



# Florida Department of Environmental Protection

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

Charlie Crist  
Governor

Jill Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

September 3, 2008

*Electronic Mail – Received Receipt Requested.*

Mr. Mark Hammond  
Executive Director  
Solid Waste Authority of Palm Beach County  
7501 North Jog Road  
West Palm Beach, Florida 33412

Re: Draft Air Construction Permit No. 0990234-012-AC  
Draft Title V Permit No. 0990234-013-AV  
Air Construction Permit and Title V Air Operation Permit Revision  
North County Resource Recovery Facility

Dear Mr. Hammond:

Enclosed is the Draft air construction permit and Draft permit package to revise the Title V air operation permit for the North County Resource Recovery Facility. This facility is located in Palm Beach County at 6501 North Jog Road, West Palm Beach, Florida. The permit package includes the following documents:

- The Written Notice of Intent to Issue Air Permit provides important information regarding: the Permitting Authority's intent to issue air permits for the proposed project; the requirements for publishing a Public Notice of the Permitting Authority's intent to issue air permits; the procedures for submitting comments on the Draft Permits; the process for filing a petition for an administrative hearing; and, the availability of mediation.
- The Public Notice of Intent to Issue Air Permits is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project.
- The Statement of Basis, which summarizes the facility and the changes since the last Title V revision; and the Draft Title V air operation permit revision. To simplify review and distribution, only the changes made to the Title V air operation permit as a result of the revision are provided.
- The Technical Evaluation & Preliminary Determination and the Draft air construction permit.

Please submit any written comments you wish to have considered concerning the permitting authority's proposed action to Mr. Jonathan K. Holtom, P.E., Acting Program Administrator, Title V Section, at the above letterhead address. If you have any questions, please contact Mr. Scott M. Sheplak, P.E., by telephone at 850/921-9532 or by email at [Scott.Sheplak@dep.state.fl.us](mailto:Scott.Sheplak@dep.state.fl.us).

Sincerely,

Trina L. Vielhauer, Chief  
Bureau of Air Regulation

TLV/jkh/sms

Enclosures

**WRITTEN NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT AND TITLE V AIR  
OPERATION PERMIT REVISION**

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*In the Matter of an*

*Application for Air Construction Permit and Title V Air Operation Permit by:*

Solid Waste Authority of Palm Beach County  
7501 North Jog Road  
West Palm Beach, Florida 33412

Draft Permit No. 0990234-012-AC  
Draft Permit No. 0990234-013-AV  
Facility ID No. 0990234

*Authorized Representative/Responsible Official:*  
Mr. Mark Hammond, Executive Director

North County Resource Recovery Facility  
Palm Beach County, Florida

**Facility Location:** Solid Waste Authority of Palm Beach County operates the North County Resource Recovery Facility, which is located at 6501 North Jog Road, West Palm Beach, in Palm Beach County, Florida.

**Project:** The purpose of this project is to issue an air construction (AC) permit and concurrently revise Title V air operation permit No. 0990234-010-AV. Project No. 0990234-013-AV is to revise the Title V air operation permit to include the AC permit. The AC permit is primarily for changes being made to the flares at the landfills, specifically: (1) the replacement of an existing flare; (2) the de-rating & relocation of an existing flare; and, (3) the conversion of one of the existing flares to back up use only. The AC permit also reflects the installation of a new emergency generator at the new operations building. The proposed emergency generator is an engine which has been "Environmental Protection Agency (EPA) Tier 3 certified" according to Caterpillar®, the manufacturer. Further details of the project are provided in the application, the enclosed Technical Evaluation & Preliminary Determination and the enclosed Statement of Basis.

**Permitting Authority:** Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work.

Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, F.S. and Chapters 62-4, 62-210, 62-213 and 62-296 of the F.A.C. The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

**Project File:** A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Air Construction Permit, the Draft Title V Permit, the Statement of Basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the Draft Air Construction Permit and the Draft Title V Permit by visiting the following website:

<http://www.dep.state.fl.us/air/eproducts/apds/default.asp> and entering the permit number shown above.

Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

**Notice of Intent to Issue Permit:** The Permitting Authority gives notice of its intent to issue an air construction permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project

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Solid Waste Authority of Palm Beach County  
North County Resource Recovery Facility

Draft Permit No. 0990234-012-AC  
Draft Permit No. 0990234-013-AV

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will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

The Permitting Authority gives notice of its intent to issue a revised Title V air operation permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Proposed Permit and subsequent Final Permit in accordance with the conditions of the Draft Permit unless a response received in accordance with the following procedures results in a different decision or a significant change of terms or conditions.

**Public Notice:** Pursuant to Section 403.815, F.S. and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Permits (Public Notice). The Public Notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The newspaper used must meet the requirements of Sections 50.011 and 50.031, F.S. in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Permitting Authority at above address or phone number. Pursuant to Rule 62-110.106(5) and (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within 7 days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

**Comments:** The Permitting Authority will accept written comments concerning the proposed Draft air construction permit for a period of 14 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 14-day period. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

The Permitting Authority will accept written comments concerning the Draft Title V Permit for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly (FAW). If a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received written comments or comments received at a public meeting result in a significant change to the Draft Permit, the Permitting Authority shall issue a Revised Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection. For additional information, contact the Permitting Authority at the above address or phone number.

**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,

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Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Written Notice of Intent to Issue Air Permit. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the attached Public Notice or within 14 days of receipt of this Written Notice of Intent to Issue Air Permit, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. 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 indicate; (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 of Intent to Issue Air Permit. 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.

**Mediation:** Mediation is not available in this proceeding.


**Objections:** Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the 30-day public comment period provided in the Public 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: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4

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web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

Executed in Tallahassee, Florida.

  
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Trina L. Vielhauer, Chief  
Bureau of Air Regulation

TLV/jkh/sms

Enclosures

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**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that either this Written Notice of Intent to Issue Air Permits package (including the Public Notice, the Statement of Basis, the Draft Title V Air Operation Permit, the Technical Evaluation & Preliminary Determination, and the Draft Air Construction Permit), or a link to these documents available electronically on a publicly accessible server, was sent by electronic mail with received receipt requested before the close of business on 9/3/08 to the persons listed below.

Mr. Mark Hammond, SWA: [mhammond@swa.org](mailto:mhammond@swa.org)

Mr. Manuel Hernandez, P.E., CDM: [hernandezmj@cdm.com](mailto:hernandezmj@cdm.com)

Mr. Lee Hoefert, P.E., DEP Southeast District Office: [Lee.Hoefert@dep.state.fl.us](mailto:Lee.Hoefert@dep.state.fl.us)

Mr. James Stormer, PBCHD: [James\\_Stormer@doh.state.fl.us](mailto:James_Stormer@doh.state.fl.us)

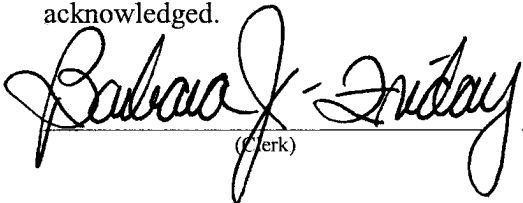
Mr. Mike Halpin, P.E., DEP Siting Coordination Office: [Mike.Halpin@dep.state.fl.us](mailto:Mike.Halpin@dep.state.fl.us)

Ms. Katy R. Forney, U.S. EPA, Region 4: [Forney.Kathleen@epamail.epa.gov](mailto:Forney.Kathleen@epamail.epa.gov)

Ms. Barbara Friday, DEP BAR: [Barbara.Friday@dep.state.fl.us](mailto:Barbara.Friday@dep.state.fl.us) (for posting with U.S. EPA, Region 4)

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.

 9/3/08  
(Clerk) (Date)