.
29. Condition B.36. The requirement for testing for beryllium emissions should be deleted for several reasons including;1) the NESHAP beryllium standard is not applicable to a MWC if it does not accept beryllium-containing waste generated by any of the source categories listed in the rule (extraction plant, ceramic plant, foundries and propellant plants that process beryllium or beryllium compounds); 2) the EPA (Attachment I) agrees that MWCs are not subject to this standard, and 3)the OMSL beryllium database is all "non-detects". In summary, the absence of any measurable amount of beryllium in stack flue gas is evidence that the facility does not process beryllium-bearing waste and/or if there is any, the air pollution control equipment reduces the concentration to a level that is not detectable. OMSL will

continue to not process beryllium-bearing waste and to continue operation of all air pollution control equipment, therefore stack emissions are expected to remain at the same low level.

30. Condition B.40. This condition should be deleted. Draft Condition B.11 establishes the flue gas temperature requirements at the baghouse inlet that are associated with Subpart Cb and Good Combustion Practices (GCP). The Cb standard is a 4 hour block average that supplements the 4 hour combustor load level that is also part of GCP. This proposal will remove duplicative standards without affecting air emissions.
31. Condition B.44. The "two hour" value in this condition should be changed to "three hours" to make it consistent with condition B.43 and the Emission Guidelines (40 CFR 60.58b(a)(1)). The DEP has previously granted three-hour periods for other facilities and should be consistent with this facility. Also please note that the "two hour" period in any 24-hour period malfunction limitation is not federally enforceable.
32. Condition B.46 through and including B.100. Please refer to General Comment No. 6.
33. Condition B.60. This condition should be changed to allow for the use of EPA Test Method 29 or 104. Both are valid methods for measuring beryllium in flue gas.
34. Condition B.63 This condition should be modified by deleting the following ",provided that the arithmetic mean of the results of the two complete runs is at least 20 percent below the allowable emission limiting standards". This change would make the condition functionally the same as the federal requirement (40 CFR 60.8). An alternative change would be simply to cite 40 CFR 60.8.
35. Condition B.64. This condition should reference the draft condition B.10 so that all emission tests referenced to operating rates will use the same federally enforceable condition of a four hour bock unit load.
36. Condition B.85. The quarterly reporting frequency cited in this condition should be changed to semi-annual to make it consistent with current regulatory requirements.
37. Condition B.100(c)7. Method 1 does not specifically require 8 stack diameters upstream and 2 stack diameters downstream. OMSL proposes that this condition is replaced by the federal definition of Method 1.
38. Condition B.103. This condition should be either deleted in its entirety or changed to more accurately represent actual facility operations and the limitations and inaccuracies of facility measurements. As an example, the daily and monthly charging rate is not known for each of the two MWC units because they share a common pit and there is not an accurate method for measuring the short-term solid waste feed rate to one MWC.
39. Condition B.105. The term boxed should be changed to "boxed and bulk". Please refer to General Comment 2.
40. Condition B.107. This condition should be changed to replace the term "Unit1" with "the Facility". OMSL cannot determine the amount of used oil burned by either unit because the used oil waste is mixed in the pit with other solid waste.
41. Condition B.109. Please refer to General Comment No. 7.
42. Condition B.110. OMSL is not subject to Acid Rain regulations. Please delete this condition.
43. Condition B.111. Please refer to General Comment No. 5.

44. Condition B.112. Please refer to General Comment No. 7.
45. Subsection C. Please refer to General Comment No. 1 regarding the ability of Unit 1 and 2 to process biomedical waste and General Comment No. 2 regarding the type of biomedical waste that can be processed.
46. General. C.0.This section is already null and void due to OMSL having submitted performance test results to the DEP on March 10, 2000 and that these results demonstrated compliance with 40 CFR 60, Subpart Cb. This testing occurred between January 24th and 27th, 2000 with the results submitted as OEG Report 2503.
47. Subsection D. Please refer to General Comment No. 1 regarding the ability of Unit 1 and 2 to process biomedical waste and General Comment No. 2 regarding the packaging of biomedical waste that can be processed.
48. Condition D.7. Please refer to General Comment No. 4 for a discussion on the monitoring of flue gas temperature.
49. Condition D.8.(a). Unit 1 is not presently subject to hourly or annual process conditions. The Title V permit is not the mechanism for developing new permit conditions for an emission unit. OMSL therefore maintains that these conditions should be deleted.
50. Condition D.8.(b). OMSL proposes that a 4 hour limit should be used to be consistent with Condition D.10. Such practice is consistent with Title V streamlining provisions.
51. Condition D.8.(c). OMSL also proposes that the heat input parameter should be deleted because it is not directly measurable and it is redundant to other more direct measurements such as the proposed steam rate unit load parameter. Since the heat input is not directly measurable, it is not practicably enforceable and it is should be removed as an operational limitation.
52. Condition D.8.(d). Please refer to General Comment No. 1 regarding the ability of Unit 1 to process biomedical waste, General Comment No. 2 regarding the type of biomedical waste that can be processed and General Comment No. 3 regarding the process rate for Unit 1. OMSL proposes that Unit 2 should have a condition that defines the throughput of biomedical waste in a manner similar to Unit 1.
53. Condition D.8.(e)(1 and 2). OMSL is capable of continuous operation however the charging rate of MSW cannot be continuously measured with any reliable or accurate values. OMSL agrees that (f)(2) is appropriate doe determining applicability of Subpart Cb however (f)(2) should be deleted because OMSL is not a batch operation.
54. Condition D.12(1). Please refer to General Comment No. 1 regarding the ability of Unit 1 and 2 to process biomedical waste, General Comment No. 2 regarding the type of biomedical waste that can be processed and General Comment No. 3 regarding the process rate for Unit 1. This condition also needs to be changed to recognize the two biomedical waste conveying systems at OMSL; the conveyor and the charging bucket. As a final note, the statement referring to 1800 degrees Fahrenheit should be included to reference a roof furnace temperature of 1138 degrees Fahrenheit in accordance with Department actions.
55. Condition D.12(10)(h). The condition as drafted requires measurement of waste delivered to Unit 2. This condition is not in the June 15, 1995 amendment and cannot be achieved with facility operations. This type of waste is mixed in the pit with other solid waste, therefore the exact amount delivered to Unit 1 is not known. OMSL proposes that the original permit condition should be retained. This condition limits

facility throughput to 20 % by weight of the total solid waste input based on a rolling 30-day average.

56. Condition D.16. Please refer to General Comment No. 6.
57. Condition D.16.(1). The appropriate time weighted average for Unit 1 and 2 is 1-hour, not the indicated 4-hour block arithmetic average.
58. Condition D.32. This condition should be amended to include a 24 hour block arithmetic average to be consistent with 40 CFR Subpart Cb.
59. Condition D.33. The appropriate time weighted average for Unit 1 and 2 is 1-hour, not the indicated 4-hour block arithmetic average.
60. Condition D.35. The requirement for testing for beryllium emissions should be deleted for several reasons including;1) the NESHAP beryllium standard is not applicable to a MWC if it does not accept beryllium-containing waste generated by any of the source categories listed in the rule (extraction plant, ceramic plant, foundries and propellant plants that process beryllium or beryllium compounds); 2) the EPA (Attachment I) agrees that MWCs are not subject to this standard, and 3)the OMSL beryllium database is all "non-detects". In summary, the absence of any measurable amount of beryllium in stack flue gas is evidence that the facility does not process beryllium-bearing waste and/or if there is any, the air pollution control equipment reduces the concentration to a level that is not detectable. OMSL will continue to not process beryllium-bearing waste and to continue operation of all air pollution control equipment, therefore stack emissions are expected to remain at the same low level.
61. Condition D.39. This condition should be deleted. Draft Condition D.15 establishes the flue gas temperature requirements at the baghouse inlet that are associated with Subpart Cb and Good Combustion Practices (GCP). The Cb standard is a 4 hour block average that supplements the 4 hour combustor load level that is also part of GCP. This proposal will remove duplicative standards without affecting air emissions.
62. Condition D.43. The "two hour" value in this condition should be changed to "three hours" to make it consistent with condition B.43 and the Emission Guidelines (40 CFR 60.58b(a)(1)). The DEP has previously granted three-hour periods for other facilities and should be consistent with this facility. Also please note that the "two hour" period in any 24-hour period malfunction limitation is not federally enforceable.
63. Condition D.45 through and including D.99. Please refer to General Comment No. 6.
64. Condition D.59. This condition should be changed to allow for the use of EPA Test Method 29 or 104. Both are valid methods for measuring beryllium in flue gas.
65. Condition D.62 This condition should be modified by deleting the following ",provided that the arithmetic mean of the results of the two complete runs is at least 20 percent below the allowable emission limiting standards". This change would make the condition functionally the same as the federal requirement (40 CFR 60.8). An alternative change would be simply to cite 40 CFR 60.8.
66. Condition D.63. This condition should reference the draft condition D.14 so that all emission tests referenced to operating rates will use the same federally enforceable condition of a four hour bock unit load.

67. Condition D.65. This condition should be modified to include a reference to 40 CFR 60.8.
68. Condition D.84. The quarterly reporting frequency cited in this condition should be changed to semi-annual to make it consistent with current regulatory requirements.
69. Condition D.100(c)7. Method 1 does not specifically require 8 stack diameters upstream and 2 stack diameters downstream. OMSL proposes that this condition is replaced by the federal definition of Method 1.
70. Condition D.102. This condition should be either deleted in its entirety or changed to more accurately represent actual facility operations and the limitations and inaccuracies of facility measurements. As an example, the daily and monthly charging rate is not known for each of the two MWC units because they share a common pit and there is not an accurate method for measuring the short-term solid waste feed rate to one MWC.
71. Condition D.110. OMSL is not subject to Acid Rain regulations. Please delete this condition.
72. Condition E.4.Items a, b and d. These conditions are not existing conditions and should be deleted from the draft Title V permit. Please refer to the correspondence dated September 13, 1995 from the Department to OMSL with the most current operating conditions (provided as Attachment J).
73. Condition E.6. OMSL proposes that the condition is amended such that compliance can be demonstrated by the test method specified in specific condition E.12 or OMSL is able to provide an alternative compliance plan that satisfies the Department.
74. Condition E.16, E.17 and E.18. Please refer to General Comment No. 6.
75. Condition E.20. Method 1 does not specifically require 8 stack diameters upstream and 2 stack diameters downstream. OMSL proposes that this condition is replaced by the federal definition of Method 1.

