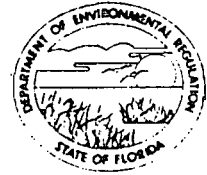


State of Florida  
DEPARTMENT OF ENVIRONMENTAL REGULATION



# Interoffice Memorandum

FOR ROUTING TO OTHER THAN THE ADDRESSEE

To: <u>Barry</u>	Locn: _____
To: _____	Locn: _____
To: _____	Locn: _____
From: _____	Date: _____

TO: Power Plant Siting Review Committee  
FROM: Hamilton S. Oven *HSO*  
DATE: November 24, 1987  
SUBJECT: Pasco County Resource Recovery Facility PA 87-23

DER  
NOV 25 1987  
BAQM

Attached please find a revision to the Pasco County Resource Recovery Facility power plant siting application.

HSO/mkr  
cc: All parties

LOT7C.4/75  
11/19/87

PASCO COUNTY, FLORIDA  
SOLID WASTE RESOURCE RECOVERY FACILITY  
APPLICATION FOR  
POWER PLANT SITE CERTIFICATION  
VOLUME III - AIR QUALITY

ERRATA

Page 6-42, Table 6-15, Footnote a: Sixty-six should be sixty-five.

Page 6-43, Table 6-16, for 1972, 3-hour, Total Impact: 13.12 should  
be 13.42.

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

In re:

Application for  
Power Plant Site Certification  
of Pasco County Solid Waste  
Resource Recovery Facility

Certification No. PA 87-23  
OGC File No. 87-1587

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REQUEST FOR DESIGNATION OF HEARING OFFICER;  
NOTICE OF MECHANICAL PRESERVATION OF RECORD

On November 16, 1987, Pasco County, a political subdivision of the State of Florida, filed with the Department of Environmental Regulation an application for power plant site certification of a proposed solid waste resource recovery facility to be located in northwest Pasco County. Pursuant to §403.5065(1), Florida Statutes, the Department requests the Division of Administrative Hearings to designate a hearing officer to conduct all hearings required by the Power Plant Siting Act in connection with the above-captioned application.

ALL PARTIES PLEASE TAKE NOTE that the Department is responsible for preserving the record of any evidentiary hearings in this case in accordance with Florida Administrative Code Rule 17-103.205. Such a record may be preserved by a court reporter or by mechanical recording equipment. The Department will use mechanical recording equipment unless one of the parties makes arrangements to provide a court reporter, including payment of the court reporter's fees. Any party arranging for the presence of a court reporter at hearing should notify the hearing officer and all parties prior to hearing of the court reporter's name, mailing address, and telephone number.

Whenever a court reporter is used, Florida Administrative Code Rule 28-5.306 provides that the court reporter's recordation becomes the official transcript. The Department may tape a hearing for its own use even when a court reporter is present. If the Department tapes a proceeding which is also

recorded by a court reporter, copies of the tapes can be made available to all parties upon request at cost of reproduction. However, parties should not assume in every instance that the Department will tape reported proceedings.

If a party decides to file exceptions to any finding of fact made by the hearing officer or to appeal the final order of the Power Plant Siting Board, the party will need to submit an official transcript of the proceeding. A transcript may be prepared, at the expense of the requesting party, from a court reporter's notes or, when no court reporter has been hired, from the tapes made by the Department.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy hereof has been furnished to the following by U.S. Mail on this 24th day of November, 1987.

J. Ben Harrill, Esq.  
County Attorney  
7530 Little Road  
New Port Richey, FL 33553


Daniel Fernandez, Esq.  
General Counsel  
Southwest Fla. Water Mgt. District  
2379 Broad St.  
Brooksville, FL 33512-9712

David S. Dee, Esq.  
PO Box 190  
Tallahassee, FL 32302

Michael B. Twomey, Esq.  
Florida Public Service Commission  
101 E. Gaines Street  
Tallahassee, FL 32399-0850

C. Lawrence Keeseey, Esq.  
Dept. of Community Affairs  
Office of General Counsel  
Rhyne Bldg., 2740 Centerview Dr.  
Tallahassee, FL 32399

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL REGULATION

  
\_\_\_\_\_  
RICHARD T. DONELAN, Jr.  
Assistant General Counsel  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
Telephone: (904) 488-9730



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET  
ATLANTA, GEORGIA 30365

DEC 13 1987

4APT/APB-am

Dec. 18, 1987  
Atlanta, GA

813 221 2279

Ms. Margaret V. Janes, Planner  
Bureau of Air Quality Management  
Florida Department of Environmental Regulation  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

DER

DEC 22 1987

BAQM

Re: Pasco County Resource Recovery Facility (PSD-FL-127)

Dear Ms. Janes:

This is to acknowledge receipt of your December 2, 1987, PSD application from the above-mentioned source. After reviewing the application, I would like to offer the following comments with regard to the applicant's BACT determination.

