

AL



YOUR PARTNER FOR
SOLID WASTE SOLUTIONS

RECEIVED

JUL 09 1997

BUREAU OF
AIR REGULATION

July 7, 1997

Mr. Clair Fancy
Bureau of Air Regulation
Department of Environmental Protection
2600 Blair Stone Road
Twin Towers Office Building
Tallahassee, Florida 32399

RE: Solid Waste Authority of Palm Beach County;
Amendment to PSD Permit (PSD-FL-108A)
May 29, 1997 Letter from David S. Dee of Landers & Parsons, P.A.

Dear Mr. Fancy:

Please be advised that I have reviewed the above referenced letter relating to the proposed Amendment and concur with its content and conclusions. The stack test data submitted with the letter is accurate and representative of the conditions observed over the timeframes indicated.

Should you have any questions, please let me know.

Sincerely,

John D. Booth, P.E. 49763
Director of Engineering & Public Works

JDB/kal

cc: David S. Dee
Hamilton S. Oven, Jr.
Marc C. Bruner
Al Linero

cc: J. Newton, BAR
J. Goldman, SEP
J. Koerner, P.B.Co.



97-A02
Variance

Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

May 30, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. David S. Dee, Esq.
Landers and Parsons, P.A.
310 West College Avenue
Tallahassee, Florida 32301

Re: Solid Waste Authority
Palm Beach County

Dear Mr. Dee:

The Bureau of Air Regulation received your May 29, 1997, request for the above referenced project. Rule 62-4.050(4)(p)4, F.A.C., requires a \$2,000 processing fee for a variance request; therefore, we will not be able to take action on your request until the fee is received.

Since a modification fee was paid for the Power Plant Siting review, no additional processing fee is required for the PSD modification. The \$250 amendment fee submitted by Palm Beach County can be applied to the variance processing fee. If you have any questions, please call me at (904)488-1344.

Sincerely,

A. A. Linero, P.E.
Administrator
New Source Review Section

AAL/kt

cc: Teresa Heron, BAR

P 339 251 194

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to	
David Lee	
Street & Number	
Randolph Parsons	
Post Office, State, & ZIP Code	
TALL FL	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	
PSD-FL-108A JWA	

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 David Lee, Esq.
 Randolph Parsons
 310 W. College Avenue
 Tallahassee, FL

32301

4a. Article Number
P 339 251 194

4b. Service Type

Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery
6-2-97

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)
X Gayle Arline

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

LANDERS & PARSONS, P.A.
ATTORNEYS AT LAW

CINDY L. BARTIN
DAVID S. DEE
JOSEPH W. LANDERS, JR.
JOHN T. LAVIA, III
FRED A. McCORMACK
PHILIP S. PARSONS
ROBERT SCHEFFEL WRIGHT

HOWELL L. FERGUSON
OF COUNSEL

VICTORIA J. TSCHINKEL
SENIOR CONSULTANT
(NOT A MEMBER OF THE FLORIDA BAR)

310 WEST COLLEGE AVENUE
POST OFFICE BOX 271
TALLAHASSEE, FLORIDA 32302
TELEPHONE (904) 681-0311
TELECOPY (904) 224-5595

May 29, 1997

RECEIVED

MAY 29 1997

BUREAU OF
AIR REGULATION

Mr. Clair Fancy
Bureau of Air Regulation
Department of Environmental
Protection
2600 Blair Stone Road
Twin Towers Office Building
Tallahassee, Florida 32399

Re: Solid Waste Authority of Palm Beach County;
Amendment to PSD Permit (PSD-FL-108A)

Dear Mr. Fancy:

This law firm has been retained by the Solid Waste Authority of Palm Beach County ("Authority") to assist the Authority with certain environmental law issues affecting the Authority's North County Resource Recovery Facility ("Facility"). On behalf of the Authority, we are submitting this letter to the Florida Department of Environmental Protection ("DEP") to formally request an amendment to the Facility's Prevention of Significant Deterioration ("PSD") permit. Specifically, the Authority respectfully requests DEP to amend Specific Condition No. 4 of the Facility's PSD permit to require stack testing for Beryllium and Fluoride every five years, rather than every year.

Please note that the Authority is not requesting any change to any emissions limit or other substantive requirement in the PSD permit for the Facility. Consequently, there will be no adverse environmental impact if this request for a permit amendment is granted.

The following portions of this letter explain why the Authority believes this request for a permit amendment should be granted.

Mr. Clair Fancy
Page Two
May 29, 1997

The PSD Permit

The Facility's PSD permit (DEP Permit No. PSD-FL-108A) establishes emissions limits for Beryllium (Be), Fluoride (F), and a variety of other substances. See Specific Condition No. 3. Specific Condition No. 4 of the PSD permit requires the Authority to conduct annual stack tests to demonstrate compliance with each of the emissions limits, including the emissions limits for Beryllium and Fluoride.

