



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

September 28, 2007

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mark L. McLean, Assistant Director
Environmental Programs
Solid Waste Authority of Palm Beach County
7501 North Jog Road
West Palm Beach, Florida 33412

RE: Palm Beach County Resource Recovery Facility
DEP Case Number PA 84-20
(Postcertification Amendment dated August 27, 2007)

Dear Mr. McLean:

On August 30, 2007, the Florida Department of Environmental Protection's Siting Office (Department) received a request for a post certification amendment to the application for the Palm Beach County Resource 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 addition of an 11,900 square foot maintenance facility constructed as depicted in the R.C.T. Engineering, Inc. paving, grading and drainage plans signed and sealed August 23, 2007.

You are required to comply with all existing facility requirements, including Condition of Certification XIII, which states:

"The facility shall be constructed, at a minimum, pursuant to the design standards presented in the application and the standards or plans and drawings submitted and signed by an engineer registered in the state of Florida. The Applicant shall present upon request, specific facility plans, as developed, for review by the Southeast District Office, South Florida Water Management District and PBCHD prior to construction pursuant to the portions of the plans then being submitted. Specific Southeast District

Office approval of plans will be required based upon a determination of consistency with approved design concepts, regulations and these Conditions prior to initiating construction of the: leachate collection system, air pollution control equipment, wastewater treatment and

disposal systems, composting operations, domestic waste and septage handling and treatment systems, stormwater runoff system, landfill closure plans and hazardous, toxic or pathological handling facilities or areas. Review and action by the Southeast District Office or SFWMD on said plans shall be accomplished in no longer than ninety (90) days from the date of a complete submittal of such plans and any action may be subject to review pursuant to Chapter 120, Florida Statutes. Approvals shall not be unreasonably withheld."

In accordance with this condition and prior to commencing operation of the water management system authorized under this amendment, plan submittals are required to be made to the Southeast District Office of the DEP and copied to DEP's Siting Coordination Office. *"Review and action by the Southeast District Office or SFWMD on said plans shall be accomplished in no longer than ninety (90) days from the date of a complete submittal of such plans and any action may be subject to review pursuant to Chapter 120, Florida Statutes. Approvals shall not be unreasonably withheld."*

Within 30 days after completion of construction of the maintenance facility authorized under this amendment, the Solid Waste Authority shall submit the engineer's certification to the Siting Office and the Department's Southeast District, and shall notify the Southeast District that the facilities are ready for inspection and approval.

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,

A handwritten signature in black ink, appearing to read "Michael P. Halpin", written in a cursive style.

Michael P. Halpin
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.

Landa Karabow 9-28-07
Clerk Date

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

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

David S. Dee, Esquire
Young Van Assenderp, P.A.
Post Office Box 1833
Tallahassee, Florida 32302
ddee@yvlaw.net

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

Sheryl Wood
General Counsel
South Florida Water Mgmt. District
P.O. Box 24680
West Palm Beach, Florida 33416-4680
swood@sfwmd.gov

Michael Busha, Executive Director
Treasure Coast Regional Planning Council
301 East Ocean Boulevard, Ste. 300
Stuart, Florida 34994
mbusha@tcrpc.org

Pamela H. Ryan, Esquire
City of Riviera Beach
600 West blue Heron Blvd.
Riviera Beach, Florida 33404
cityattorney@rivierabch.com

Uma Outka, Esquire
926 East Park Ave.
Tallahassee, Florida 33490
uotka@1000fof.org

Terence J. Watterson
Watterson & Zappolo, P.A.
4100 RCA Blvd., Suite 100
Palm Beach Gardens, Florida 33410
twatterson@wattersonlaw.com