With regard to the BACT determination, we concur with the applicant's proposed usage of a dry scrubber/baghouse control system that will limit the TSP emission concentration to 0.015 gr/dscf and at the same time provide a 70% control on the SO<sub>2</sub> emissions (i.e., 74.8 ppmv at the most) and 90% control on acid gases and dioxins. However, the applicant did not perform a cost analysis for the control of NO<sub>x</sub>. A qualitative description of the BACT determination was all that was given. A more appropriate BACT determination would include a cost analysis on several control options in a "top-down" fashion. For your information, this "top-down" BACT procedure became effective as of December 1, 1987, with the publication of the EPA Potter memorandum entitled, "Improving New Source Review (NSR) Implementation" (copy enclosed). Efforts are now being made here at Region IV to inform all of our State/local agencies concerning this memorandum. Meanwhile, please inform Pasco County and other future applicants with regard to the "top-down" policy.

Thank you for the opportunity to provide our comments. If you have any questions, please call me or Gary Ng of my staff at (404) 347-2864.

Sincerely yours,

*Bruce P. Miller / Acting for*

Bruce P. Miller, Chief  
Air Programs Branch  
Air, Pesticides, and Toxics  
Management Division

Enclosure

Copied: CHFIBT  
Pradeep Raval }  
Barry Andrews } 12.23.87  
Jon Rogers }



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

*Miller*

DEC 1 1987

RECEIVED  
DEC 7 1987  
OFFICE OF  
AIR AND RADIATION  
EPA-REGION IV  
ATLANTA, GA.

MEMORANDUM

SUBJECT: Improving New Source Review (NSR) Implementation

FROM: J. Craig Potter  
Assistant Administrator  
for Air and Radiation (ANR-443)

TO: Regional Administrator  
Regions I-X

On June 27, 1986, I established a special task force to address growing concerns about the consistency and certainty of permits issued under the Clean Air Act's prevention of significant deterioration and nonattainment area NSR programs. Based on the findings and recommendations of the task force, I am today establishing certain program initiatives designed to improve the timeliness, certainty, and effectiveness of these programs.

A great deal of effort will be required to overcome the problems which have developed, but it is my belief that these problems, with your full cooperation and assistance, can be resolved so that these essential air management programs can fulfill their intended roles. Therefore, I urge each of you to provide the maximum priority and resource commitments available to the task.

The outstanding concern we now face in these programs is inadequate implementation. The Office of Air and Radiation intends to apply its resource commitments so as to enhance its ability to provide technical support and guidance, training, workshops, auditing, and enforcement support to the Regions and delegated programs. The Regional Offices must make a corresponding resource commitment for these efforts to succeed. Accordingly, I am requesting that you initiate a self-evaluation of current NSR activities and, to the extent necessary, refocus Regional attention on these programs in an effort to improve and enhance NSR program implementation.

To ensure that we maintain the flexibility to make this effort a dynamic one, capable of sensing and adjusting to the needs of the program, I intend to establish an informal group of our colleagues to report to me on progress in implementing the initiatives discussed below. The mission of the group is to provide the feedback necessary to maximize the effectiveness of NSR implementation and to make NSR reflective of air program needs.

The following is a list of the specific program initiatives I am hereby instituting to bring about improvements in NSR implementation:

Tracking Permit Actions--Initially and until such time as permit quality can be assured, I am requiring that each Regional Office establish (if not already in place) a program to ensure a timely and comprehensive review of all State and local agency-issued major source permits and certain minor source permits. Implementation of the program will be made part of the Regional Office Management System and will require the "real time" exchange and review of information between the Regional Office and the State and local agencies when a key milestone is reached during the permitting process.

Effective communication between the permitting agency and the Regional Office is essential to improving program implementation. Therefore, the Regional Offices will need to ensure that State and local permitting agencies follow certain notification procedures such as:

- Notify the Regional Office and other affected parties (e.g., the Federal land manager if Class I areas are impacted), within a reasonable time, of the receipt of a new major source permit application. This can take the form of a complete copy of the application itself or a brief description of the proposed project. Notification can be made as each application is received or the information may be submitted to the Regional Office in a periodic report.