Attachment A

12.1.4

Florida Department of Environmental Regulation

Twin Towers Office Bldg. ● 2600 Blair Stone Road ● Tallahassee, Florida 32399-2400

Bob Martinez, Governor Dale Twachtmann, Secretary John Shearer, Assistant Secretary

December 10, 1990

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Gary K. Crane, Ph.D.
Environmental Permitting
Ogden Martin Systems, Inc.
40 Lane Road
Fairfield, New Jersey 07007-2615

Dear Dr. Crane:

Re: Air Construction Permit Amendment
AC 35-115379, PSD-FL-113
Lake County WTE Facility

In order to clarify the definition of municipal solid waste to include biohazardous waste, and to include specific conditions of compliance for the burning of biohazardous waste, the referenced permit is hereby amended with the following changes:

FROM: EXISTING PROJECT DESCRIPTION - For the construction of two (2) 250 ton per day combustors which will be fueled by municipal solid waste and wood chips.

TO: REVISED PROJECT DESCRIPTION - For the construction of two 250 ton-per-day combustors which will be fueled by wood chips and municipal solid waste which can, by definition, include biohazardous waste. A specially designed conveyor is to be constructed to transport boxed 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.

FROM: SPECIFIC CONDITION NO. 1.c. The design furnace mean temperature at the fully mixed zone of the combustor shall not be less than 1,800°F.

TO: SPECIFIC CONDITION NO. 1.c. 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.

FROM: SPECIFIC CONDITION NO. 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.

TO: 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 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 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.

FROM: SPECIFIC CONDITION NO. 1.g. Auxilliary fuel burner(s) shall be used at start up during the introduction of MSW fuel until design furnace gas temperature is achieved.

TO: SPECIFIC CONDITION NO. 1.g. Auxilliary fuel burner(s) shall be used at start up during the introduction of MSW fuel (other than biohazardous) until design furnace gas temperature is achieved. Incineration of biohazardous waste shall not begin until the combustion chamber temperature requirement of 1800°F is attained. All air pollution control and continuous emission monitoring equipment shall be operational and functioning properly prior to the incineration or ignition of waste and until all the wastes are incinerated. During shut down, the combustion chamber temperature requirement shall be maintained using auxilliary burners until the wastes are completely combusted.

ADD: SPECIFIC CONDITION NO. 1.i. The combustor shall be fed so as to prevent opening the combustor to the room environment.

ADD: SPECIFIC CONDITION NO. 1.j. The applicant shall submit a copy of a certificate verifying the incinerator operators' satisfactory completion of a Department-approved training program prior to issuance of the operating permit.

FROM: SPECIFIC CONDITION NO. 3.a. Particulate: 0.0150 grains/dscf corrected to 12% CO_2.

TO: SPECIFIC CONDITION NO. 3.a. Particulate: 0.0150 grains/dscf corrected to 12% CO_2 or 0.020 grains/dscf corrected to 7% O_2, whichever is less.

FROM: SPECIFIC CONDITION NO. 3.d. Carbon Monoxide: 200 ppmdv corrected to 12% CO_2, 4-hr rolling average.

TO: SPECIFIC CONDITION NO. 3.d. Carbon Monoxide: 100 ppmdv corrected to 7% O_2 on an hourly-average basis.

ADD: SPECIFIC CONDITION NO. 3.k. Hydrochloric Acid: 50 ppmdv, corrected to 7% O_2 on a three hour average basis; or shall be reduced by 90% by weight on an hourly average basis.

This letter or a copy of this letter must be attached to the permit and becomes a part of that permit. Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Dale Twachtmann
Secretary

CERTIFICATE OF SERVICE

This is to certify that this PERMIT AMENDMENT and all copies were mailed before the close of business on December ~~10~~ 12, 1990 to the listed persons.

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to 120.52(9), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Kyra Jober 12-12-90
(Clerk) (Date)

DT/CP
c: C. Collins, CF District
J. Harper, USEPA
C. Shaver, NPS
Lake County Board of County Commisioners

Attachment B

Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Carol M. Browner, Secretary

September 2, 1992

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Dr. Gary K. Crane, Ph.D.
Executive Vice President
Ogden Martin Systems of Lake, Inc.
40 Lane Road
Fairfield, New Jersey 07007-2615

Dear Dr. Crane:

Re: Request to Construct a Biohazardous Waste Conveyor System for Unit No. 2 at the Lake County Waste-To-Energy Facility
AC 35-115379 (PSD-FL-113)

The Department has reviewed Mr. John Power's August 3, 1992, letter requesting authorization to construct a biohazardous waste conveyor system to deliver biohazardous waste to Unit No. 2. On December 12, 1990, Units Nos. 1 and 2 were permitted to process biohazardous waste through a modification to construction permit No. AC 35-115379 (PSD-FL-113). Since the biohazardous waste must be containerized, the conveyor is not considered a source of air pollutant emissions, pursuant to Florida Administrative Code Chapter 17-2, and an air construction permit is not required. Once the conveyor system is constructed, Unit No. 2 shall be tested for compliance with the allowable air emissions.

The Department was asked to clarify the term "entire facility", which was used in the Department's notice of Permit Issuance dated July 1, 1992. Facility is defined in Florida Administrative Code Rule 17-2.100(84), as all stationary sources which are located on one or more adjacent properties and which are under control of the same person (or persons under common control). Therefore, the term "entire facility" would refer to both Units Nos. 1 and 2.

In order to achieve 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. The Department finds this acceptable. 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 total 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 shall 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.

If there are any questions, please call Bruce Mitchell at (904)488-1344 or write to me at the above address.

Sincerely,

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

CHF/BM/rbm

Attachment

cc: C. Collins, CD
D. Beason, Esq., DER
J. Harper, EPA
B. Mitchell, NPS
J. Power, OMSLI

Attachment C

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor — Carol M. Browner, Secretary

Ogden Martin Systems of Lake, Incorporated
40 Lane Road
Fairfield, New Jersey 07007-2615

Attention: Gary K. Crane, Ph.D., Executive Vice President

Lake County - AP
Waste to Energy Facility Units No. 1 and 2
Permit No. A035-193817
Change of Conditions

Dear Dr. Crane:

We are in receipt of your request for a change of the permit conditions. The conditions are changed as follows:

Condition

Specific Condition No. 1.a.

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).

To

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.

Specific Condition No. 1.c.

From

The MWC shall be fueled with wood chips or municipal solid 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.

To

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 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.

Condition

Specific Condition No. 6

From

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:

To

During incineration of biohazardous waste the following conditions shall apply:

Condition

Specific Condition No. 6.e.

From

Biohazardous waste may be incinerated by the applicant for the purpose of stack testing to demonstrate reasonable assurance and compliance with the regulations, and for a period not to exceed 90 days for report submittal and Department review. The compliance test must provide the Department with reasonable assurance that the biohazardous standards are met and must be conducted no later than 5 days after the incineration of biohazardous waste begins. The test must be conducted while combusting the maximum desired rate of biohazardous waste and this rate must be determined during the test.

To

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.

Condition

Specific Condition No. 9.a.

From

Fifteen (15) days prior notification in writing of compliance tests shall be given to the Florida DER district office.

To

Thirty five (35) days prior notification in writing of compliance tests shall be given to the Florida DER district office.

All other conditions remain the same.

This letter must be attached to your permit and becomes a part of that permit.

Sincerely,

cmc

A. Alexander, District Director

Date 6-29-82

AA/jtt

Copies furnished to:
local officials

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to §120.52(11), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk 6/29/92 Date

AA/jtt

Copies furnished to:

local officials

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT ISSUANCE and all copies were mailed before the close of business on July 1, 1992 to the listed persons, by Thursa Boulden.

Rev. 4/91

Attachment D

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor — Virginia B. Wetherell, Secretary

Ogden Martin Systems of Lake, Incorporated
40 Lane Road
Fairfield, New Jersey 07007 - 2615

Attention : Gary K. Crane, Ph.D. , Executive Vice President

Lake County - AP
Waste to Energy Facility Units No. 1 and No. 2
Permit No. AO35 - 193817
Change of conditions

Dear Dr. Crane :

We are in receipt of your request for a change of permit conditions. The conditions are changed as follows:

Condition

Specific Condition No. 1a

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 shall not exceed a total of 1.12 tons/hour and 26.88 tons/day for the entire facility

To

The maximum individual municipal waste combustor throughput shall not exceed 288 tons per day , 120 million Btu per hour and 69,000 pounds steam per hour (3-hour average) for each unit. 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.

Condition

Specific Condition No. 1b

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.

Ogden Martin Systems of Lake, Incorporated
Waste to Energy Facility Units No. 1 and No. 2
Permit No. AO35 - 193817

To

The furnace 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.

Please be advised that the facility is now subject to the following requirements :

The permittee shall comply with all storage, operation and contingency requirements set forth in Rules 17-712.420 and 17-712.450.

Unit 1 is permitted to incinerate 50 tons per day or more of biohazardous waste, and therefore must have its approved Ash Management Plan kept on file with the Air Operating Permit.

Rule 17-712.420 addresses Off - Site Biohazardous Waste Storage, and Rule 17-712.450 speaks to Operation and Contingency plans. A copy of Chapter 17-712 is enclosed for your reference.

The Department is aware that these requirements may already have been met through submittals to the Waste Management program. If the aforementioned requirements have already been satisfied in this manner, please inform the Air Program Administrator, Mr. Charles Collins, of this in writing.

Sincerely.

cmc

A. Alexander, P.E., District Director

Date 5/27/97

AA/lbl

Copies furnished to :
Local officials
John Power

Enclosure

TABLE OF CONTENTS

Rule 17-712
Biohazardous and Biological Waste Management Rule

17-712.100 Intent. The purpose of this rule is to implement the provisions of sections 403.704(31) and 381.80, F.S., which direct the Department to regulate biohazardous waste and biological waste from the point at which such waste is transported from a facility which generates such waste for the purpose of off-site shipment for storage, treatment, or disposal, including provisions for the registration of transporters of biohazardous waste. The Department of Health and Rehabilitative Services will regulate the packaging, storage, and treatment of biohazardous waste at the generating facilities.
Specific Authority: 403.704, 403.7045, F.S.
Laws Implemented: 403.704, 403.7045, 381.80, F.S.
History: New 5-18-89.

17-712.200 Definitions.

(1) "American Society for Testing Materials, also referred to as ASTM," means a technical society with headquarters located at 1916 Race Street, Philadelphia, Pennsylvania, 19103, which publishes national standards for the testing and quality assurance of materials.