The Stack Test Data

In accordance with the PSD permit requirements, the Authority has conducted stack testing since the Facility commenced operations in 1989. The test results demonstrate that the Facility's emissions are well below the DEP emissions limits for Beryllium and Fluoride. For your reference, a summary of the emissions test data is attached to this letter as Exhibit "A".

Exhibit "A" shows that the Authority has conducted 42 test runs since 1989 to measure the Facility's emissions of Beryllium. In all of the test runs, the Facility's Beryllium emissions were below the emission limit in the Facility's PSD permit. In 29 of the test runs, the Facility's Beryllium emissions were more than an order of magnitude below the permit limits. In 6 test runs, the Beryllium emissions were below the detection limit for the DEP approved test method.

Exhibit "A" also shows that Fluoride emissions have been measured in 42 test runs conducted since 1989. In all of the test runs, the Fluoride emissions were well below the PSD permit limits. In 27 of the test runs, the Facility's Fluoride emissions were more than an order of magnitude below the permit limits. In all of the test runs conducted in 1995, the Facility's Fluoride emissions were below the detection limit.

Rationale for Reduced Testing

The test data in Exhibit "A" clearly demonstrate that the Facility is consistently complying with the PSD permit limits for Beryllium and Fluoride. Given this test data, the Authority believes it is not necessary to continue to perform annual stack tests to measure the Facility's Beryllium and Fluoride emissions. Testing on a less frequent basis (e.g., once every five years) should be adequate to provide the DEP with reasonable assurance that the PSD permit limits are being met.

Mr. Clair Fancy
Page Three
May 5, 1997

The Authority's proposal to test once every five years is consistent with, and more stringent than, the new requirements promulgated by the U.S. Environmental Protection Agency ("EPA") for municipal waste combustors ("MWC"). EPA's 1995 Emission Guidelines and New Source Performance Standards for MWCs do not contain emission limits or stack testing requirements for Beryllium or Fluoride. See 40 CFR 60, Subpart Cb and Subpart Eb, respectively. Instead, EPA's MWC regulations establish emissions limits and stack test requirements for "MWC metals", "MWC acid gases", "MWC organics", and nitrogen oxides. These parameters serve as surrogates for other substances, such as Beryllium and Fluoride.

When adopting these new MWC regulations, EPA recognized that it is not necessary to perform stack tests for every pollutant that might be emitted from an MWC facility. If an MWC facility controls its emissions of MWC metals, MWC acid gases, and MWC organics in compliance with EPA's MWC regulations, the facility's emissions of other metals (e.g., Beryllium) and acid gases (e.g., Fluoride) will be minimized, too. EPA's MWC regulations require the use of continuous emissions monitors for opacity and sulfur dioxide, which help to ensure continuous compliance with the emissions limits for MWC metals and MWC acid gases.

The regulatory scheme set forth in EPA's MWC regulations reflects a balance between (a) the need for compliance monitoring data and (b) the cost of compliance testing. EPA's MWC regulations also reflect years of work and analysis by EPA concerning MWC facilities, MWC emissions, and the best method of regulating MWC emissions. Since DEP has adopted EPA's MWC regulations by reference in Rule 62-204.800(7)(b)7, F.A.C., the Authority believes DEP should adopt EPA's approach to monitoring MWC emissions. Specifically, DEP should recognize that it is not necessary or cost-effective to conduct annual stack tests to measure the Beryllium and Fluoride emissions from an MWC facility.

The Authority would like to reduce the frequency of the stack tests for Beryllium and Fluoride and thereby reduce the amount of time, energy and money that the Authority must spend on stack tests. The Authority's expenses are paid by the citizens of Palm Beach County. Consequently, a reduction in the Authority's expenses for stack testing would benefit the Authority and the public.

Mr. Clair Fancy
Page Four
May 29, 1997

Conclusion

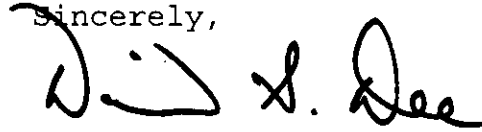
For all of the reasons set forth above, the Authority respectfully requests the Department to amend the Facility's PSD permit. As amended, the PSD permit should require the Authority to perform stack testing for Beryllium and Fluoride every five years, rather than every year.

Enclosed with this letter is the Authority's check (No. 106157) to the Department in the amount of \$250 for the cost of processing the Authority's request for a permit amendment.

If you have any questions about this request, please call me at (904) 681-0311 or Mr. Marc Bruner at (561) 640-4000. Mr. Bruner is the Director of Planning and Environmental Programs for the Authority.

Thank you for your assistance and cooperation with this matter.

