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JUN 20 1997

**PASCO COUNTY, FLORIDA**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
RESOURCES MANAGEMENT



June 10, 1997

Mr. A.A. Linero, P.E.  
Administrator, New Source Review Section  
Florida Department of Environmental Protection  
2600 Blair Stone Rd., M.S. #5505  
Tallahassee, Florida 32399-2400

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JUN 23 1997

BUREAU OF  
AIR REGULATION

SUBJ: Pasco County Resource Recovery Facility  
Permit No. PSD-FL-127  
Request for Amendment to Specific Condition No. 4.f.13

Dear Mr. Linero:

Pasco County requests that Specific Condition No. 4.f.13 of Permit No. PSD-FL-127 be changed in order to be consistent with Chapter 62-296.416, F.A.C. Chapter 62-296.416, F.A.C. was modified in October 1996 to require that EPA Method 29 be used for mercury emission compliance demonstrations. However, Specific Condition No. 4.f.13 requires the use of EPA Method 101A. Accordingly, we request the following change:

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

New Language: (13) Method 29 for determination of mercury emission rate.

This change is being requested merely to rectify the inconsistency between the permit and the regulation. Because compliance testing is scheduled for next week, an expeditious review to this request would be most appreciated. A \$50 amendment processing fee is attached.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent Manella".

Vincent Manella, P.E.

Solid Waste Facility Manager

cc: M. Harley (FDEP Source Testing)  
B. Oven (FDEP Power Plant Siting)  
J. Gallagher (Pasco County Administrator)  
D. Bramlett (Pasco County Utilities)  
B. Sitz (OMS Pasco)

sent Back ?

IMAGE SAFE logo in light gray tone is not present on back of document - Do not cash.

OGDEN MARTIN SYSTEMS  
OF PASCO, INC.  
14230 HAYS ROAD  
SPRING HILL, FL 34610

4514

63-751/631  
00806

6-16 1997 \$

PAY TO THE ORDER OF Florida Department of Environmental Protection

\$ 50.00

Fifty dollars and 00/100

DOLLARS



First Union National Bank  
of Florida  
New Port Richey, Florida  
24 Hour Information Service  
1-800-735-1012

VOID AFTER 90 DAYS

*[Handwritten Signature]*

FOR \_\_\_\_\_

⑈004514⑈ ⑆063107513⑆ 2180618014898⑈

GUARDIAN SAFETY

Date: 2/6/97 8:03:27 AM  
From: Patricia Comer TAL  
Subject: Re: Response to Mary Smallwood's Letter  
To: John Reynolds TAL

I don't like using the term "permit amendments" to describe any permit changes. The reason is that we use that term in 62-210 to describe changes in the permit that are done without review and that isn't what we're contemplating here. A change in the allowed fuel could require an amendment or a revision, as those two terms are used in 62-210, depending on the circumstances and expected effects. So I'd recommend using "permit changes" instead of "permit amendments" in the letter. Or we could say "permit amendments or permit revisions". Or we could just say "permit revisions" and close the issue.

my choice  
JR



pasco -  
File

# Department of Environmental Protection

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

February 6, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ms. Mary F. Smallwood  
Ruden, McClosky, Smith, Schuster & Russell, P.A.  
Attorneys at Law  
P.O. Box 10888  
Tallahassee, Florida 32302

RE: Pasco County Resource Recovery Facility - PSD-FL-127

Dear Ms. Smallwood:

This is in reply to your December 30, 1996 letter requesting an interpretation of the term "municipal solid waste" appearing in Specific Conditions 1.a. and 1.e. of the subject permit.

The permit was issued prior to the effective date of Subpart Ea which applies specifically to municipal waste incinerators rather than the generic "incinerators" regulated under Subpart E. The Subpart E definition of "solid waste" would therefore be the controlling reference for interpreting the above permit conditions. Even though the Subpart E definition of "solid waste" is broader in that it encompasses waste other than municipal type waste, it contains a description of municipal type waste within the solid waste definition as follows: "...municipal type waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustibles...". Since the permit authorizes municipal solid waste only, it is clear that the intent was to limit the fuel to the categories listed under that internal definition, with other wastes requiring prior written approval. It is our opinion that this interpretation should supersede all other references in the Site Certification conditions as to what constitutes "refuse", "garbage", or "trash".

The Department believes that approving supplemental fuels as "other combustibles" on a case by case basis through permit revisions is still the best approach and is consistent with established BACT procedures. Where necessary, the Subpart Ea restrictions on industrial and other wastes not listed as municipal solid waste may provide guidance in making these case by case determinations.

If there are questions regarding the above, please contact Clair Fancy or John Reynolds at (904)488-1344.

Sincerely,

Howard L. Rhodes, Director  
Division of Air Resources Management

HLR/jr

c: R. Garrity, SWD  
B. Beals, EPA Region IV

Fold at line over top of envelope to

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- 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:  
 Mary J. Smallwood  
 Ruden, McClosky, Smith  
 Schister & Russell, P.A.  
 P.O. Box 10588  
 Tallahassee, FL 32302

4a. Article Number  
 P 265 659 173

4b. Service Type

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 Express Mail  Insured  
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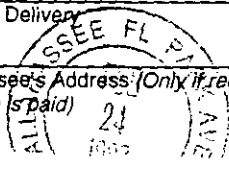
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5. Received By: (Print Name)

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6. Signature: (Addressee or Agent)

X *[Signature]*



Thank you for using Return Receipt Service.

