



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

July 7, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Lee S. Casey, Sr. Division Director
Technical Services & Environmental Affairs Division
Miami-Dade County Solid Waste Management
Dr. Martin Luther King, Jr. Office Plaza
2525 NW 62nd Street, Suite 5100
Miami, Florida 33147

RE: Miami-Dade Resources Recovery Facility
DEP Case Number PA77-08
Post-certification Amendment dated June 2, 2008

Dear Mr. Casey:

On June 5, 2008, the Florida Department of Environmental Protection's Siting Office (Department) received a request for a post certification amendment to the application for the Miami-Dade Resources Recovery Facility. As a certified facility, all "permitting" requests are properly submitted to this office. Pursuant to Section 62-17.205(c), F.A.C., the Department has determined that this request is an amendment to the application that will not require modification to the Conditions of Certification for the facility.

The Department has no objection to the replacement of ash conveyors at the facility during mid-August, over a period of two weeks as identified in your request dated June 2, 2008. This approval will expire on September 30, 2008.

You are required to comply with the following additional requirements during this time period:

A) Notice will be given 2 weeks prior to the actual work commencing and on the first business day following completion of all work.

B) During the two week period, bottom ash and fly ash will be diverted by covered truck separately to the on-site ash storage building where both streams will be mixed, wetted for dust suppression and reloaded into covered trucks for transport to the on-site monofill. The combined ash will be staged on the lower level of cell 19 of the monofill prior to processing. A portable shaker type screening system will be utilized to process the ash by separating the combined stream into two separate piles of different sized material. The larger sized fraction will be all materials 3/4" and larger. This fraction will contain the ferrous and non ferrous

metals that will be recovered later. The smaller fraction will be all material that is ¾" and smaller. The ¾" and larger fraction will be reloaded into covered trucks and returned to the plant's ash processing equipment at the conclusion of the two week period. The ¾" and smaller fraction will be pushed to the working face of the monofill for permanent placement.

C) To prevent any fugitive emissions of dust from the screening process, the entire portable screening system will be covered with a plastic tarp while in use. The shaker screen construction will allow for complete tarping of all dust emission points. Additionally, during operation, the process will be continually monitored and modified as required to assure that no fugitive ash emissions are generated. If additional water is required, the screening operation will be suspended until a water tanker can be brought to the site to apply additional water as needed.

D) The temporary screening operation will take place during daylight hours, Monday through Sunday, over a two week period.

E) If for any reason, Miami-Dade RRF is unable to comply with these conditions, the operation shall immediately cease with notice given within 24 hours.

F) All notices are required to be made to the Southeast District Office of the DEP, to Miami DERM and copied to DEP's Siting Coordination Office.

The Department's Order shall become final unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57, Florida Statutes ("F.S."), within 21 days of receipt of this Order. The procedures for petitioning for a hearing are set forth below.

Persons affected by this Order have the following options:

If you choose to accept the above decision by the Department concerning the postcertification amendment you do not have to do anything. This Order is final and effective as of the date on the top of the first page of this Order.

If you disagree with the decision, you may do one of the following:

1. File a petition for administrative hearing with the Department's Office of General Counsel within 21 days of receipt of this Order; or
2. File a request for an extension of time to file a petition for hearing with the Department's Office of General Counsel within **21** days of receipt of this Order. Such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for hearing.

Please be advised that mediation of this decision pursuant to section 120.573, Florida Statutes ("F.S."), is not available.

How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to rule 62-110.106(4), Florida Administrative Code ("F.A.C."), the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) in the Office of General Counsel of

the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this Order. Petitioner, if different from the addressee, shall mail a copy of the request to the addressee at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this Order. Petitioner, if different from the addressee, shall mail a copy of the petition to the addressee at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under sections 120.569 and 120.57, F.S.

Pursuant to subsections 120.54(5)(b)4 and 120.569(2), F.S. and rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

- a) The name, address, and telephone number of each petitioner, the name, address, and telephone number of the petitioner's representative, if any, the site owner's name and address, if different from the petitioner, the DEP facility number, and the name and address of the facility;
- b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- d) A statement of the material facts disputed by the petitioner, or a statement that there are no disputed facts;
- e) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- f) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the Department's action or proposed action; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

This Order is final and effective as of the date on the top of the first page of this Order. Timely filing a petition for administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative

hearing or an Order Responding to Supplemental Information provided to the Department pursuant to meetings with the Department.

Judicial Review

Any party to this 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 in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, 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 thirty days after this order is filed with the clerk of the Department (see below).

Questions

Any questions regarding the Department's review of your postcertification amendment should be directed to Michael P. Halpin, P.E. at (850) 245-8002. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2242. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

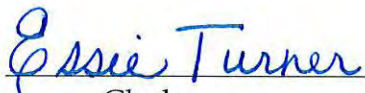
Sincerely,



Michael P. Halpin, P.E.
Administrator,
Siting Coordination Office

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52
Florida Statutes, with the designated
Department Clerk, receipt of which is
hereby acknowledged.

 7-7-08
Clerk Date

Service List

CC by certified mail or email (return receipt requested):

James Antista, Esquire
Fish and Wildlife Conservation
Commission
6230 South Meridian Street
Tallahassee, FL 32399-1600
james.antista@fwc.state.fl.us

Toni Sturtevant, Esquire
Department of Environmental Protection
3900 Commonwealth Blvd., M.S. 35
Tallahassee, Florida 32399-3000
toni.sturtevant@dep.state.fl.us

Jennifer Brubaker, Attorney Supervisor
Florida Public Service Commission
Office of General Counsel
2450 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
jbrubake@psc.state.fl.us

Kimberly Menchion, Esq.
Assistant General Counsel
Department of Transportation
605 Suwannee Street, MS 58
Tallahassee, FL 32399-0458
kimberly.menchion@dot.state.fl.us

Kelly Martinson, Esquire
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399-2100
kelly.martinson@dca.state.fl.us

John McInnis
Assistant County Attorney
111 N.W. 1st Street, Suite 2810
Miami, FL 33128
jdm@miamidade.gov

Ruth Holmes
General Counsel
South Florida Water Mgmt. District
P.O. Box 24680
West Palm Beach, Florida 33416-4680
rholmes@sfwmd.gov

Also CC by email:

Jim Golden, South Florida Water Management District
jgolden@sfwmd.gov

Tim Gray, DEP SED
tim.gray@dep.state.fl.us