(2) "Biohazardous waste" means any solid waste or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, nonliquid human tissue and body parts; laboratory and veterinary waste which contains human disease-causing agents; discarded sharps; human blood, human blood products, and body fluids. The following are also included:

(a) Used, absorbent materials such as bandages, gauzes, or sponges supersaturated, having the potential to drip or splash, with blood or body fluids, from areas such as operating rooms, delivery rooms, trauma centers, emergency rooms, or autopsy rooms;

(b) Devices which retain visible blood adhering to inner surfaces after use and rinsing such as intravenous tubing, hemodialysis filters, and catheters; and

(c) Other contaminated solid waste materials which represent a significant risk of infection because they are generated in medical facilities which care for persons suffering from diseases requiring strict isolation criteria and listed by the U. S. Department of Health and Human Services, Centers for Disease Control, "CDC Guideline for Isolation Precautions in Hospitals," July/August, 1983.

(3) "Biohazardous waste generator" means a facility or person who produces or generates biohazardous waste. The term includes, but is not limited to, hospitals, skilled nursing or convalescent hospitals, intermediate care facilities, clinics, dialysis clinics, blood banks, dental offices, surgical clinics, medical buildings, health maintenance organizations, home health agencies, physicians offices, laboratories, emergency medical services, veterinary clinics, and funeral homes.

(4) "Biohazardous waste storage" means the holding of biohazardous waste in a place other than at the generating facility for a temporary period at the end of which the waste is treated or stored elsewhere.

(5) "Biohazardous waste transport" means the movement of biohazardous waste by air, rail, highway, or water.

(6) "Biohazardous waste transporter" means a person engaged in the off-site transportation of biohazardous waste by air, rail, highway or water.

(7) "Biohazardous waste treatment" means any process, including steam sterification, chemical sterilization, or incineration, which changes the character or composition of biohazardous waste to render it non-biohazardous.

(8) "Biological waste" means solid waste that causes or has the capability of causing disease or infection and includes, but is not limited to, biohazardous waste, diseased or dead animals, and other wastes capable of transmitting pathogens to humans or animals.

(9) "Body fluids" means those fluids that have the potential to harbour pathogens, such as Human Immunodeficiency Virus and Hepatitis B Virus and includes lymph, semen, vaginal secretions, cerbrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Body excretions such as feces, and secretions such as nasal discharges, saliva, sputum, sweat, tears, urine, and vomitus shall not be treated as biohazardous waste, unless visibly contaminated with blood.

(10) "Container" means any portable rigid or semi-rigid device in which a material is stored, transported, treated, or otherwise handled.

(11) "Decontamination" means the process of rendering biohazardous waste to solid waste.

(12) "Department" means the Florida Department of Environmental Regulation.

(13) "Disinfection" means a process that destroys or irreversibly inactivates the vegetative cells of infectious micro-organisms.

(14) "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land used for generating, treating or storing biohazardous waste. A facility may consist of several treatment or storage operational units.

(15) "Human blood and blood products" means the fluid circulated by the heart which carries oxygen and nutrients throughout the body and waste materials to excretory channels. This definition includes whole blood, serum, plasma or blood components.

(16) "Motor vehicle" means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, moped, or farm tractors and trailers.

(17) "Off-site" means any site which is not a part of the facility where biohazardous waste is generated.

(18) "Sealed" means free from openings that allow the passage of liquids.

(19) "Sharps" means devices with physical characteristics capable of puncturing, lacerating, or otherwise penetrating the skin. These devices include but are not limited to needles, intact or broken glass, and intact or broken hard plastic.

(20) "Sterilization" means a process, over sufficient time periods, which destroys all microorganisms and their spores.

(21) "Transport vehicle" means a motor vehicle, rail car, watercraft or aircraft used for the transportation of biohazardous waste by any mode.

Specific Authority: 403.704, 403.7045, F.S.
Laws Implemented: 403.703, 403.704, 403.7045, 381.80, F.S.
History: New 5-18-89, Amended: 8-29-89, 6-18-90.

17-712.400 Off-site Biohazardous Waste Transport.

(1) Biohazardous waste generators transporting less than 25 pounds of their own biohazardous waste, in their own transport vehicle, on any single occasion, are exempt from the registration requirements of subsection (2) and the placarding requirements of subsection (11).

(2) After October 1, 1989, all biohazardous waste transporters shall be registered with the Department in accordance with Rule 17-712.410, F.A.C.

(3) No person may accept biohazardous waste for transport unless it has been properly segregated, packaged, and labeled. The following transport packaging and labeling is required:

(a) Biohazardous waste, except sharps, shall be packaged in impermeable, red, polyethylene or polypropylene plastic bags. Each plastic bag containing biohazardous waste shall have the physical properties specified in Table 1, below:

Table 1 - Physical Properties

Characteristic	Minimum Requirement	Test Method
Impact Resistance	165 grams	ASTM D-1709-85
Tearing Resistance, Parallel and Perpendicular to the Length of the Bag (each plane)	480 grams	ASTM D-1922-67

1. Seams of these bags shall be of equal resistance to tearing and shall be npermeable; and

2. Evidence of the bag manufacturer's testing and bag quality shall be on file with ie biohazardous waste generator and include, at the minimum, bag thickness, the esults of the dart impact test (in grams) and tearing resistance for each plane (in rams), and the name and address of the company that performed the tests;

(b) Filled bags shall be sealed;

(c) Discarded sharps shall be segregated from all other waste. Discarded sharps hall be placed directly into leak-resistant, rigid, puncture-resistant containers. If the harps container is composed of fiberboard material, the minimum standard shall be the quivalent of double-walled, corrugated and meet the standard of the U.S. Department f Transportation, Section 178.210, 49 Code of Federal Regulations, for a minimum trength of at least 275 pounds. Single use and multi use sharps containers shall be lesigned primarily for the containment of sharps and shall be clearly labeled as lescribed in (e) below;

(d) Disposable single-use containers shall be destroyed or sterilized during the reatment process. Single-use containers shall be rigid, leak-resistant, puncture-resistant, burst-resistant and tear-resistant under normal conditions of handling and use. Multi-use storage containers shall be disinfected after each use by a method outlined in the operation plan required by Rule 17-712.450, F.A.C. These multi-use containers shall be rigid, leak-resistant, puncture-resistant, burst-resistant, and tear-resistant under normal conditions of handling and use and be constructed of smooth, easily cleanable, impermeable materials and be resistant to corrosion by disinfectant chemicals;

(e) Packaged biohazardous waste shall be labeled if it is to be transported away from the generating facility. The label shall be securely attached or permanently printed on each bag, container and the outer layer of packaging and be clearly legible and easily readable. Indelible ink shall be used to print the information on the label. The following information shall be included on the label:

1. The generator's name and address;

2. The date the waste was generated or packaged;

3. The international biological hazard symbol as depicted below. The symbol shall be red, orange, or black and the background color shall be that the colors contrast. For reusable sharps containers, an embossed symbol that is clearly legible shall be satisfactory. The symbol shall be at least six inches in diameter on bags and containers and at least one and one-half inches in diameter for sharps containers. However, symbols of at least 1.5 inches in diameter shall be permitted on bags having the dimensions 19" X 14" or smaller; and

17-712.400(3)(a)1. -- 17-712.400(3)(a)3.

4. One of the following words or phrases shall be used in conjunction with the international biological hazard symbol: "BIOHAZARDOUS WASTE" or "INFECTIOUS WASTE".

(f) Packaged biohazardous waste to be transported away from the generating facility shall be identified with a label that indicates the entity which transports the waste. The label shall be securely attached or permanently printed on the outer layer of packaging and shall be legible and easily readable. Indelible ink shall be used. The following information shall be included:

1. The transporter's name and address;
2. The transporter's biohazardous waste transporter registration number; and
3. The transporter's 24-hour emergency telephone number.

(g) Packages of biohazardous waste shall remain intact until treatment or disposal. There shall be no recycling efforts nor intentional removal of waste from its packaging prior to the waste being treated or disposed;

(h) Packages of biohazardous waste shall be handled in a manner that does not impair the integrity of the packaging; and

(i) Bagged biohazardous waste being transported off-site shall be enclosed in a rigid type container. If a fiberboard box is used, it shall be single-walled, corrugated, and labeled with a stamp or symbol certifying that the box meets all construction requirements of applicable freight classification for a minimum bursting strength of 200 pounds per square inch, a minimum combined weight of facings of 84 pounds per 1000 square feet, and a maximum gross weight of 65 pounds, as defined by the U.S. Department of Transporation, Section 178.205, 49 Code of Federal Regulations. All containers shall be sealed prior to transport.

(4) Solid waste which has, or is likely to have, been in direct contact with biohazardous waste shall be managed as biohazardous waste, except when mixed with hazardous or radioactive waste in which case the mixture shall be managed pursuant to Rule 17-730 or 10D-91, F.A.C., respectively.

(5) No person shall compact biohazardous waste or allow it to leak into the environment during transport.

(6) No person shall transport biohazardous waste in the same transport vehicle with other solid wastes. However, "Sterilized Biohazardous Waste" as referenced in Rule 17-712.430(1)(b), F.A.C. may be transported in the same transport vehicle as biohazardous waste and, in that event, shall be managed as biohazardous waste.

(7) Any person who unknowingly fails to comply with subsections (5) or (6) because such biohazardous waste has not been properly segregated or separated from other solid wastes by the generating facility is not guilty of a violation under this rule.

(8) No person shall deliver biohazardous waste for storage or treatment to a facility, in this state, which does not have a valid general permit granted pursuant to Rule 17-712.800, F.A.C. or other permit issued by the Department allowing the facility to manage biohazardous waste.

17-712.400(3)(a)4. -- 17-712.400(8)

(9) Persons manually loading or unloading containers of biohazardous waste shall wear impermeable gloves and protective clothing to help prevent accidental exposure.

(10) Surfaces that have been in contact with spilled or leaked biohazardous waste shall be decontaminated by methods described in the operation plan required by Rule 17-712.450, F.A.C.

(11) All transport vehicles shall be identified with the business name of the registered transporter with their registration number, a 24-hour emergency telephone number and placards showing the international biological hazard symbol, as described in subsection (3) and the phrase "Biohazardous Waste" or "Infectious Waste" The cross hatch area of the symbol shall be at least twelve inches in diameter.