PS Form 3811, December 1994

Domestic Return Receipt

P 265 659 173

US Postal Service  
**Receipt for Certified Mail**  
 No Insurance Coverage Provided.  
 Do not use for International Mail (See reverse)

Sender	Mary Smallwood
Street & Number	Ruden McClosky Smith
Post Office, State, & ZIP Code	1000-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	2-18-97
	PSD-FI-127

PS Form 3800 April 1995

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

215 SOUTH MONROE STREET  
SUITE 815  
TALLAHASSEE, FLORIDA 32301

POST OFFICE BOX 10888  
TALLAHASSEE, FLORIDA 32302

TELEPHONE: (904) 681-9027  
FAX: (904) 224-2032

E-MAIL: MFS@RUDEN.COM

December 30, 1996

**RECEIVED**

JAN 03 1997

BUREAU OF  
AIR REGULATION

VIA HAND DELIVERY

Howard Rhodes, Director  
Division of Air Resources Management  
Department of Environmental Protection  
Suite 24, Magnolia Courtyard  
Tallahassee, FL 32301

Re: Pasco County Resource Recovery Facility

Dear Howard:

As we discussed at our meeting of November 25, 1996, please accept this letter as our request for an interpretation from the Department of Environmental Protection (DEP) of the conditions of the power plant certification and the Prevention of Significant Deterioration (PSD) permit for the Pasco County Resource Recovery Facility (the "Facility") related to the type of fuel that may be burned at the Facility.

Ogden Corporation (Ogden), through its subsidiary Ogden Waste Treatment Services USA, Inc. (OWTS), has long had a "supplemental waste" program at many of the waste to energy facilities around the country. We have previously provided you with copies of the company's internal procedures for handling such wastes and describing the types of materials that would fall within the supplemental waste program in the form of two documents: (1) Ogden Waste Treatment Services: An Overview and (2) Material Characterization Forms and Instructions for Waste Generators. The Overview includes a comprehensive listing of the types of waste streams that are commonly part of the supplemental waste program. We believe these documents, together, should give you a good perspective on the precautions OWTS and the individual facilities take in managing supplemental wastes.

In July, 1996, the Pasco County Commission entered into a service agreement modification with Ogden Martin Systems of Pasco, Inc. (Ogden Martin). This agreement contains the commercial arrangement between the County and Ogden Martin under which the Facility would begin participating in Ogden's supplemental waste program. This agreement more specifically identifies the types of supplemental wastes that the County will allow to be processed at the Pasco Facility.

The Southwest District office of DEP has suggested that Ogden Martin and the County seek an interpretation of the relevant permit conditions. We believe that a review of those provisions will confirm that the existing conditions of the power plant certification and PSD permit for the Facility

have always authorized the County to process supplemental waste at the Facility. The County has not previously chosen to exercise this authority granted to it.

At our November 25 meeting, we referred you to the conditions of the PSD permit (Paragraph 3.3.1) which provided that the Facility would burn "municipal solid waste," defined in the permit as all solid waste except hazardous and pathogenic wastes and sludges. The waste stream was identified in the permit application as (1) residential waste, (2) commercial waste, (3) institutional waste, and (4) industrial waste. There is no definition of "municipal solid waste" in DEP's present regulations or in the regulations that were in effect at the time of permit issuance. However, the permit, itself, in conjunction with the application, clearly defined the type of materials that could be burned at the Facility. As you can see from the OWTS Overview, the materials included in the company's supplemental waste program are the types wastes typically generated by commercial and industrial enterprises.

Since the meeting, we have further reviewed the power plant certification conditions authorizing the construction of a resource recovery facility in Pasco County, in particular, Section XIV.B. related to fuel. The conditions of certification provide that the Facility "shall utilize refuse such as garbage and trash (as defined in Chapter 17-7, FAC) as its fuel. . . . Refuse shall not include 'hazardous waste' as defined in Chapter 17-30, FAC." This construction suggests that the meaning of "refuse" is broader than, not limited to, "garbage" and "trash." In fact, the only type of waste specifically precluded from use is hazardous waste.

We have reviewed the Department's regulations in effect in 1988 when the power plant certification was issued for this facility. The term "refuse" was not defined in Chapter 17-7 at that time, nor is it in the present regulations. However, refuse is defined by most dictionaries to mean virtually any discarded materials. The terms "garbage" and "trash" were defined in those rules as follows

"Garbage" means all kitchen and table food waste, animal or vegetative waste that is attendant with or results from the storage, preparation, cooking or handling of food materials.

"Trash" means combinations of yard trash and construction and demolition debris along with other debris such as paper, cardboard, cloth, glass, street sweepings, vehicle tires and other like matter. (Emphasis added.)

While garbage and trash are two examples of the type of fuel that may be used, they are clearly not exclusive definitions. It is probably more helpful to consider the two other definitions in the 1988 regulations with respect to the issue of the type of materials to be burned at the facility. In particular, is the definition of "resource recovery and management facility" which is the specific facility for which the certification was issued. That term was defined as:

any solid waste disposal area, volume reduction plant, or other facility the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste.

Howard Rhodes, Director  
December 30, 1996  
Page 3

In turn, "solid waste" was defined to include "garbage, rubbish, refuse, or other discarded material . . . resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations."

It is clear from a review of the full permit and certification conditions that the original approvals for the Facility anticipated the use of a broad range of fuels. In fact, the only materials which the Facility was prohibited from using were hazardous or infectious wastes. As the use of supplemental waste is not prohibited by rule and the materials are within the definitions of "municipal solid waste" and "refuse," we would appreciate your written concurrence that the Facility can accept supplemental waste under the existing regulatory authority. If you have any questions about the proposal that were not addressed in our meeting or this correspondence, please feel free to contact me.

Sincerely,

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

*Mary F. Smallwood*

Mary F. Smallwood

MFS/db

cc: Clair Fancy  
Richard D. Garrity  
Joe Threshler  
Kurt Rieke  
Jason Gorrie  
Gary Thein