Sincerely,



David S. Dee

cc: Marc Bruner
Don Lockhart
Lee Rosenthal
Mark Hammond
Al Linero

/SWAPBC1

cc: EPA
NPS
Palm Bch Co.
SE District
T. Heron, BAR

SWA North County Resource Recovery Facility (NCRRF)
Annual Emission Test Report (Be & HF)
1989-1997

Table 1.0 Emission Rate Summary of Beryllium (lb/MMBtu)

<u>Run Date</u>	<u>Unit 1</u>				<u>Unit 2</u>				<u>Permit limit</u>
	<u>Run 1</u>	<u>Run 2</u>	<u>Run 3</u>	<u>Average</u>	<u>Run 1</u>	<u>Run 2</u>	<u>Run 3</u>	<u>Average</u>	
Oct-89	<2.00E-07	<1.90E-07	<1.97E-07	<1.96E-07	<2.18E-07	<2.10E-07	<2.03E-07	<2.10E-07	7.30E-07
Mar-92*	<3.91E-07	<4.18E-07	<4.07E-07	<4.05E-07	<4.03E-07	<4.13E-07	<4.21E-07	<4.12E-07	7.30E-07
Aug & Sep-92	<8.62E-09	<1.19E-08	<1.25E-08	<1.10E-08	<1.28E-08	<1.31E-08	<1.36E-08	<1.32E-08	7.30E-07
Oct-93	<1.06E-08	<1.03E-08	<1.17E-08	<1.09E-08	<9.26E-09	<1.07E-08	<1.07E-08	<1.02E-08	7.30E-07
Oct-94	<1.10E-08	<1.06E-08	<1.11E-08	<1.09E-08	<1.20E-08	<1.14E-08	<1.05E-08	<1.13E-08	7.30E-07
Oct & Nov-95	ND(1.08E-08)	ND(1.12E-08)	ND(1.06E-08)	ND(1.09E-08)	ND(9.35E-09)	ND(1.11E-08)	ND(1.25E-08)	ND(1.10E-08)	7.30E-07
Dec-96	<1.475E-07	<5.419E-08	<5.134E-08	<8.43E-08	<5.258E-08	<5.479E-08	<4.700E-08	<5.15E-08	7.30E-07

Table 2.0 Emission Rate Summary of Hydrogen Fluoride (lb/MMBtu)

<u>Run Date</u>	<u>Unit 1</u>				<u>Unit 2</u>				<u>Permit limit</u>
	<u>Run 1</u>	<u>Run 2</u>	<u>Run 3</u>	<u>Average</u>	<u>Run 1</u>	<u>Run 2</u>	<u>Run 3</u>	<u>Average</u>	
Oct-89	2.72E-04	1.11E-04	9.74E-05	1.60E-04	8.15E-05	6.95E-05	6.79E-05	7.30E-05	3.20E-03
Mar-92*	<7.44E-05	<6.66E-05	<7.11E-05	<7.07E-05	<5.60E-05	<6.73E-05	<7.82E-05	<6.71E-05	3.20E-03
Sep-92	<3.16E-04	<3.01E-04	<3.12E-04	<3.10E-04	<3.26E-04	<3.30E-04	<3.10E-04	<3.22E-04	3.20E-03
Oct-93	<3.71E-04	<3.64E-04	<3.62E-04	<3.66E-04	<3.44E-04	<3.48E-04	<3.41E-04	<3.44E-04	3.20E-03
Oct-94	<3.12E-04	<4.10E-04	<3.70E-04	<3.64E-04	5.37E-04	ND(3.84E-04)	ND(3.64E-04)	1.79E-04	3.20E-03
Oct & Nov-95	ND(1.17E-05)	ND(1.73E-05)	ND(1.18E-05)	ND(1.36E-05)	ND(1.30E-05)	ND(2.13E-05)	NA	ND(1.72E-05)	3.20E-03
Dec-96	<2.0E-04	<2.0E-04	<2.0E-04	<2.0E-04	<3.0E-04	<6.0E-04	<6.0E-04	<5.0E-04	3.20E-03

< Indicates the value is below the detection limit

* An Fd factor of 9,538 was used for all lb/MMBtu calculations

ND Not Detected used as zero (0). Detectable limits are presented in parentheses.