(12) Each biohazardous waste transporter shall:

(a) Allow the Department to inspect transport vehicles at reasonable times and locations.

(b) Allow the Department to inspect all documentation required by this rule, including operation and contingency plans, registration documents, and reports related to the transport of biohazardous wastes, at all reasonable times and places.

(13) All transport vehicles shall be fully enclosed and secured when unattended.

(14) Biohazardous waste transporters shall notify the Solid Waste Section of the Department within one working day by telephone and shall submit a follow-up report to the Administrator of the Solid Waste Section within 10 days, in writing, if there is an accident that results in a spill of biohazardous waste into the environment.

(15) Each biohazardous waste transporter shall record and maintain for three years the following information regarding its activities for each month of operation:

(a) The approximate quantity by weight of biohazardous waste collected;

(b) Where or from whom the biohazardous waste was collected; and

(c) Where the biohazardous waste was taken, including receipts or other written materials documenting where all biohazardous waste was stored or treated.

(16) Each biohazardous waste transporter who transports biohazardous waste to a treatment facility shall insure that the generator is provided with written documentation that all the waste transported from that generator is received by the treatment facility. The generator shall retain such documentation for at least three years.

Specific Authority: 403.704, 403.707, F.S.
Laws Implemented: 403.704, 403.707, 403.708, 403.7084, F.S.
History: New 5-18-89, Amended: 8-29-89, 6-18-90.

17-712.410 Registration of Biohazardous Waste Transporters.

(1) Except as provided in Rule 17-712.400(1), F.A.C., all owners or operators of transport vehicles shall submit to the Department a completed and signed registration form 17-712.900(1) and a $25.00 registration fee. The application and supporting information shall include the following:

(a) The name, address and telephone number of the applicant.

(b) A description of all transport vehicles including registration and license numbers. The transport vehicles listed must be registered to the person applying for registration or under control of the person applying for registration pursuant to a written lease or contract.

17-712.400(9Xi) -- 17-712.410(1Xb)

(c) A statement certifying that the person applying for registration understands and will comply with the applicable requirements of this rule.

(2) Biohazardous waste transporters shall renew registration at least once every three years.

(3) Registered biohazardous waste transporters shall notify the Department in writing within 30 days of the following:

(a) The transporter changes majority ownership, name, or location of its principal place of business in the state.

(b) The ownership or control of any transport vehicles listed in registration form 17-712.900(1) is changed.

(c) A transport vehicle is involved in an accident which renders it in noncompliance with the requirements of this rule.

(4) Any registered biohazardous waste transporter is subject to having its biohazardous waste transporter registration suspended or revoked, pursuant to section 403.087, F.S., upon a finding by the Department that such transporter:

(a) Has submitted false or inaccurate information in his application;

(b) Has violated law, department orders, rules, or registration conditions;

(c) Has failed to submit reports or other information required by department rule; or

(d) Has refused lawful inspection under Rule 17-712.400(12Xa), F.A.C.

Specific Authority: 403.704, 403.707, F.S.
Laws Implemented: 403.703, 403.707, 403.708, F.S.
History: New 5-18-89.

17-712.420 Off-site biohazardous waste storage.

(1) No person shall operate a facility for off-site biohazardous waste storage without a general permit granted pursuant to Rule 17-712.800, F.A.C. Storage areas that are an integral part of a treatment facility must meet the requirements of this rule; however, a storage facility permit in addition to the treatment facility permit is not required.

(2) Storage of biohazardous waste shall be in designated fully enclosed areas, separate from other solid wastes, constructed of smooth, easily cleanable materials that are impervious to liquids and capable of being readily maintained in a sanitary condition, with restricted access to prevent entry of unauthorized persons. The areas must be conspicuously marked with signs that show the international biological hazard symbol as described in Rule 17-712.400(3), F.A.C. and the phrase "Biohazardous Waste" or "Infectious Waste."

(3) A storage facility must be operated in such a way as to prevent vermin, insects and objectionable odors off-site.

(4) Biohazardous waste must be stored in containers and labeled as specified in Rule 17-712.400(3), F.A.C., and must be in good condition and securely sealed.

(5) Persons manually handling biohazardous waste at the storage facility shall wear impermeable gloves and protective clothing to help prevent accidental exposure.

(6) Storage shall not be for a period greater than 30 days.

17-712.410(1Xc) -- 17-712.420(6)

(7) Owners or operators of biohazardous waste storage facilities shall record, and maintain records for three years, the approximate quantity by weight of biohazardous waste received and either treated or transported elsewhere each month.
Specific Authority: 403.704, 403.707, 403.814, F.S.
Laws Implemented: 403.704, 403.707, 403.814, 381.80, F.S.
History: New 5-18-89, Amended 8-29-89.

17-712.430 Off-site biohazardous waste treatment.

(1) Biohazardous waste shall be treated within 30 days of collection (including storage time) from a biohazardous waste generator, and in this state shall be treated at a facility with a permit issued by the Department allowing the facility to treat biohazardous waste. Biohazardous waste shall be treated by one of the following methods:

(a) By incineration in an incinerator permitted pursuant to the requirements of Rule 17-2, F.A.C.; or

(b) By sterilization by heating in a steam sterilizer according to the following operating and logkeeping requirements so as to render the waste non-biohazardous:

1. Biohazardous waste shall be subjected to sufficient temperature, pressure and time to kill Bacillus stearothermophilus spores in the center of the waste load being decontaminated;

2. Unless a steam sterilizer is equipped to continuously monitor and record temperatures and pressure during the entire length of each sterilization cycle, each package of biohazardous waste to be sterilized will have a temperature sensitive tape or equivalent test material such as chemical indicators attached that will indicate if the sterilization temperature and pressure have been reached. Waste shall not be considered sterilized if the tape or equivalent indicator fails to indicate that a temperature of at least 250 degrees Fahrenheit or 121 degrees Centigrade was reached during the process;

3. Each sterilization unit shall be evaluated for effectiveness with spores of B. stearothermophilus at least once each 40 hours of operation;

4. A written log shall be maintained for each sterilization unit. The following shall be recorded:

a. The date, time, and operator for each usage;

b. The type and approximate amount of waste treated;

c. The post-sterilization confirmation results by recording the temperature, pressure and time the waste was treated, or attaching the temperature and pressure monitoring discs;

d. Dates and results of calibration and maintenance; and

e. The results of sterilization effectiveness testing with B. stearothermophilus or equivalent;

5. Biohazardous waste so rendered non-biohazardous shall be disposed of as solid waste that is not biohazardous, provided it is not an otherwise regulated hazardous or radioactive waste. Such solid waste must be in containers clearly labeled with the phrase "Sterilized Biohazardous Waste," and transported in the same manner as untreated biohazardous waste, pursuant to Rule 17-712.400(5), (6), (7), (12), (13), (14), and (15), F.A.C., to the solid waste disposal facility; and

6. Logs required in subparagraph 4. above must be kept for a period not less than three years, and must be available for inspection by Department personnel.

(2) An alternative treatment method may be approved by the Department pursuant to Rule 17-712.440, F.A.C.

(3) Owners or operators of biohazardous waste treatment facilities shall record, and maintain for three years, the approximate quantity by weight of biohazardous waste treated each month.
Specific Authority: 403.704, 403.7045, 403.707, F.S.
Laws Implemented: 403.703, 403.7045, 403.707, 381.80, F.S.
History: New 5-18-89, Amended 8-29-89.

17-712.440 Approval of alternative treatment methods

(1) A person may request in writing a determination by the Secretary of the Department for approval of an alternative treatment method.

(2) The request shall set forth at a minimum the following information:

(a) Reference to Rule 17-712.430(2), F.A.C, and the specific treatment facility and treatment method for which an approval is sought;

(b) A demonstration that the alternative treatment method provides a degree of protection for the public and the environment equal to that provided by the methods required by Rule 17-712.430(1), F.A.C.; and

(c) A demonstration of the effectiveness of the proposed alternative treatment method.

(3) The Secretary shall specify by order each alternative treatment method approved for an individual facility in accordance with this section or shall issue an order denying the request for such approval. The Department's order shall be agency action, reviewable in accordance with section 120.57, F.S.
Specific Authority: 403.704, F.S.
Laws Implemented: 403.704, 403.707, F.S.
History: New 5-18-89.

17-712.450 Operation and contingency plans.

(1) Any person who stores, treats, or is a registered biohazardous waste transporter shall maintain a written operation plan at the principal place of business in the state. The operation plan, at a minimum, must include the following:

(a) Provisions for personnel training and continuing education;

(b) Decontamination procedures that, at a minimum, include requirements that surfaces contaminated with spilled or leaked biohazardous waste shall be cleaned with a solution of industrial strength detergent to remove visible soil and disinfected with one of the following agents:

1. Hot water at a temperature of at least 164 degrees Fahrenheit or 73 degrees Centigrade for a minimum of 30 seconds; or

2. Rinsing with one of the following chemical disinfectants, at the minimum concentration listed, for at least three minutes:

a. Hypochlorite solution containing 100 parts per million, also referred to as ppm, available free chlorine; or

b. Iodine solution containing 25 ppm available iodine; or

3. Chemical germicides that are registered by the Environmental Protection Agency as hospital disinfectants and are tuberculocidal when used at recommended dilutions; and

(c) Provisions for the disposal of liquid waste created by these chemical disinfection operations, which may include disposal into a sewage system.

(2) Any person who stores, treats or is a registered biohazardous waste transporter shall maintain a written contingency plan at the principal place of business in the state. Transporters shall keep a copy in every transport vehicle listed in Form 17-712.900(1). The plan shall contain the names and telephone numbers of primary response personnel and outline procedures to be used in case of accidental releases of biohazardous waste into the environment.

(3) A copy of the contingency plan and all revisions to the plan shall be submitted, upon request, to local police departments, fire departments, health departments and state and local emergency response teams that may be called upon to provide emergency services at a treatment or storage facility.

Specific Authority: 403.704, F.S.
Laws Implemented: 403.704, 403.707, F.S.
History: New 5-18-89, Amended 8-29-89.

17-712.460 Disposal of biohazardous waste.

(1) Biohazardous waste shall not be disposed of before treatment.

(2) Nothing in this rule shall prohibit disposal of biohazardous waste into a sewage treatment system.

Specific Authority: 403.704, 403.708, F.S.
Laws Implemented: 403.704, 403.708, 381.80, F.S.
History: New 5-18-89.

17-712.500 Management of biological waste. Excluding biohazardous waste, other types of biological waste shall be disposed of in the following manner:

(1) Disposal of bodies of dead animals shall be accomplished pursuant to section 823.041(1), F.S.

