



Division of Air Resource Management – Scanning Submission

FOLDER	FILE NAME
V62-296	1996 - 11 - 20 - ORDER - -

V + Chapter #
(Variance Folder)

YYYY – MM – DD

Description

OGC/Docket #

PETN
NOTICE
ORDER

Example File Names:

2007-04-22-PETN-07-0123

1995-11-06-NOTICE-95-31R

SCANNING NOTES:

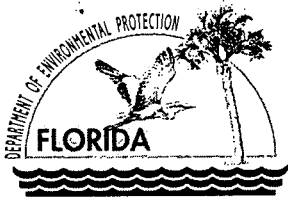
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(DEP USE: For PETN File Only)

Applicant Name: _____

Affected Rule
Provision(s): _____

Type of Variance: 403.201 120.542 (circle one)



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

MEMORANDUM

November 4, 1996

From: Michael Hewett, DARM *MH*
Through: Clair Fancy, Bureau of Air Regulation *CAF*
Through: Howard L. Rhodes, Director, DARM *CAF for HLR*
Through: F. Perry Odom, General Counsel *FPO 11/15/96*
To: Secretary Wetherell

Regarding: Variance Order (attached)

The Harry S. Truman Animal Import Center (HSTAIC) is operated by the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS) and is located on Fleming Key, on the grounds of the Key West Naval Air Station.

HSTAIC serves as a quarantine station for animal herds imported into the U.S. from foreign countries and, therefore, provides a necessary function in protecting not only domestic animal herds but also public health, as various exotic animal diseases may be transmissible to humans. HSTAIC has been at this location for many years and normally quarantines approximately two imported herds annually. When a herd is in quarantine, the center also has a group of "sentinel" animals. These sentinel animals are domestic, disease free animals held in close proximity to the imported animals as a test group to help detect transmissible diseases.

HSTAIC operates an incineration facility for disposal of bedding material and animal carcasses. The animals euthanized are some of the sentinel group, in order to provide various tissues for study in ascertaining that no disease agents have been transmitted from the quarantined herd. In addition, should a public health emergency occur, the incinerator facility would be used to cremate euthanized infected animals. Such an emergency has never occurred in the history of the center.

HSTAIC has been unable to meet the particulate emissions (PM) standard applicable to incineration facilities of its size class (greater than 2000 lbs./hour). The HSTAIC incinerator facility comprises three units, however, only one unit is routinely used, with the other two units providing emergency backup capacity. The usual running capacity of the center, operating a single unit, is equal to or less than 500 lbs/hour. The requested variance would relieve HSTAIC from the more stringent PM standard applicable to large facilities and apply instead the less strict standard for facilities of 500 lbs/hour or less.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

November 4, 1996

Memo to: Secretary Wetherell... page 2

The difference in HSTAIC's increased emissions of PM will be insignificant by allowing the facility to be governed by the less strict PM standard (0.080 grains/dry standard cubic foot), rather than by the stricter standard (0.020 grains/dry standard cubic foot). In addition, the US EPA has stated its intent to promulgate regulations for animal crematories which would relieve HSTAIC from the stricter standard from which the facility now seeks this variance.

As a condition of this variance, the USDA has agreed to properly install, operate and maintain a continuous opacity monitor on each unit. These monitors are beyond what is required by rule and the continuous record will enable the Department to easily verify HSTAIC's compliance with its 5% opacity limit, thereby allaying previous complaints by citizens that the facility was emitting smoke. Stack emissions of 5% or less opacity are, essentially, nothing more than a heat plume and should not result in smoke.

For those reasons, the Division recommends issuance of the attached Order of Variance. If you have any further questions, please let me know, I will provide any other information you deem necessary.



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

November 26, 1996

Ulysses J. Lane, V.M.D.
USDA - APHIS
207 NW 23rd Avenue
Gainesville, FL 32609

Dear Mr. Lane:

Enclosed is the variance granting relief from the particulate matter standard established in Rule 62-296.401(4)(d)1., F.A.C., for the Harry S. Truman Animal Import Center. If you have any questions concerning the variance, please write to me at the address above or call me at 904/488-0114.

Sincerely,

Michael W. Hewett
Division of Air Resources Management

/mh

Enclosure

cc: Clair Fancy, BAR
Henry Estevez, BAMMS
David Knowles, SFD
Dr. Overton, USDA-APHIS

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of a request
for variance by:

Harry S. Truman Animal
Import Center,
U.S. Department of
Agriculture (USDA),
Animal and Plant Health
Inspection Services (APHIS)
Fleming Key, Key West, Florida

ORDER OF VARIANCE

The Department has reviewed a petition for variance filed on behalf of the USDA-APHIS, pursuant to 403.201(c), Florida Statutes (F.S.), which authorizes the Department to grant a variance in order to relieve or prevent hardship of a kind other than those provided for under paragraphs (a) and (b) of said section.