NA Not applicable; a third run was not conducted on Unit No. 2

LANDERS & PARSONS, P.A.
ATTORNEYS AT LAW

CINDY L. BARTIN
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310 WEST COLLEGE AVENUE
POST OFFICE BOX 271
TALLAHASSEE, FLORIDA 32302
TELEPHONE (904) 681-0311
TELECOPY (904) 224-5595

May 29, 1997

Hamilton S. Oven, Jr.
Power Plant Siting Coordinator
Department of Environmental
Protection
2600 Blair Stone Road
Twin Towers Office Building
Tallahassee, Florida 32399

Re: Solid Waste Authority of Palm Beach County;
Modification to Conditions of Certification (PA 84-20)

Dear Mr. Oven:

This law firm has been retained by the Solid Waste Authority of Palm Beach County ("Authority") to assist the Authority with certain environmental law issues affecting the Authority's North County Resource Recovery Facility ("Facility"). On behalf of the Authority, we are submitting this letter to the Florida Department of Environmental Protection ("DEP") to formally request a modification to the Conditions of Certification that were issued for the Facility pursuant to the Florida Electrical Power Plant Siting Act ("PPSA"). Pursuant to Section 403.516(1)(b), Florida Statutes, and DEP Rule 62-17.211(4), F.A.C., the Authority respectfully requests DEP to modify Specific Condition No. XIV.A.3.c of the Conditions of Certification and thereby require stack testing for Beryllium and Fluoride every five years, rather than every year.

Please note that the Authority is not requesting any change to any emissions limit or other substantive requirement in the Conditions of Certification for the Facility. Consequently, there will be no adverse environmental impact if this request for a modification is granted.

The following portions of this letter explain why the Authority believes this request for a PPSA modification should be granted.

Hamilton Oven, Jr.
Page Two
May 29, 1997

The PPSA Conditions of Certification

The PPSA Conditions of Certification for the Facility (PA 84-20) establish emissions limits for Beryllium (Be), Fluoride (F), and a variety of other substances. Specific Condition No. XIV.A.3.c of the Conditions of Certification requires the Authority to conduct annual stack tests to demonstrate compliance with each of the emissions limits, including the emissions limits for Beryllium and Fluoride.

The Stack Test Data

In accordance with the Conditions of Certification, the Authority has conducted stack testing since the Facility commenced operations in 1989. The test results demonstrate that the Facility's emissions are well below the DEP emissions limits for Beryllium and Fluoride. For your reference, a summary of the emissions test data is attached to this letter as Exhibit "A".

Exhibit "A" shows that the Authority has conducted 42 test runs since 1989 to measure the Facility's emissions of Beryllium. In all of the test runs, the Facility's Beryllium emissions were below the emission limit in the Conditions of Certification. In 29 of the test runs, the Facility's Beryllium emissions were more than an order of magnitude below the PPSA permit limits in the Conditions of Certification. In 6 test runs, the Beryllium emissions were below the detection limit for the DEP approved test method.

Exhibit "A" also shows that Fluoride emissions have been measured in 42 test runs conducted since 1989. In all of the test runs, the Fluoride emissions were well below the permit limits in the Conditions of Certification. In 27 of the test runs, the Facility's Fluoride emissions were more than an order of magnitude below the PPSA permit limits. In all of the test runs conducted in 1995, the Facility's Fluoride emissions were below the detection limit.

Rationale for Reduced Testing

The test data in Exhibit "A" clearly demonstrate that the Facility is consistently complying with the emission limits for Beryllium and Fluoride. Given this test data, the Authority believes it is not necessary to continue to perform annual stack tests to measure the Facility's Beryllium and Fluoride emissions. Testing on a less frequent basis (e.g., once every five years)

Hamilton Oven, Jr.
Page Three
May 29, 1997

should be adequate to provide the DEP with reasonable assurance that the emission limits in the Conditions of Certification are being met.

The Authority's proposal to test once every five years is consistent with, and more stringent than, the new requirements promulgated by the U.S. Environmental Protection Agency ("EPA") for municipal waste combustors ("MWC"). EPA's 1995 Emission Guidelines and New Source Performance Standards for MWCs do not contain emission limits or stack testing requirements for Beryllium or Fluoride. See 40 CFR 60, Subpart Cb and Subpart Eb, respectively. Instead, EPA's MWC regulations establish emissions limits and stack test requirements for "MWC metals", "MWC acid gases", "MWC organics", and nitrogen oxides. These parameters serve as surrogates for other substances, such as Beryllium and Fluoride.

When adopting these new MWC regulations, EPA recognized that it is not necessary to perform stack tests for every pollutant that might be emitted from an MWC facility. If an MWC facility controls its emissions of MWC metals, MWC acid gases, and MWC organics in compliance with EPA's MWC regulations, the facility's emissions of other metals (e.g., Beryllium) and acid gases (e.g., Fluoride) will be minimized, too. EPA's MWC regulations require the use of continuous emissions monitors for opacity and sulfur dioxide, which help to ensure continuous compliance with the emissions limits for MWC metals and MWC acid gases.

The regulatory scheme set forth in EPA's MWC regulations reflects a balance between (a) the need for compliance monitoring data and (b) the cost of compliance testing. EPA's MWC regulations also reflect years of work and analysis by EPA concerning MWC facilities, MWC emissions, and the best method of regulating MWC emissions. Since DEP has adopted EPA's MWC regulations by reference in Rule 62-204.800(7)(b)7, F.A.C., the Authority believes DEP should adopt EPA's approach to monitoring MWC emissions. Specifically, DEP should recognize that it is not necessary or cost-effective to conduct annual stack tests to measure the Beryllium and Fluoride emissions from an MWC facility.

