

## **PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT**

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Florida Department of Environmental Protection  
Northeast District Office  
Draft/Proposed Permit No. 1250008-008-AV  
New River Solid Waste Association, New River Regional Landfill  
Union County, Florida

**Applicant:** The applicant for this project is New River Solid Waste Association. The applicant's responsible official and mailing address are: Mr. Perry Kent, Executive Director, New River Solid Waste Association, New River Regional Landfill, Poxst Office Box 647, Raiford, Florida 32083.

**Facility Location:** The applicant operates the existing New River Regional Landfill, which is located in Union County at 24276 N.E. 157<sup>th</sup> Street in Raiford, Florida.

**Project:** The applicant applied on June 18, 2018 to the Department for a Title V air operation permit renewal of Title V Air Operation Permit No. 1250008-007-AV. This is not a PSD facility and is an area source of Hazardous Air Pollutants (HAPs). Potential to Emit (PTE) emissions by criteria pollutant are less than 80 TPY. PTE of HAPs are less than 5 TPY per individual HAP and 15 TPY for all HAPs combined. This is a Title V facility as it is a Municipal Solid Waste landfill above a threshold size subject to NSPS Subparts WWW and XXX.

This Title V permit renewal consists of four sections of regulated emissions units (EUs). Section 1: EU001 is the Class I landfill with an inactive one-acre Class III landfill asbestos disposal area. Section 2: EU004 is the Non-assisted Utility Flare. Section 3: EUs 008 and 009 are two NESHAP Subpart ZZZZ regulated existing, emergency engines. Section 4: EUs 011 and 012 are a Gasoline Dispensing Facility with fixed gasoline tank subject to NESHAP Subpart CCCCCC.

The following changes were made from the prior Title V permit. Now, EU001 and EU004 are shown subject to Subpart XXX – NSPS for Landfills: New, Reconstructed or Modified after July 17, 2014. Although both Subparts XXX and WWW apply, demonstrating compliance with Subpart XXX assures compliance with Subpart WWW. EUs 008 and 009 regulatory requirements were modified as follows: a prior duplicative requirement was removed, regulatory parts vacated by the D.C. court were deleted, and NESHAP Subpart ZZZZ recordkeeping and reporting requirements were added. A fourth permit section was added to regulate the NESHAP Subpart CCCCCC - Gasoline Dispensing Facility with 500-gallon sized fixed gasoline tank.

This permit revision added Specific Condition A.37., which identifies that the facility shall give notification prior to moving asbestos out of the landfill, and edited was Specific Condition A.27. to add a column to show what agency is to receive each regulatory report filing. Separately, the electronic reporting Specific Conditions A.34. and B.27. within subsection b. were clarified to identify that the electronic reports go to EPA with a footnote added to mail a copy to the State agency. Elsewhere, this permit revision incorporates edits unrelated to any Specific Condition but to accurately characterize the size of the Class III landfill as ~1 acre and that the bioreactor operated from 2003 to 2008 (and not 2002 to 2008).

**Permitting Authority:** Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-213 of the Florida Administrative Code (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 Northeast District Office is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 8800 Baymeadows Way, W., Suite 100, Jacksonville, Florida 32256. The Permitting Authority's mailing address is: : 8800 Baymeadows Way, W., Suite 100, Jacksonville, Florida 32256. The Permitting Authority's telephone number is (904) 256-1700.

**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 the address indicated above for the Permitting Authority. The complete project file includes the draft 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/proposed permit by visiting the following website:

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<https://fldep.dep.state.fl.us/air/emission/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 a renewed Title V air operation permit to the applicant for the project described above. The applicant has provided reasonable assurance that continued operation of the existing 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 subsequent final permit in accordance with the conditions of the draft/proposed permit unless a response received in accordance with the following procedures results in a different decision or a significant change of terms or conditions.

**Comments:** The Permitting Authority will accept written comments concerning the draft/proposed Title V air operation 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 Register (FAR). 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/proposed 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. 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 Public Notice or receipt of a written notice, 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. A petition for administrative hearing must contain the information set forth below and must be filed (received) with the Agency Clerk in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us), before the deadline. 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, any email address, telephone number and any facsimile number of the petitioner; the name, address, any email address, telephone number, and any facsimile 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

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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.

**EPA Review:** EPA has agreed to treat the draft/proposed Title V air operation permit as a proposed Title V air operation permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period, provided that the applicant also transmits an electronic copy of the required proof of publication directly to EPA at the following email addresses: [R4TitleVFL@epa.gov](mailto:R4TitleVFL@epa.gov). Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended. The final Title V air operation permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received that result in a different decision or significant change of terms or conditions. The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following website address: <http://www2.epa.gov/caa-permitting/florida-proposed-title-v-permits>.

**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. Environmental Protection Agency, Office of the Administrator, 1200 Pennsylvania Avenue, N.W., Mail Code: 1101A, Washington, DC 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www2.epa.gov/caa-permitting/florida-proposed-title-v-permits>.