Under Section 403.201(a), F.S., a variance may be granted where there are no practicable means known or available for the adequate control of the pollution involved. The applicant's situation does not fall within the ambit of this paragraph.

Section 403.201(b), F.S., affords the Department discretion to grant a variance where compliance with the rule will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time; a timetable for the taking of the required measures must be prescribed under this paragraph. Petitioner has not requested a variance under this paragraph.

Section 403.201(c), F.S., authorizes the Department to issue a variance from the requirement(s) of a rule to relieve or prevent hardship of a kind other than those provided

for under paragraphs (a) and (b). A variance issued under this provision is limited to a period of 24 months. The Department has determined that the applicant's situation warrants consideration under this statutory provision for the following reasons.

The applicant seeks to be relieved from the particulate matter standard applicable to biological waste combustion facilities with capacity greater than 2000 pounds per hour as set forth in Rule 62-296.401(4), Florida Administrative Code (F.A.C.). The applicant requests that the particulate matter standard applicable to biological waste combustion facilities with capacity equal to or less than 500 pounds per hour, used solely for the incineration of dead animals, be applied instead as set forth in Rule 62-296.401(4)(a)1., F.A.C.

The Department finds that the applicant operates a facility dedicated to the quarantine of imported animal herds. In that capacity, the applicant not only helps prevent exotic diseases from gaining access to domestic animal herds but also protects the public health. The uniqueness of the facility as well as the importance of its function are two factors that argue for issuance of a variance in this case.

The Department finds that U.S. Environmental Protection Agency has stated it will promulgate new regulations pursuant to Section 129 of the Clean Air Act, the New Source Performance Standards and Emissions Guidelines for Medical Waste Incinerators. These new regulations are expected to not restrict biological waste combustion facilities used for the incineration of dead animals, such as the applicant's, to a capacity of 500 pounds or less. This change would relieve the applicant from the particulate matter standard from which the applicant now seeks this variance. The Department therefore

finds that expenditure of funds by the applicant in order to meet the requirements of the rule from which they here seek relief would provide no future benefit in complying with the standards.

The Department further finds that the particulate matter emission limit requested by the applicant will not substantially affect Key West, since only a fraction of the facility's capacity is used and the facility is located on Fleming Key, which is within a U.S. military reservation and is an outlying area with limited access to the public.

For those reasons, the Department hereby grants the applicant a variance for relief from the particulate matter standard established in Rule 62-296.401(4)(d)1., F.A.C., and orders that the applicant shall be governed instead by the particulate matter standard applicable to biological waste combustion facilities used for the incineration of dead animals and with a capacity equal to or less than 500 pounds per hour, as set forth in Rule 62-296.401(4)(a)1., F.A.C. This variance addresses solely the particulate matter emissions limitation and does not apply to all other emissions limitations to which the applicant's facility is subject under Rule 62-296.401(4), F.A.C., which remain applicable to the facility. As a condition of this variance, the Department requires that the applicant properly install, operate and maintain a continuous opacity monitor and recording device on each combustion unit, to document compliance with the 5 percent opacity limit established under Rule 62-296.401(1)(a), F.A.C. These monitoring records shall be kept at the facility and shall be made available to the Department for inspection, as required by the Department's rules. Failure to meet this condition shall constitute independent grounds for revocation of this variance. The variance herein granted shall expire twenty-

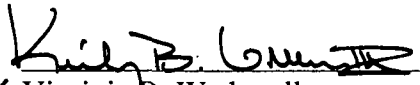
four (24) months from the date this Order becomes final. This Order will become final and effective on the date filed with the Clerk of the Department.

Once this variance becomes final and effective, any party to this variance has the right to seek judicial review of the variance pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Drive, Mail Stop 35, Tallahassee, Florida 32399-3000, 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 of Appeal must be filed within 30 days from the date the Final Order is filed with the Clerk of the Department.

Executed in Tallahassee, Florida

The 20th day of November, 1996

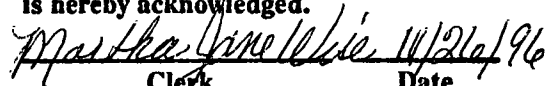
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


for Virginia B. Wetherell
Secretary

VBW/mh

cc: Howard L. Rhodes, DARM
David M. Knowles, DEP South District
Henry Estevez, Office of General Counsel
Michael W. Hewett, DARM

**FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to S120.52
Florida Statutes, with the designated
Department Clerk, receipt of which
is hereby acknowledged.**


Clerk Date