The Authority would like to reduce the frequency of the stack tests for Beryllium and Fluoride and thereby reduce the amount of time, energy and money that the Authority must spend on stack tests. The Authority's expenses are paid by the citizens of Palm Beach County. Consequently, a reduction in the Authority's expenses for stack testing would benefit the Authority and the public.

Hamilton Oven, Jr.
Page Four
May 29, 1997

Conclusion

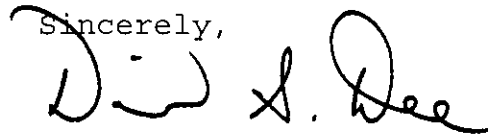
For all of the reasons set forth above, the Authority respectfully requests the Department to modify the Facility's Conditions of Certification. As modified, the PPSA Conditions of Certification should require the Authority to perform stack tests for Beryllium and Fluoride every five years, rather than every year.

Today we sent copies of this letter by certified mail, return receipt requested, to all of the parties to the Facility's PPSA certification hearing (See Exhibit "B"). Pursuant to Section 403.518(1)(c), Florida Statutes, and DEP Rule 62-17.293, F.A.C., we have enclosed the Authority's check (No. 106158) to the Department in the amount of \$10,000, to pay the Department's fee for processing the Authority's request for a PPSA modification. It is our understanding that DEP will return those portions of the processing fee that are not used.

If you have any questions about this request, please call me at (904) 681-0311 or Dr. Marc C. Bruner at (561) 640-4000. Dr. Bruner is the Director of Planning and Environmental Programs for the Authority.

Thank you for your assistance and cooperation with this matter.

Sincerely,



David S. Dee

cc: Marc Bruner
Don Lockhart
Lee Rosenthal
Mark Hammond
Clair Fancy
Al Linero

/SWA-PPSA

SWA North County Resource Recovery Facility (NCRRF)
Annual Emission Test Report (Be & HF)
1989-1997

Table 1.0 Emission Rate Summary of Beryllium (lb/MMBtu)

Run Date	Unit 1				Unit 2				Permit limit
	Run 1	Run 2	Run 3	Average	Run 1	Run 2	Run 3	Average	
Oct-89	<2.00E-07	<1.90E-07	<1.97E-07	<1.96E-07	<2.18E-07	<2.10E-07	<2.03E-07	<2.10E-07	7.30E-07
Mar-92*	<3.91E-07	<4.18E-07	<4.07E-07	<4.05E-07	<4.03E-07	<4.13E-07	<4.21E-07	<4.12E-07	7.30E-07
Aug & Sep-92	<8.62E-09	<1.19E-08	<1.25E-08	<1.10E-08	<1.28E-08	<1.31E-08	<1.36E-08	<1.32E-08	7.30E-07
Oct-93	<1.06E-08	<1.03E-08	<1.17E-08	<1.09E-08	<9.26E-09	<1.07E-08	<1.07E-08	<1.02E-08	7.30E-07
Oct-94	<1.10E-08	<1.06E-08	<1.11E-08	<1.09E-08	<1.20E-08	<1.14E-08	<1.05E-08	<1.13E-08	7.30E-07
Oct & Nov-95	ND(1.08E-08)	ND(1.12E-08)	ND(1.06E-08)	ND(1.09E-08)	ND(9.35E-09)	ND(1.11E-08)	ND(1.25E-08)	ND(1.10E-08)	7.30E-07
Dec-96	<1.475E-07	<5.419E-08	<5.134E-08	<8.43E-08	<5.258E-08	<5.479E-08	<4.700E-08	<5.15E-08	7.30E-07

Table 2.0 Emission Rate Summary of Hydrogen Fluoride (lb/MMBtu)

Run Date	Unit 1				Unit 2				Permit limit
	Run 1	Run 2	Run 3	Average	Run 1	Run 2	Run 3	Average	
Oct-89	2.72E-04	1.11E-04	9.74E-05	1.60E-04	8.15E-05	6.95E-05	6.79E-05	7.30E-05	3.20E-03
Mar-92*	<7.44E-05	<6.66E-05	<7.11E-05	<7.07E-05	<5.60E-05	<6.73E-05	<7.82E-05	<6.71E-05	3.20E-03
Sep-92	<3.16E-04	<3.01E-04	<3.12E-04	<3.10E-04	<3.26E-04	<3.30E-04	<3.10E-04	<3.22E-04	3.20E-03
Oct-93	<3.71E-04	<3.64E-04	<3.62E-04	<3.66E-04	<3.44E-04	<3.48E-04	<3.41E-04	<3.44E-04	3.20E-03
Oct-94	<3.12E-04	<4.10E-04	<3.70E-04	<3.64E-04	5.37E-04	ND(3.84E-04)	ND(3.64E-04)	1.79E-04	3.20E-03
Oct & Nov-95	ND(1.17E-05)	ND(1.73E-05)	ND(1.18E-05)	ND(1.36E-05)	ND(1.30E-05)	ND(2.13E-05)	NA	ND(1.72E-05)	3.20E-03
Dec-96	<2.0E-04	<2.0E-04	<2.0E-04	<2.0E-04	<3.0E-04	<6.0E-04	<6.0E-04	<5.0E-04	3.20E-03