(2) Disposal of dead poultry and hatchery residue shall be accomplished pursuant to section 583.181(2), F.S.

Specific Authority: 403.704, F.S.
Laws Implemented: 403.704, 403.707, F.S.
History: New 5-18-89.

17-712.800 General Permits.

(1) Biohazardous waste storage facilities, unless they are storage areas that are an integral part of a treatment facility, shall operate pursuant to a general permit, and shall meet the applicable general permit requirements in Rules 17-4.510 through 17-4.540, F.A.C. and the requirements of this rule.

(2) Prior to operating under a general permit, the owners or operators of biohazardous waste storage facilities shall notify the Department on Form 17-712.900(2). For an existing facility the notification must be submitted within 90 days after the effective date of this rule. For a new facility or for renewal of a general permit, the notification must be submitted 30 days before the operation begins or the existing general permit expires.

(3) The general permit for a biohazardous waste storage facility shall be valid for five years. A general permit may be renewed by submission of the notification required in subsection (2) above.

Specific Authority: 403.704, 403.707, 403.814, F.S.
Laws Implemented: 403.704, 403.707, 403.814, 381.80, F.S.
History: New 5-18-89.

17-712.900 Forms.

The forms used by the Department in the Biohazardous Waste Management Program are adopted and incorporated by reference in this section. The form is listed by rule number, which is also the form number, and with the subject, title and effective date. Copies of forms may be obtained by writing to the Administrator, Solid Waste Section, Bureau of Waste Planning and Regulation, Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Biohazardous Waste Transporter Registration.

(2) Biohazardous Waste Storage General Permit Notification.

Specific Authority: 120.53(1), 403.061, F.S.
Laws Implemented: 120.53(1), 120.55, 403.0875, F.S.,
History: New 5-18-89.

Attachment E

4.1 L A Ke. Midwaste Permit Appl.

OGDEN MARTIN SYSTEMS OF LAKE, INC.

3600 ROGERS INDUSTRIAL PK. RD.
P.O. BOX 189
OKAHUMPKA, FL 34762
(904) 365-1611
FAX: (904) 365-0359

To: Drew Lehman
Joe Aldrich

RECEIVED
APR 8 1993
RAYMOND TULLI

April 7, 1993

RECEIVED
APR 15 1993
DREW LEHMAN

Charles M. Collins, P.E.
Program Administrator
Air Resources Management
Florida Department of Environmental Regulations
Central Division

SUBJECT: OMS OF LAKE, INC.
AIR EMISSIONS TEST REPORT PROCESS DATA

Dear Mr. Collins:

As per our phone conversation on April 6, 1993, I have enclosed a copy of all crane weights for municipal solid waste (MSW) and scale weights for the medical waste feed rate both units. A summary of this data is listed.

PROCESS DATA SUMMARY

	UNITS #1 1/5/92	UNITS #2 1/6/93	
MSW Feed Rate	7.8	9.7	TONS/HR
Medical Waste Feed Rate	2.15	-0-	TONS/HR

As demonstrated during the 1/5/93 annual stack test, OMS of Lake Inc., is requestting the medical waste feed rate be increased from 1.12 TONS/HR to 2.15 TONS/HR.

Please contact me at (904) 365 - 1611 if you have any comments or questions.

Sincerly,

George Ball-Llovera

George Ball - llovera
Facility Manager

cc: S. Bass J. Burgess J. Power K. Garrett R. Tulli

Attachment F

OGDEN

Ogden Martin Systems of Lake, Inc.
3830 Rogers Industrial Park Rd.
Okahumpka, FL 34762
352 365 1611
Fax 352 365 6359

June 30, 1997

Dr. Anatoliy Sobolevskiy
Air Compliance Engineer
Florida Department of Environmental Protection
Central District Office
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803

SUBJ: Biomedical Waste Conveyor
Ogden Martin Systems of Lake, Inc.

Dear Dr. Sobolevskiy:

In furtherance of our conversation on June 17, 1997, Ogden Martin Systems of Lake, Inc. (OMS Lake) seeks the Department's guidance regarding the installation of a leak proof crane bucket at our facility. As we discussed, OMS Lake intends to use the bucket to compliment the existing conveyor used for conveying medical waste from the tipping floor directly to the furnace feedchute.

Concern for safety (e.g. needle sticks) has led OMS Lake to seek a safer method of handling medical waste. The use of the crane bucket that I discussed with you will minimize contact between facility personnel and the medical waste. As with the existing conveyor system, medical waste will not be intermingled with other municipal solid waste until it enters the feedchute. Additionally, the bucket will be capable of weighing each load, for demonstrating compliance with Permit No. AO35-193817.

Because this change does not affect emissions, it is our understanding that no formal permitting action is necessary. Nonetheless, we ask that your Department advise of any regulatory requirements that may be necessary prior to the bucket's installation later this summer.

Thank you for your continued assistance. If more information about the new bucket is needed, please do not hesitate to contact me at (352) 365-1611.

Sincerely,

Cecil D. Boatwright for
Facility Manager
Ogden Martin Systems of Lake, Inc.

Department of Environmental Protection

Lawton Chiles
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Virginia B. Wetherell
Secretary

July 29, 1997

Cecil D. Boatwright, Facility Manager
Ogden Martin Systems of Lake, Inc.
3830 Rogers Industrial Park Road
Okahumpka, Florida 34762

OCD-AP-97-173

Lake County - AP
Biomedical Waste Conveyor

Dear Mr. Boatwright:

Your information regarding the installation of a new more secure leak proof crane bucket at Unit #1, to transport medical waste from the tipping floor directly to the furnace feedchute has been reviewed. We understand your concern for safety and from the information provided, the existing medical waste conveyor system can not be considered as a safe method of handling medical waste.

Specific Condition #5 of permit AO69-193817, requires you to submit any changes in the method of operation to the Department's Central District office for prior approval. In order for the Department to get an evaluation of the new method, please submit a detailed explanation of the proposed medical waste handling system, including weighing of each load, weight recording order, loading of the bucket from the trucks, prevention of mixing medical waste with other municipal solid waste, etc.

If you have any questions regarding this matter, please call me at (407)893-3333 or write to the above address.

Sincerely,

A. Sobolevskiy, Ph.D.
Compliance/Asbestos Supervisor
Air Resources Management

AS/j

OGDEN

Ogden Martin Systems, Inc.
3830 Rogers Industrial Park Road
Okahumpka, FL 34762
352 365 1611
Fax 352 365 6359

September 5, 1997

Dr. Anatoliy Sobolevskiy, Ph.D.
Compliance/Asbestos Supervisor
Florida Department of Environmental Protection, Central District Office
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803

SUBJ: Biomedical Waste Conveyor
Request for Additional Information

Dear Dr. Sobolevskiy:

Thank you for your letter of July 29, 1997, regarding the regulatory requirements for the installation of a medical waste conveying bucket at the Lake County Resource Recovery Facility. Per your request, the following explanation(s) are being provided to allow your Department to conduct a detailed evaluation of the new system.

(1) Weighing of each load: Weighing of each load will be accomplished via existing load cells on the crane system. The cells measure strain on the supporting cables which is translated into weight within the bucket (minus tare weight of the actual bucket). This system is currently used to weigh MSW loads delivered to the feedchute by the MSW grapple. It is important to note that MSW grapple loads are intentionally charged over the lip of the feedchute, resulting in significant amounts of MSW returning to the storage pit after it has already been weighed. This practice will not be employed with medical waste loads.

(2) Weight recording order: The weight of each load will be automatically recorded when the crane bucket is positioned over the feedchute. These weights are printed in the control room automatically and will be retained for compliance verification.

(3) Loading of the bucket from the trucks: The bucket will be positioned at the edge of the refuse storage pit. Manual labor will be employed to load boxed medical waste or empty reusable plastic containers (filled with red bag waste) into the bucket, by way of an inclined chute. The use of these reusable impermeable containers should greatly minimize the possibility of needle sticks for the laborers.

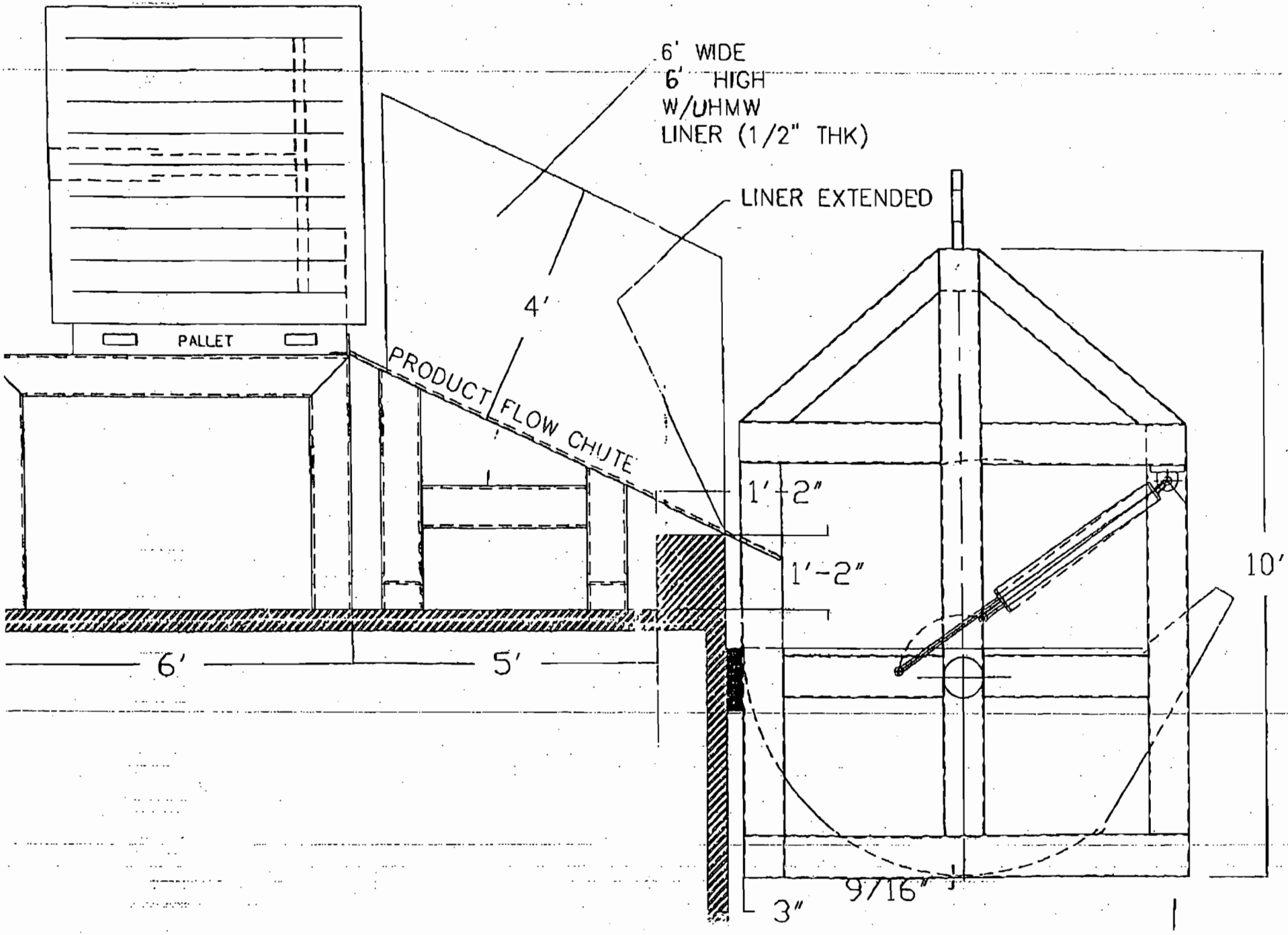
(4) Prevention of mixing medical waste with other municipal solid waste: The tipping bucket is designed to be leak-proof during transport to the feedchute and will not be emptied until it is directly over the feedchute. This will prevent the medical waste within the bucket from coming into contact with the municipal solid waste in the storage pit.