- Submit to the Regional Office a complete public notification package at the beginning of the public notice period. The package must contain the public notice language, the proposed permit, and a technical analysis demonstrating how the proposed project complies with the technical review requirements of the regulations [e.g., best available control technology (BACT) or lowest achievable emission rate (LAER), air quality impacts or offsets].

- Submit to the Regional Office a copy of the final preconstruction permit when issued, including a response to any appropriate comments submitted during the public comment period.

- Submit to the Regional Office a copy of the operating permit when issued.

Likewise, when informed of a permit action, the Regional Office is responsible for the timely review of the information, specifically:

- Screen incoming information on permit applications for potential issues or concerns and, if warranted, communicate them to the permitting agency.

- Perform a timely and comprehensive review of the public notice package and, if warranted, provide comment during the public comment period. To aid in this task, I have directed the Office of Air Quality

Planning and Standards (OAQPS) to start work on the development of a permit review checklist for use by the Regional Office during the public comment period. The checklist will also be useful to State and local agencies as a tool for self-audit and to understand what the Environmental Protection Agency (EPA) emphasizes when reviewing a proposed permit.

- Review any response to comments and the final permit to ensure that any outstanding concerns have been resolved satisfactorily.

- Review the permit to operate to ensure that it is consistent with the preconstruction permit.

- Take prompt and appropriate action to deter the issuance or use of permits which fail to meet minimal Federal requirements. I have directed OAQPS to work with the Office of General Counsel and the Office of Enforcement and Compliance Monitoring to develop guidance for the Regional Offices on the appropriate legal mechanisms and procedures for handling deficient permit actions.

- To the extent practicable, prior to permit issuance, review potential minor permit actions which exempt an otherwise major source or modification from a major review (e.g., "synthetic" minor sources, major sources netting out of review, and 99.9 or 249.9 tons per year sources).

The most critical element of these initiatives is the Regional Office review of proposed permit actions during the public comment period. The FY 1985 national air audit showed widespread serious permit deficiencies, many of which could have been corrected without interfering with State and local agency processing if dealt with by EPA during the public comment period. By uniformly reviewing all major source permit actions during the comment period, EPA is able to address deficient reviews or permits before the final permit is issued. This not only promotes more consistency in the permitting process among the States, but also provides the highest degree of certainty to the applicant that the permit will not be challenged by EPA at a later date. Moreover, if the permit is not reviewed and commented on prior to issuance, the possibility of successfully challenging the action is greatly diminished, as is the opportunity to improve the enforceability of the permit.

**BACT Determinations**--Of all the NSR processes, BACT (and LAER) determinations are perhaps the most misunderstood and the least correctly applied. The BACT alternatives, if presented by the applicant at all, are often poorly documented or biased to achieve the decision the applicant desires.

To bring consistency to the BACT process, I have authorized OAQPS to proceed with developing specific guidance on the use of the "top-down" approach to BACT. The first step in this approach is to determine, for the emission source in question, the most stringent control available for a similar or identical source or source category. If it can be shown that this level of control is technically or economically infeasible for



the source in question, then the next most stringent level of control is determined and similarly evaluated. This process continues until the BACT level under consideration cannot be eliminated by any substantial or unique technical, environmental, or economic objections. Thus, the "top-down" approach shifts the burden of proof to the applicant to justify why the proposed source is unable to apply the best technology available. It also differs from other processes in that it requires the applicant to analyze a control technology only if the applicant opposes that level of control; the other processes required a full analysis of all possible types and levels of control above the baseline case.

The "top-down" approach is essentially already required for municipal waste combustors pursuant to the June 22, 1987, Administrator's remand to Region IX of the H-Power BACT decision and the OAQPS June 26, 1987, "Operational Guidance on Control Technology for New and Modified Municipal Waste Combustors (MWC's)." It is also currently being successfully implemented by many permitting agencies and some of the Regional Offices for all sources. I have therefore determined that it should be adopted across the board.

In the interim, while OAQPS develops specific guidance on the "top-down" process, I am requesting the Regional Office to apply it to their BACT determinations and to strongly encourage State and local agencies to do likewise. Moreover, when a State agency proposes as BACT a level of control that appears to be inconsistent with the "top-down" concept, such as failure to adequately consider the more stringent control options, the Regional Office is to provide comment to that agency. A final BACT determination which still fails to reflect adequate consideration of the factors that would have been relevant using a "top-down" type of analysis shall be considered deficient by EPA.

Training—No formal training workshops specific to NSR have been held since 1980. Many State and local agencies, as well as the Regional Offices, have experienced a high rate of NSR personnel turnover since then. Many of the basic problems that are occurring in NSR implementation can be traced to the lack of comprehensive, continuing training for new Regional Office and State agency personnel.