< Indicates the value is below the detection limit

* An Fd factor of 9,538 was used for all lb/MMBtu calculations

ND Not Detected used as zero (0). Detectable limits are presented in parentheses.

NA Not applicable; a third run was not conducted on Unit No. 2

EXHIBIT "B"

I hereby certify that a copy of the foregoing letter to Hamilton S. Oven concerning a modification of the Conditions of Certification for the North County Resource Recovery Facility was sent to those listed below by Certified Mail--Return Receipt Requested on this 29th day of May, 1997.

Stephanie Kruer, General Counsel
Department of Community Affairs
Sadowski Building
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399

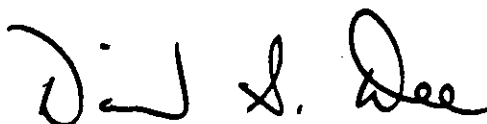
Barbara Markham, General Counsel
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33402

Joel T. Daves, III, Esquire
Burdick & Daves
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Attorney

cc: Susan Coughanour

97-A02

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOLID WASTE AUTHORITY OF)
PALM BEACH COUNTY,)
)
Petitioner.)
)
)
)
)
)

DEP Case No.

PETITION FOR VARIANCE FROM
RULE 62-296.416(3)(b)2., FLORIDA ADMINISTRATIVE CODE

Petitioner, the Solid Waste Authority of Palm Beach County ("Authority"), hereby petitions the Florida Department of Environmental Protection ("DEP") pursuant to Section 120.542, Florida Statutes ("F.S."), for a variance to modify the requirements of DEP Rule 62-296.416(3)(b)2., Florida Administrative Code ("F.A.C."), and says:

Background Information

1. The Petitioner's address is:

Solid Waste Authority of Palm Beach County
7501 North Jog Road
West Palm Beach, Florida 33412
Phone: (561) 640-4000
Fax: (561) 683-4067

In this proceeding, all correspondence and other documents should be sent to the Petitioner's attorney, Mr. David S. Dee, at the following address:

Landers and Parsons, P.A.
310 West College Avenue
Tallahassee, Florida 32301
Phone: (904) 681-0311
Fax: (904) 224-5595

2. The Authority owns and operates a waste-to-energy facility that is known as the North County Resource Recovery Facility ("Facility"). The Authority's Facility is subject to the testing requirements contained in DEP Rule 62-296.416.(3)(b)2, F.A.C., which provides:

Beginning no later than on July 1, 1994, facilities subject to Rule 62-296.416(3)(b)1., F.A.C., shall perform semiannual individual emissions unit mercury emissions tests. Facilities shall stagger the semiannual testing of individual emissions units such that at least one test is performed quarterly.

3. Rule 62-296.416(3)(b)2 requires the Authority to measure the Facility's mercury emissions by conducting stack tests at the Facility each quarter. The Authority seeks a permanent variance from the testing requirements in Rule 62-296.416(3)(b)2., F.A.C., because the Authority wants to conduct annual tests at the Facility, rather than quarterly tests.

Legal Basis for Variance

4. Section 120.542(1), F.S., authorizes each state agency to grant variances to the requirements in the agency's rules. A variance is "a modification to all or part of the literal requirements of an agency rule. . . ." s. 120.52(18), F.S. Section 120.542(2), F.S., provides:

Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means

by the person and when application of a rule would create a substantial hardship. . . . For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal or other type of hardship to the person requesting the variance or waiver.

(emphasis added).

Purpose of Underlying Statutes

5. When DEP adopted Rule 62-296.416, F.A.C., the Department identified Sections 403.021, 403.031, 403.061 and 403.087, Florida Statutes, as the laws that were being implemented by Rule 62-296.416, F.A.C. The general purpose of these four statutes is to protect human health, safety, and welfare, and protect Florida's natural environment.