Attached, please find a preliminary drawing of the bucket. We believe that this system, used in conjunction with the existing conveyor, will enhance the facility's already excellent safety record. Thanking you in advance for your assistance in this matter, we look forward to your final guidance. If additional information is needed, please contact me at (352) 365-1611.

Sincerely,

Cecil D. Boatwright
Facility Manager
Ogden Martin Systems of Lake, Inc.

cc: J. Gorrie
M. Slaby
S. Bass
D. Porter


6' WIDE
6' HIGH
W/UHMW
LINER (1/2" THK)
LINER EXTENDED
4'
PALLET
PRODUCT FLOW CHUTE
1'-2"
1'-2"
10'
6'
5'
9/16"
3"

Departn
Environmenta

To JASON GORRIE	From KYLE GARRETT
Co./Dept.	Co.
Phone #	Phone #
Fax #	Fax #

Central D
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Lawton Chiles
Governor

Virginia B. Wetherell
Secretary

October 21, 1997

Cecil D. Boatwright, Facility Manager
Ogden Martin Systems of Lake, Inc.
3830 Rogers Industrial Park Road
Okahumpka, Florida 34762

OCD-AP-97-223

Lake County - AP
Biomedical Waste Conveyor

Dear Mr. Boatwright:

The information provided in your September 5 letter regarding the installation of a new more secure leak proof crane bucket at Unit #1 has been evaluated. The explanation of the proposed medical waste weighing system, weight recording order, and prevention of mixing medical waste with other municipal solid waste is acceptable.

To minimize contact between the facility personnel and the medical waste, the reusable plastic containers should not only be used to transport red bag waste, but also to carry boxed medical waste from the trucks to the bucket. Thus, during loading and unloading of the bucket, the laborers can physically come in contact with only these reusable plastic containers. As a result, the possibility of exposure to needle sticks for the workers would be minimized.

Should you have any further questions, please call me at 407-893-3333, or write to the above address.

Sincerely,

A. Sobolevskiy, Ph.D.
Compliance Supervisor
Air Resources Management

RECEIVED
OCT 22 1997
O.M.S. OF LAKE

AS/j

Attachment G

Florida Department of Environmental Regulation

Central District • 3319 Maguire Boulevard, Suite 232 • Orlando, Florida 32803-3767

Lawton Chiles, Governor — Carol M. Browner, Secretary

Permittee:
Ogden Martin Systems of Lake, Inc.
40 Lane Road
Fairfield, NJ 07007-2615

Attention: Gary K. Crane, Ph.D.,
Exec. V.P.

I. D. Number:
Permit/Certification
Number: A035-193817
Date of Issue:
Expiration Date: October 25, 1996
County: Lake
Latitude/Longitude:
28°44'22"N/81°53'23"W
UTM: 17-413.12 KmE; 3179.21 KmN
Project: Waste to Energy Facility
Units No. 1 and 2

This permit is issued under the provisions of Chapter(s) 403, Florida Statutes, and Florida Administrative Code Rule(s) 17-2. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the department and made a part hereof and specifically described as follows:

The permittee can operate two 288 ton-per-day Combustors which are fueled by wood chips and municipal solid waste.

The facility is rated for a maximum of 15.7 megawatts of energy production.

These sources are located at 3830 Rogers Industrial Park Road in Okahumpka, Lake County, Florida.

General Conditions are attached to be distributed to the permittee only.

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

   (a) Have access to and copy any records that must be kept under conditions of the permit;

   (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and

   (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

   Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

   (a) A description of and cause of noncompliance; and

   (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

   The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

PERMITTEE:
Ogden Martin Systems of Lake, Inc.

Attention: Gary K. Crane, Ph.D.,
Exec. V.P.

I. D. Number:
Permit/Certification Number:
A035-193817
Date of Issue:
Expiration Date: October 25, 1996

SPECIFIC CONDITIONS:

OPERATING CONDITIONS

1. Municipal Waste Combustor

   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).

   b. The design furnace mean temperature at the fully mixed zone of the combustor shall be no less than 1800° for a combustion gas residence time of at least one second.

   c. The MWC shall be fueled with wood chips or municipal solid 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.

   d. Auxiliary fuel burners shall be fueled only with distillate fuel oil or gas (e.g., natural or propane). The annual capacity factor for fuel oil or gas shall be less than 10%, as determined by 40 CFR 60.43b(d). If the annual capacity factor for fuel oil or gas is greater than 10%, the facility shall be subject to 40 CFR 60.44b, standards for nitrogen oxides.

   e. Auxiliary fuel burner(s) shall be used at start up during the introduction of MSW fuel until design furnace gas temperature is achieved. All air pollution control and continuous emission monitoring equipment shall be operational and functioning properly prior to the incineration or ignition of waste and until all the wastes are incinerated. During shut down, the combustion chamber temperature requirement shall be maintained using auxiliary burners until wastes are complete combusted.

f. The facility may operate continuously (8760 hrs/yr).

g. The combustor shall be fed so as to prevent opening the combustor to the room environment.

2. Air Pollution Control Equipment Design

a. Each MWC shall be equipped with a particulate emission control device.

b. Each MWC shall be equipped with an acid gas control device designed to remove at least 90% of acid gases and 70% sulfur dioxide emissions.

c. The acid gas emission control system shall be designed to be capable of cooling flue gases to an average temperature not exceeding 300°F (3-hour rolling average).

3. Continuous Emission Monitoring

Continuous emission monitors for opacity, oxygen, carbon monoxide, carbon dioxide, and sulfur dioxide shall be installed, calibrated, maintained and operated for each unit.

a. Each continuous emission monitoring system (CEMS) shall meet performance specifications of 40 CFR 60, Appendix B. The SO_2 CEMS sample point shall be located downstream of control devices for each unit.

b. CEMS data shall be recorded during periods of startup, shutdown and malfunction but shall be excluded from emission averaging calculations for CO, SO_2, and opacity.

c. A malfunction means any sudden and unavoidable failure of air pollution control equipment or process equipment to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

d. The procedures under 40 CFR 60.13 shall be followed for installation, evaluation and operation of all CEMS.

e. Opacity monitoring system data shall be reduced to 6-minute averages, based on 36 or more data points, and gaseous CEMS data shall be reduced to 1-hour averages, based on 4 or more data points, in accordance with 40 CFR 60.13(h).

f. Average CO and SO_2 emission concentrations corrected for CO_2, shall be computed in accordance with the appropriate averaging time periods included in Condition No. 3.

g. For purposes of reports required under this permit, excess emissions are defined as any calculated average emission concentration, as determined pursuant to Condition No. 3 herein, which exceeds the applicable emission limit in Condition No. 7.

4. Operations Monitoring

a. Devices are to be used to continuously monitor and record steam production, furnace exit gas temperature (FEGT) and flue gas temperature at the exit of the acid gas control equipment. An FEGT to combustion zone correlation shall be established to relate furnace temperature at the temperature monitor location to furnace temperature in the overfire air fully mixed zone. This correlation shall be continuously available for inspection at the site.

b. The furnace heat load shall be maintained between 80% and 100% of the design rated capacity during normal operations. The lower limit may be extended provided compliance with the carbon monoxide emissions limit and the FEGT within this permit at the extended turndown rate are achieved.

5. Any change in the method of operation, fuels, equipment or operating hours shall be submitted for prior approval to DER's Central District office.

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_2. (See Table 700-1)

b. Hydrochloric acid (HCL) emissions shall not exceed 50 parts per million by volume, dry basis, corrected to 7% O_2 on a three hour average basis or shall be reduced by 90% by weight on an hourly average basis. (See Table 700-1)

c. This facility is subject to the following design, operating, monitoring and operator training requirements.

1. The source shall be designed to provide for a residence time of at least of at least one second in the combustion zone, at no less than 1800°F for the combustion gases.

2. Mechanically fed facilities shall incorporate an air lock system to prevent opening the source to the room environment. The volume of the loading system shall be designed to prevent overcharging thereby assuring complete combustion of the waste. The feed chute design provides an air lock.

3. Carbon monoxide (CO) emissions shall not exceed 100 parts per million by volume, dry basis, corrected to 7% O_2 on an hourly basis. (See Table 700-1)

4. Incineration or ignition of waste shall not begin until the combustion chamber temperature requirement is attained. All control equipment shall be operational and functioning properly prior to the incineration or ignition of waste and until all the wastes are incinerated. During shutdown, the combustion chamber temperature requirement shall be maintained using auxiliary burners until the wastes are completely combusted.

5. Radioactive waste may not be burned unless the source has been issued a permit or the waste is of such quantity to be exempt in accordance with Rule 10D-91 or 10D104.003, F.A.C.

6. Hazardous waste may not be burned unless the source has been issued a permit or the waste is of such quantity to be exempt in accordance with Rule 17-30, F.A.C.

