Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

NOTICE OF ADMINISTRATIVELY CORRECTED TITLE V AIR OPERATION PERMIT

In the Matter of a Request for Administrative Correction:

Euripides Rodriguez, Director
Brevard County Solid Waste Management Department
2725 Judge Fran Jamieson Way, Building A, Suite 118
Viera, Florida 32940

Project No. 0090069-014-AV
Administrative Correction to:
Permit No. 0090069-013-AV
Brevard County

Enclosed is the administratively corrected page to Title V Air Operation Permit No. 0090069-013-AV for the operation of the Brevard County Central Disposal Facility located in Brevard County at 2250 Adamson Road, Cocoa, Florida. This correction is issued pursuant to Rule 62-210.360, Florida Administrative Code (F.A.C.), and Chapter 403, Florida Statutes (F.S.). This change is made to remove the facility-wide condition (**FW.1**) that was added when EPA stayed 40 CFR 60, Subpart XXX (Subpart XXX) to clarify that while Subpart XXX was stayed, the facility had to comply with the requirements of 40 CFR 60, Subpart WWW. The stay on Subpart XXX has since expired and therefore this permitting action is administratively removing Section II, **Specific Condition FW 1**. The facility shall now be required to comply with the requirements of Subpart XXX. This corrective action does not alter the effective dates of the existing permit. A copy of this corrective action shall be kept on file at the facility with the permit being corrected and shall be incorporated into the permit the next time it is opened.

The Department of Environmental Protection (Department) will consider the above-noted action final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. Mediation under Section 120.573, F.S., will not be available for this proposed action.

Petitions: 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 with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, Agency_Clerk@dep.state.fl.us, before the deadline. Petitions must be filed within 14 days of receipt of this administratively corrected permit. A petitioner shall 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 within the appropriate 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 (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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 written notice. 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.

Judicial Review: Any party to this permitting decision (order) has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, Agency_Clerk@dep.state.fl.us, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

David Lyle Read, P.E.

David Lyle Read, P.E.
2017.09.21 11:39:57 -04'00'

For:
Syed Arif, P.E., Program Administrator
Office of Permitting and Compliance
Division of Air Resource Management

SA/dlr/pks

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Administratively Corrected Permit (including the corrected page) or a link to these documents made available electronically on a publicly accessible server, was sent by electronic mail with received receipt requested to the persons listed below:

Euripides Rodriguez, Brevard County Solid Waste Management Department (euripides.rodriguez@brevardfl.gov)
Deborah Lugar, Brevard County Solid Waste Management Department (deborah.lugar@brevardfl.gov)
Carol Sawyer, P.E., Jones Edmunds & Associates, Inc. (csawyer@jonesedmunds.com)
DEP Central District, Air Permitting (CD_AIR_Permitting@dep.state.fl.us)
DEP Central District, Air Compliance (CD_AIR@dep.state.fl.us)
EPA Region 4: R4TitleVFL@epa.gov
Ms. Lynn Scearce, DEP OPC: lynn.scearce@dep.state.fl.us

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.

Lynn Scearce

2017.09.21 11:46:57 -04'00'

The following permit condition is revised as indicated. ~~Strikethrough~~ is used to denote the deletion of test Double-underlines are used to denote the addition of text. All changes are emphasized with shading.

1. This change is made to remove the facility-wide condition (**FW.1**) that was added when EPA stayed 40 CFR 60, Subpart XXX (Subpart XXX) to clarify that while Subpart XXX was stayed, the facility had to comply with the requirements of 40 CFR 60, Subpart WWW. The stay on Subpart XXX has since expired and therefore this permitting action is administratively removing Section II, **Specific Condition FW 1**. The facility shall now be required to comply with the requirements of Subpart XXX. Facility-wide Condition **FW 1**. is hereby deleted:

   ~~**FW1.** 40 CFR 60, Subpart XXX. This regulation is currently stayed by the EPA[1]. EPA has determined that sources subject to 40 CFR 60, Subpart XXX (Subpart XXX) need not comply with its requirements while the stay is in effect. Therefore, instead of complying with the requirements of Subpart XXX currently in the body of the permit, the permittee shall comply with 40 CFR 60, Subpart WWW contained in the Appendix document, titled Appendix NSPS Subpart WWW until the stay on Subpart XXX is lifted. The permittee shall be notified by the Department when EPA has finalized changes to Subpart XXX and it becomes applicable again. At such a time, the permittee shall apply for a Title V Air Operation Permit revision to incorporate the changes to Subpart XXX. [Rule 62-213.440(1), F.A.C.]~~

~~[1] Link to stay notice in Federal Register, May 31, 2017: https://www.federalregister.gov/documents/2017/05/31/2017-10752/stay-of-standards-of-performance-for-municipal-solid-waste-landfills-and-emission-guidelines-and~~