6. The general purpose of the testing requirements in Rule 62-296.416(3)(b)2 is to confirm that mercury emissions are being controlled adequately at those waste-to-energy facilities that use waste separation programs to reduce the facility's mercury emissions. In 1993, when Rule 62-296.416 was adopted by the Environmental Regulation Commission, it was unclear whether waste separation programs would adequately control the mercury emissions from waste-to-energy facilities. Given this uncertainty, the DEP required quarterly stack testing in Rule 62-296.416(3)(b)2 for those waste-to-energy facilities that use waste separation programs. By comparison, DEP required annual stack testing in Rule 62-296.416(3)(a)3 for those waste-to-energy facilities that use post-combustion mercury control equipment to

reduce mercury emissions.

7. In this case, the purpose of DEP Rule 62-296.416(3)(b)2 and the purpose of the underlying statutes already have been achieved, as explained below. Moreover, the purpose of the DEP rule and statutes will be achieved in the future even if DEP grants this petition for a variance.

The Authority's Test Data

8. The Authority has conducted stack tests to measure the mercury emissions from the Authority's Facility since the Facility commenced commercial operations in 1989. The test results demonstrate that the Facility's mercury emissions have been well below the emissions limits contained in DEP Rule 62-296.416(3)(b)1., F.A.C. A summary of the Authority's test results is attached hereto as Exhibit "A".

9. Exhibit "A" indicates that since 1989 the Authority has conducted 68 test runs to measure the Facility's mercury emissions. The average of three test runs is used to determine compliance with the DEP mercury emissions limit, pursuant to Rule 62-296.416(3)(d)1, F.A.C., and EPA Method 29, formerly Rule 62-296.416(3)(f)1 and EPA Method 101A. In all cases since 1989, the average of three consecutive test runs was below the applicable DEP emissions limit of 140 micrograms per dry standard cubic meter ("ug/dscm") of flue gas, corrected to 7 percent oxygen. Indeed, in all cases the average emissions were below the DEP emission limit of 70 ug/dscm, which will come into effect in July

1997. See Rule 62-296.416(3)(b)1.b, F.A.C.

10. The test results in Exhibit "A" suggest that the mercury emissions from the Authority's Facility are decreasing. From 1993 through January 1997, the Authority conducted 50 test runs for mercury. All of these most recent test runs were below the proposed DEP emissions limit of 70 ug/dscm. The average value of these 50 test runs is approximately 12 ug/dscm.

11. Thus, there is a substantial database to demonstrate that the Facility is consistently complying with the DEP emission limits for mercury. The Facility's mercury emissions are far less than the levels allowed under the DEP rules.

12. The Authority's mercury emissions should continue to be very low in the future. Several years ago batteries were identified as the primary source of mercury in municipal solid waste. In recent years, however, manufacturers have worked diligently to reduce the amount of mercury in batteries. State and federal legislation also has restricted the use of mercury in other materials that may become part of the solid waste stream. These actions have reduced the amount of mercury in municipal solid waste, as reflected in the stack test data which show that the Facility's mercury emissions are decreasing.

13. In light of the Authority's test data, the Authority wants to reduce the amount of stack testing that the Authority performs for mercury. The Authority wants to conduct stack tests for mercury on an annual basis, like those facilities that use post-combustion mercury control equipment, rather than conduct

tests on a quarterly basis. Quarterly testing is no longer necessary at the Facility. The Authority's existing database provides reasonable assurance that the Facility will comply with DEP's mercury limits and, therefore, the existing database satisfies the underlying purpose of DEP Rule 62-296.416(3)(b)2, F.A.C., and Sections 403.021, 403.031, 403.061, and 403.087, F.S.

Substantial Hardship

14. Testing for mercury on a quarterly basis constitutes a substantial hardship for the Authority. It is an economic hardship because the Authority must hire an independent consulting firm and testing laboratory to conduct the mercury testing. These services cost approximately \$10,000 each year. The Authority will incur approximately \$200,000 in additional expenses if the Authority is required to conduct quarterly stack tests at the Facility over the next 20 years of the Facility's operations. Since the Authority's expenses are paid by the citizens of Palm Beach County, the cost of quarterly testing imposes a significant burden on the public, as well as the Authority.

15. Quarterly testing for mercury also poses practical problems and hardships for the Authority. For most pollutants, the Authority performs stack tests once each year. Quarterly testing requires the Authority to spend its manpower and other resources on the mobilization, setup, and initiation of the stack sampling on three extra occasions each year. Logistically and

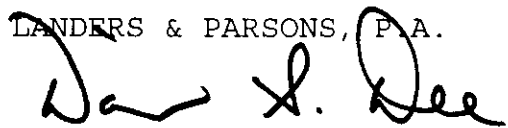
practically, it is not efficient or cost-effective to perform stack tests to measure one parameter only.

16. In this case, a variance would allow the Authority to perform annual stack tests for mercury, which would reduce the economic hardship for the Authority, while providing DEP with sufficient data to confirm that the Facility's emissions are below the applicable DEP limits. The variance would achieve the purpose of the underlying statutes, as well as the purpose of the DEP rules, because the variance would grant some relief to the Authority while protecting the public health, safety and welfare.