7. All biological waste combustor operators shall be trained by the equipment manufacturer's representatives or another qualified organization as to proper operating practices and procedures. The content of the training program shall be submitted to the Department for approval. The applicant shall submit a copy of a certificate verifying the satisfactory completion of a department approved training program prior to issuance or renewal of the operating permit. The applicant shall not operate the source unless it is operated by an operator who has satisfactorily completed the required training program.

d. Each owner or operator of biological waste incineration facility shall install, operate, and maintain in accordance with the manufacturer's instructions continuous emission monitoring equipment.

(1) The monitors shall record combustion chamber exit temperature and oxygen.

(2) Any owner or operator subject to the provisions of Rule 17-2.710(5), F.A.C. shall maintain a complete file of all measurements, including continuous emissions monitoring system, monitoring device, and performance testing measurements; all continuous emissions monitoring system or monitoring device, calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required, recorded in a permanent legible form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports and records.

e. Biohazardous waste may be incinerated by the applicant for the purpose of stack testing to demonstrate reasonable assurance and compliance with the regulations, and for a period not to exceed 90 days for report submittal and Department review. The compliance test must provide the Department with reasonable assurance that the biohazardous standards are met and must be conducted no later than 5 days after the incineration of biohazardous waste begins. The test must be conducted while combusting the maximum desired rate of biohazardous waste and this rate must be determined during the test.

EMISSION LIMITS

7. Flue gas emissions from each unit shall not exceed the following:

a. Particulate:	0.0150 grains/dscf corrected to 12% CO_2, or 0.020 grains/dscf corrected to 7% O_2, whichever is less
b. Sulfur Dioxide:	60 ppmdv corrected to 12% CO_2, 6-hour rolling average;

	or, 70% reduction of uncontrolled SO_2 emissions, 6-hour rolling average. Not to exceed 120 ppmdv corrected to 12% CO_2, 6-hr rolling average.
c. Nitrogen Oxides:	385 ppmdv corrected to 12% CO_2.
d. Carbon Monoxide:	100 ppmdv corrected to 7% O_2 on an hourly-average basis.
e. Volatile Organic Compounds:	70 ppmdv as carbon corrected to 12% CO_2.
f. Lead:	3.1×10^{-4} gr/dscf corrected to 12% CO_2.
g. Fluoride:	1.5×10^{-3} gr/dscf corrected to 12% CO_2.
h. Beryllium:	2.0×10^{-7} gr/dscf corrected to 12% CO_2.
i. Mercury:	3.4×10^{-4} gr/dscf corrected to 12% CO_2.
j. Visible emissions:	Opacity of MWC emissions shall not exceed 15% opacity (6-min. average), except for one 6-min. period per hour of not more than 20% opacity. Excess emissions resulting from startup, shut down, or malfunction shall be permitted provided that best operational practices to minimize emissions are adhered to, and the duration of excess emissions are minimized.
k. Hydrochloric Acid:	50 ppmdv, corrected to 7% O_2 on a three hour average basis; or shall be reduced by 90% by weight on an hourly average basis.

For each pollutant for which a continuous emissions monitoring system is required in Condition No. 3, the emission averaging time specified above shall be used to establish operating limits and reportable excess emissions.

Compliance with the permit emission limits shall be determined by EPA reference methods tests included in 40 CFR Parts 60 and 61 and listed in Conditions No. 8 of this permit or by equivalent methods approved by Florida DER.

COMPLIANCE

8. Compliance tests

a. Annual compliance tests shall be conducted at yearly intervals from the date of January 15, 1991 for particulate matter, nitrogen oxides, carbon monoxide, and HCL.

b. Annual compliance tests for the opacity standard shall be conducted at yearly intervals from the date of January 15, 1991 in accordance with 40 CFR 60.11(b) and (e).

c. At least 90 days prior to permit expiration date, the applicant must demonstrate compliance with each permitted emission limit in Specific Condition #7.

d. Compliance with the requirement for 70% control of sulfur dioxide emissions will be determined by using the test methods listed below or a continuous emission monitoring system for SO_2 emissions before and after the air pollution control equipment which meet the requirements of Performance Specification 2 of 40 CFR 60, Appendix B.

e. The compliance tests shall be conducted at the maximum capacity and at the maximum firing rate.

f. The following test methods and procedures of 40 CFR Parts 60 and 61 or equivalent methods shall be used for compliance testing:

(1) Method 1 for selection of sample site and sample traverses.

(2) Method 2 for determining stack gas flow rate.

(3) Method 3 or 3A for gas analysis for calculation of percent O_2 and CO_2.

(4) Method 4 for determining stack gas moisture content to convert the flow rate from actual standard cubic feet to dry standard cubic feet.

(5) Method 5 or Method 17 for concentration of particulate matter.

(6) Method 9 for visible determination of the opacity of emissions as required in this permit in accordance with 40 CFR 60.11.

(7) Method 6, 6C, or 8 for concentration of SO_2.

(8) Method 7, 7A, 7B, 7C, 7D, or 7E for concentration of nitrogen oxides.

(9) Method 10 for determination of CO concentration.

(10) Method 12 for determination of lead concentration.

(11) Method 13B for determination of fluoride concentration.

(12) Method 25 or 25A for determination of VOC concentration.

(13) Method 101A for determination of mercury emission rate.

(14) Method 104 for determination of beryllium emission rate.

(15) Method 26 for determination of hydrogen chloride emission rate.

REPORTS

9. Reporting

a. Fifteen (15) days prior notification in writing of compliance tests shall be given to the Florida DER district office.

b. The results of compliance test shall be submitted to the Central District office within 45 days after completion of the test.

c. The owner or operator shall submit excess emission reports for any calendar quarter during which there are excess emissions from the facility. If there are no excess emissions during the calendar quarter, the owner or operator shall submit a report semiannually stating that no excess emissions occurred during the semiannual reporting period. The report shall include the following:

(1) The magnitude of excess emissions computed in accordance with 40 CFR 60 CFR 60.13(h), any conversion factors used, and the date and time of commencement and completion of each period of excess emissions (60.7(c)(1)).

(2) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the furnace boiler system. The nature and cause of any malfunction (if known) and the corrective action taken or preventive measured adopted (60.7(c)(2)).

(3) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks, and the nature of the system repairs or adjustments (60.7(c)(3)).

(4) When no excess emissions have occurred or the continuous monitoring system has not been inoperative, repaired, or adjusted, such information shall be stated in the report (60.7(c)(4)).

(5) The owner or operator shall maintain a file of all measurements, including continuous monitoring systems performance evaluations; monitoring systems or monitoring device calibration; checks; adjustments and maintenance performed on these systems or devices; and all other information required by this permit recorded in a permanent form suitable for inspection (60.7(d)).

d. Each calendar year on or before March 1, submit for each source, an Annual Operations Report DER Form 17-1.202(6) for the preceding calendar year.

PERMITTEE:
Ogden Martin Systems of Lake, Inc.

Attention: Gary K. Crane, Ph.D.,
Exec. V.P.

I. D. Number:
Permit/Certification Number:
A035-193817
Date of Issue:
Expiration Date: October 25, 1996

EXPIRATION DATE

10. An operation permit renewal must be submitted at least 60 days prior to the expiration date of this permit (Rule 17-4.09, F.A.C.).

ISSUED 1-29-92

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

A. Alexander, District Director
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803

Attachment H

12.1.15

cc: B. Bahour
L. Brazauskis
J. Gornie
K. Garrett
K. Klapisus
T. Klett File: Lake 5.1 PSD Perm
D. Lehman
R. Orlansky

Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

June 15, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Brian Bahour
Assistant Vice President
Environmental Quality Management
Ogden Martin Systems, Inc.
40 Lane Road, CN 2615
Fairfield, New Jersey 07007-2615

Re: Amendment of Air Construction Permit PSD-FL-113 (AC 35-115379)
Lake County WTE Facility

Dear Mr. Bahour:

On March 20, 1995, the Department received your request for an amendment of the referenced permit to allow firing of non-hazardous solid waste contaminated with virgin or used oil products. The Department finds this request acceptable and hereby amends the permit as shown below:

NEW SPECIFIC CONDITION 1.e.1.:

1.e.1. The firing of non-hazardous solid waste contaminated with virgin or used oil products shall be allowed if the following conditions are met:

A. The maximum percentage of oil-contaminated solid waste defined as oil spill cleanup debris and absorbing media, including oil filters, fired in the MWC shall be twenty (20) percent by weight of the total solid waste input, based on a rolling 30-day average. All "used oil" shall comply with the definition stated in 40 CFR 260.10 and shall not exceed the specification levels for arsenic, cadmium, chromium, lead, and total halogens contained in Table 1 of 40 CFR 279.11, or contain any hazardous waste as defined in 40 CFR 261.3. The used oil shall have a polychlorinated biphenyl (PCB) content of less than 50 ppm (wt.).

B. Records shall be maintained showing the oil-contaminated waste generator's written certification that the waste is non-hazardous. Documentation requirements shall include a written description of the waste, a material characterization form (sample submitted with application), and the applicable material safety data sheets for the waste components. Tonnages of oil-contaminated solid waste fired shall be recorded and made available for inspection by the Department. These records shall be maintained for a period of two years.

C. Quantities of used oil not commingled with solid waste may be burned provided that the oil has been generated entirely from internal operations of the OMS-Lake facility (i.e. no used oil in liquid form from outside generators). Records shall be maintained showing the tonnages of internally-generated used oil fired.

D. The permittee shall comply with all applicable requirements of federal, state and local regulations including 40 CFR 261 (Federal Hazardous Waste Regulations), 40 CFR 279 (Federal Used Oil Management), Chapter 62-701, F.A.C. (Solid Waste Management Facilities), Chapter 62-710, F.A.C. (Used Oil Management Regulations), Chapter 62-730, F.A.C. (Hazardous Waste Regulations).

A copy of this amendment letter shall be attached to and shall become a part of Air Construction Permit AC 35-115379 (PSD-FL-113).

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

For
Virginia B. Wetherell, Secretary

CERTIFICATE OF SERVICE

This is to certify that this Permit Amendment and all copies were mailed to the listed persons before the close of business on April 28, 1995.

FILING AND ACKNOWLEDGEMENT FILED, on this date, pursuant to Chapter 120.52(9), Florida Statutes, with the designated Deputy Clerk, receipt of which is hereby acknowledged.