To rectify this situation, in FY 1988, OAQPS will work on developing materials for a comprehensive training program in the form of Regional workshops to be conducted in FY 1989.

Commencing in FY 1989, biannual Headquarters-sponsored NSR workshops will be conducted at each Regional Office with State and local agencies attendance encouraged. Workshop topics will cover the NSR rules and policy, BACT and LAER determinations, effective permit writing, how to review a proposed permit and audit a permit file, and other program areas as needed. Appropriately trained Regional staff are to then hold these workshops at their respective State agencies. The NSR experts from Headquarters or NSR experts from other Regions will be available to assist.

In addition, Regional Offices should reserve the funds necessary to send at least one EPA staff representative to the NSR workshops (for EPA only) held semiannually at Denver, Colorado (February), and Southern Pines, North Carolina (July). Attendance at these workshops plays a vital role in keeping the Regions up to date on program implementation and new and emerging policy.

Policy and Guidance--Continuous litigation and regulatory changes have combined with the complexity of NSR rules to create a log jam of the policy and guidance needed to help interpret and effectively apply these rules. Therefore, I am directing that in FY 1989 OAQPS dedicate at least one staff person to ensuring a timely response to policy and guidance requests. In the interim, I intend to continue OAQPS's efforts to compile and organize NSR reference and guidance materials, such as the NSR electronic bulletin board.

I realize that the initiatives discussed above constitute only the first steps of a continuing process to address concerns and needs relating to NSR program implementation. In recognition of the possible need to maintain flexibility in managing and improving the NSR process I will, as indicated earlier, establish a group to monitor our progress under this new policy. The group will be comprised of representatives from EPA Headquarters and Regional Offices and we will consult with State and local agency officials as part of our effort to obtain timely feedback as we implement these initiatives.

Additional specific guidance on improvements in the program areas discussed above will be issued in the near future. In the meantime, each Regional Office is directed to work closely with its State and local agencies to ensure that all aspects of the NSR permit programs comply with all applicable State and Federal program requirements.

Your comments and suggestions are welcome. Please direct them to Gary McCutchen, Chief, New Source Review Section, MD-15, Research Triangle Park, North Carolina 27711 (FTS 629-5592).

cc: Air Division Directors, Regions I-X



# Interoffice Memorandum

TO: Hamilton Oven  
FROM: Clair Fancy *CF*  
DATE: December 22, 1987  
SUBJ: Pasco County SWRRF, Sufficiency Review

For Routing To Other Than The Addressee	
To: _____	Location: _____
To: _____	Location: _____
To: _____	Location: _____
From: _____	Date: _____

In accordance with recent EPA policy developments regarding Best Available Control Technology (BACT) determinations and municipal waste combustors, the following areas need to be addressed:

- 1) Top down BACT: BACT is now being evaluated from a top down approach. In using this approach, BACT is initiated using LAER as a starting point. BACT is then determined based on the economic, environmental, and energy impacts of each control alternative beginning with the emission level/control technology associated with LAER. If the control/emission rate associated with LAER is not justified by these constraints, a lesser degree of control is selected and the analysis is repeated until the level of control that is justified is reached.

It has been determined that the level of control proposed for particulate and acid gas control (dry scrubber - baghouse) is consistent with the level of control that would be justified using the top down approach. However, it will be necessary to establish BACT for nitrogen oxides, using the top down approach.

- 2) All toxic air pollutants need to be addressed with respect to the proposed control technology. For municipal waste combustors the toxic air pollutants are identified in the publications entitled, "Compiling Air Toxics Emission Inventories," EPA-450/4-86-010 and "Control Technologies for Hazardous Air Pollutants," EPA-625/6-86-014. In accordance with these publications, the pollutants cadmium, chromium, copper, manganese, nickel and polycyclic organic matter need to be addressed.
- 3) Will the heat release from the project at it's maximum capacity, exceed 500 MMBtu/hr (e.g. 1320 tons/day refuse having heat content of 5000 Btu/lb)?

Hamilton Oven  
Page Two  
December 22, 1987

- 4) How does the County propose to show compliance with emission limitations for all the pollutants emitted in greater than significant quantities (re: Table 2-1)? What will be the emission concentrations for the above mentioned pollutants on dry basis and corrected to 7% O<sub>2</sub> or 12% CO<sub>2</sub> (apart from ones already submitted in the application).

CHF/PR/s

cc: T. Rogers  
B. Andrews  
P. Raval