WHEREFORE, the Solid Waste Authority of Palm Beach County respectfully requests the Department of Environmental Protection to grant a permanent variance from Rule 62-296.416(3)(b)2., F.A.C., and thereby allow the Authority to perform mercury emissions tests at the Facility on an annual basis, rather than quarterly.

Respectfully submitted this 29th day of May, 1997.

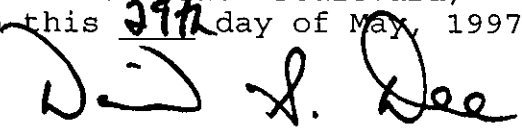
LANDERS & PARSONS, P.A.



DAVID S. DEE, Esquire
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Tallahassee, Florida 32302
Phone: (904) 681-0311
Fax: (904) 224-5595

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of the Petition for Variance were furnished to the Clerk, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399 on this 27th day of May, 1997.



Attorney

cc: Marc Bruner
Lee Rosenthal
Don Lockhart
Mike Hewett
Clair Fancy
Hamilton S. Owen

SWA North County Resource Recovery Facility (NCRRF)
Emission Test Report (Hg)
1989-1997

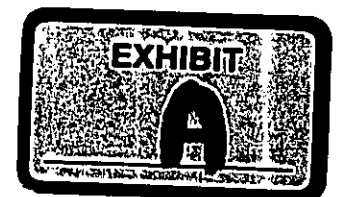
Table 3.0 Emission Rate Summary of Mercury (ug/dscm @ 7% O₂)

Run Date	Unit 1				Unit 2				Limit*
	Run 1	Run 2	Run 3	Average	Run 1	Run 2	Run 3	Average	
Oct-89	33.02	59.62	74.29	55.72	29.35	16.07	24.99	23.39	70
Mar-92	17.09	15.97	20.97	18.01	20.46	15.78	16.16	17.46	70
Sep-92	20.77	36.92	72.00	43.34	113.96	50.67	25.68	63.51	70
Oct-93	15.9	11.1	11.3	12.8	24.1	12.1	19.7	18.6	70
Jun-94	15.9	17.7	12.3	15.3	NA	NA	NA	NA	70
Aug-94	NA	NA	NA	NA	0.35	**	0.23	0.29	70
Oct-94	8.04	9.22	8.85	8.7	14.8	16.5	12.1	14.5	70
Jan-95	NA	NA	NA	NA	6.87	7.39	6.66	6.97	70
Apr-95	12	12.9	6	10.3	NA	NA	NA	NA	70
Aug-95	NA	NA	NA	NA	11.53	7.53	8.76	9.27	70
Oct-95	5.69	6.38	6.65	6.24	17	15.2	12.7	15	70
Feb-96	NA	NA	NA	NA	11.45	11.49	12.8	11.91	70
Apr-96	19.72	19.65	19.31	19.56	NA	NA	NA	NA	70
Aug-96	NA	NA	NA	NA	0.81	22.22	1.27	8.1	70
Dec-96	17.04	18.53	16.12	17.20	15.13	16.14	11.02	14.10	70
Jan-97	NA	NA	NA	NA	10.81	15.37	16.12	14.1	70

NA Not applicable (only one unit tested on a staggered semi-annual basis)

* Permit limit 2.4E-04 lbs/MMBtu (approximately 267 ug/dscm) 1989-July 1, 1995; Permit limit 140 ug/dscm @ 7% O₂ July 1, 1995-1997; Permit limit 70 ug/dscm @ 7% O₂ after July 1, 1997.

** Data not available (aborted test run)



SOLID WASTE AUTHORITY OF PALM BEACH COUNTY

No. 106157

CHECK NUMBER

ORGANIZATION	ACCOUNT	PROJECT	INVOICE NO	INVOICE DATE	P.O. NUMBER	AMOUNT	DESCRIPTION
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4034231 54901

05/09/97

250.00 PSD PERMIT MODIFICA

SOLID WASTE AUTHORITY PALM BEACH COUNTY

7501 NORTH JOG ROAD
WEST PALM BEACH, FLORIDA 33412

No. 106157

68-351
270

CHECK NO.	DATE	AMOUNT
0106157	05/16/97	*****250.0

PAY:

TWO HUNDRED FIFTY DOLLARS & ZERO CENTS

TO THE
ORDER OF:

VOID AFTER 90 DAYS

DEPT. OF ENVIRONMENTAL PROTECTION
2600 BLAIR STONE RD
TALLAHASSEE, FL
32399-2407

Barnett Bank of Palm Beach County
West Palm Beach, FL 33409

AUTHORIZED SIGNATURE

⑈ 106157⑈ 1067008582⑈

⑈ 1611656535⑈