6-22-95
(Clerk) (Date)

cc: C. Collins, CD
J. Harper, EPA
J. Bunyak, NPS
Lake County Board of County Commissioners

Attachment I

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 06 2000

4APT-ARB

Mr. Howard L. Rhodes, Director
Department of Environmental Protection
Division of Air Resources Management
Mail Station 5500
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

SUBJ: Beryllium-Containing Wastes

Dear Mr. Rhodes:

Thank you for your correspondence, dated March 28, 2000, requesting an Environmental Protection Agency (EPA) determination regarding the applicability of the national emission standard for beryllium (40 C.F.R. part 61, subpart C) to municipal waste combustor (MWC) units subject to the emission guideline requirements of 40 C.F.R. part 60, subpart Cb. The question being addressed is whether a MWC unit is subject to the beryllium standard, because their air permit contains an emission limit for beryllium, although the unit does not accept or combust beryllium-containing wastes (as defined under subpart C).

Existing MWC units with a capacity to combust greater than 250 tons per day of municipal solid waste (MSW) are subject to 40 CFR part 60, subpart Cb (except as exempted in §60.32b). Pursuant to subpart Cb:

> "MSW" is defined as household, commercial/retail, and institutional waste. Household waste includes material discarded by single and multiple residential dwellings, hotels, motels, and other similar permanent or temporary housing establishments or facilities. Commercial/retail waste includes material discarded by stores, offices, restaurants, warehouses, nonmanufacturing activities at industrial facilities, and other similar establishments or facilities. Institutional waste includes material discarded by schools, nonmedical waste discarded by hospitals, material discarded by nonmanufacturing activities at prisons and government facilities, and material discared by similar establishments or facilities. Household, commercial/retail, and institutional waste does not include used oil, sewage sludge, wood pallets, construction, renovation and demolition wastes (including but not limited to railroad ties and telephone poles), clean wood, industrial process or manufacturing waste, medical waste, or motor vehicles (including motor vehicle parts or vehicle fluff). Household, commercial/retail, and institutional wastes include yard waste, refuse-derived fuel, and motor vehicle maintenance materials limited to vehicle batteries and tires (as specified in the rule).

"MWC units" are defined as any setting or equipment that combusts solid, liquid, or gasified MSW including but not limited to, field-erected incinerators (with or without heat recovery), modular incinerators (starved-air or excess-air), boilers (i.e., steam generating units), furnaces (whether suspension-fired, grate-fired, mass-fired, air curtain incinerators, or fluidized bed-fired), and pyrolysis/combustion units. MWC units do not include pyrolysis/combustion units located at a plastics/rubber recycling units, cement kilns firing MSW, or internal combustion engines, gas turbines, or other combustion devices that combust landfill gases collected by landfill gas collection systems.

The provisions of 40 C.F.R. part 61, subpart C, are applicable to extraction plants, ceramic plants, foundries, incinerators, and propellant plants which process beryllium ore, beryllium, beryllium oxide, beryllium alloys, or beryllium-containing waste. Beryllium-containing waste is defined as material contaminated with beryllium and/or beryllium compounds used or generated during any process or operation performed by a source subject to subpart C. For this standard, an incinerator means any furnace used in the process of burning waste for the primary purpose of reducing the volume of the waste by removing combustible matter.

EPA addressed the issue at question in July 16, 1979, correspondence from the Division of Stationary Source Enforcement to EPA Region II regarding the definition of beryllium-containing waste in §61.31 (see Enclosure). According to this determination, beryllium-containing waste does not include materials such as scrap metals and calculators which may be burned at municipal waste incinerators. Beryllium-containing wastes only include wastes generated at ceramic plants, extraction plants, foundries, and propellant plants. However, should any of these wastes be disposed of at a municipal waste incinerator, that incinerator would be subject to the subpart C beryllium regulations. This same conclusion would also apply to MWC units; they would not be subject to subpart C requirements unless the unit combusted beryllium-containing waste from a subpart C affected facility.

Thank you for the opportunity to assist in this determination. If you have any questions, please contact Mr. Scott Davis of the EPA Region 4 staff at (404) 562-9127.

Sincerely,

R. Douglas Neeley
Chief
Air and Radiation Technology Branch
Air, Pesticides and Toxics
Management Division

Enclosure

cc: Don Elias, RTP Environmental Associates
Walt Stevenson, OAQPS
Debbie Thomas, OECA

Determination Detail

Control Number: ZC012

Category: NESHAP
EPA Office: DSSE
Date: 07/16/1979
Title: Beryllium Containing Wastes
Recipient: Dvorkin, Stephen A.
Author: Reich, Edward E.
Comments:

Abstract:

Does the term "beryllium containing wastes" include materials such as scrap metals and discarded electronic calculators which may be burned in municipal incinerators?

The term beryllium containing wastes includes only those wastes generated by a foundry, extraction plant, ceramic plant, or propellant plant.

Letter:

Control Number: ZC12

July 16, 1979

MEMORANDUM

SUBJECT: Beryllium Regulations

FROM: Director
Division of Stationary Source Enforcement

TO: Stephen A. Dvorkin, Chief
General Enforcement Branch
Region II

This is a response to your memo of May 10, 1979, in which you requested a determination regarding the applicability of the beryllium standard to municipal incinerators. Basically, you asked whether the term "beryllium containing waste", as defined in •61.31(g) of the regulations, includes materials such as discarded electronic calculators and scrap metals which may be burned in municipal incinerators or whether it includes only those beryllium wastes generated at ceramic plants, extraction plants, foundries, and propellant plants.

I interpret the term "beryllium containing waste", defined as:

"material contaminated with beryllium and/or beryllium compounds used or generated during any process or operation performed by a source subject to this subpart"

to include only those wastes generated by a foundry, extraction plant, ceramic plant or propellant plant. While one might argue that incinerators are also "sources subject to this subpart" (see above definition) and that any beryllium wastes that contain beryllium which are burned in any incinerator should be subject to the standard, the control techniques and background documents do not support such an interpretation.

Section 3.6 of the document entitled "Control Techniques for Beryllium Air Pollutants" (February 1973) contains a discussion of methods for disposal of beryllium containing wastes. The document clearly indicates that it was the incineration of wastes generated by extraction plants, ceramic plants, propellant plants and foundries that we were concerned about in developing the standard. Moreover, the Economic Impact section of the document "Background Information on Development of National Emission Standards for Hazardous Air Pollutants: Asbestos, Beryllium, and Mercury" (March 1973) discusses the impact of the standard on only four industries: ceramic plants, extraction plants, propellant plants, and foundries. An assumption is made that most of the sources in those four categories will incinerate their own wastes on site. Thus, the cost of controlling emissions from beryllium incinerators seems to be taken into account in estimating the cost of the standard to the four listed source categories. This is one further indication that the standard was only intended to apply to the incineration of wastes generated at foundries, ceramic plants, extraction plants, and propellant plants. There certainly is no indication in either the preambles to the proposed and promulgated standards or any of the background documents that the standard was intended to apply to each municipal incinerator.

While most generators of "beryllium containing waste" may incinerate their wastes on site it is possible that in some cases they may transport the wastes to another facility for disposal. Should the wastes be disposed of at a municipal incinerator, that incinerator would be subject to the beryllium regulations. The regulations apply to any incinerator which burns beryllium containing wastes generated at a foundry, ceramic plant, propellant plant or extraction plant.

If the Regional Offices are not certain where beryllium containing wastes are being incinerated and whether the incineration facilities are in compliance with the NESHAP regulations, it might be desirable to request this information from the owners of beryllium waste generators via a 114 letter. In this manner, a list of incinerators subject to the beryllium standard could be assembled.

Should you wish to discuss this issue further, please contact Libby Scopino of my staff at FTS 755-2564.

Edward E. Reich

cc: Simms Roy, ESED
Stu Roth, R. II, Enf.

Attachment J

Department of Environmental Protection

Lawton Chiles
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Virginia B. Wetherell
Secretary

Ogden Martin Systems of Lake, Incorporated
40 Lane Road, CN 2615
Fairfield, New Jersey 07007-2615

Attention: Gary K. Crane, Executive Vice President

Lake County - AP
Activated Carbon Storage Silo
Permit No. AC35-264176
Change of Conditions

Dear Mr. Crane:

We are in receipt of a request to change the permit conditions. The conditions are changed as follows:

Page 4, Specific Condition No. 3

From

3. The operation on the carbon injection system used to control mercury emissions shall be as follows:

   a. The carbon injection rate will be 11 lbs/hr. at a rate of 60-80 ft/second.

   b. The carbon grind size will be at least 95% passing through 325 mesh.

   c. The activated carbon will be pneumatically conveyed and injected into the flue gas duct near the scrubber inlet.

   d. The pressure in the carbon duct will be approximately 1.5 psig.

   e. The activated carbon along with the adsorbed mercury, dioxins and other heavy metals will be captured in the scrubber under flow and in the baghouse for disposal along with the fly ash and the bottom ash.

   f. Pursuant to Rule 62-296.416(3)(a), mercury emissions shall be limited to 70 micrograms/DSCM @ 7% O_2 or 20%, by weight, of the initial flue gas mercury content.

To

3. The operation on the carbon injection system used to control mercury emissions shall be as follows:

   a. The activated carbon will be pneumatically conveyed and injected into the flue gas duct near the scrubber inlet.

   b. The activated carbon along with the adsorbed mercury, dioxins and other heavy metals will be captured in the scrubber under flow and in the baghouse for disposal along with the fly ash and the bottom ash.

   c. Pursuant to Rule 62-296.416(3)(a), mercury emissions shall be limited to 70 micrograms/DSCM @ 7% O_2 or 20%, by weight, of the initial flue gas mercury content.

Specific Condition No. 11

From

This permit will expire February 28, 2000 or six months after construction is completed, and the source is placed in operation, whichever date occurs first.

To

This permit will expire February 28, 2000 or 90 days after the deadline for the Title V application submittal date, whichever date occurs first.

All other conditions remain the same.

This letter must be attached to your permit and becomes a part of that permit.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Vivian F. Garfein
Director of District Management

Date: December 13, 1995

VFG:jtt

Sheplak, Scott

From: Sheplak, Scott
Sent: Friday, January 05, 2001 9:54 AM
To: Fancy, Clair; Mitchell, Bruce
Cc: Beason, Doug
Subject: FW: Ogden Martin Systems of Lake, Inc.

Ogden's response to my e-mail. Ogden didn't copy you.

Doug, I'm copying you because they copied their attorneys.

-----Original Message-----
From: Bahor, Brian [mailto: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