



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

MARJORY STONEMAN DOUGLAS BUILDING
3900 COMMONWEALTH BOULEVARD
TALLAHASSEE, FLORIDA 32399-3000

RICK SCOTT
GOVERNOR

JENNIFER CARROLL
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

October 25, 2012

Sent by Electronic Mail – Document Access Verification Requested

Marc C. Bruner, Ph.D
Solid Waste Authority of Palm Beach County
7501 North Jog Road
West Palm Beach, Florida 33412

RE: Palm Beach County Renewable Energy Park (PA 84-20)
Amendment Request (AM12-036)
Wastewater Pipeline

Dear Mr. Bruner:

On October 12, 2012, the Florida Department of Environmental Protection (Department), Siting Coordination Office received a request from Solid Waste Authority of Palm Beach County (SWA) for an amendment to the Palm Beach County Renewable Energy Park (PBCREP) Site Certification. The amendment request is for the construction of a pipeline to transport wastewater from the existing Biosolids Pelletization Facility to the on-site underground injection well.

Based on a review of the information submitted on October 12, 2012, the Department has determined that this proposal is an amendment to PBCREP's Site Certification pursuant to subsection 62-17.205(1), Florida Administrative Code (F.A.C.). The Department has no objection to the proposed activity and hereby approves the amendment request, provided that SWA:

- Continues to comply with the existing Conditions of Certification (COCs) for PBCREP;
- Consistent with the COCs and applicable requirements of Chapter 62-620, F.A.C.:
 - submits Department Form 62-620.910(12) *[Notification of Completion of Construction for Wastewater Facilities or Activities]* to the Department's Southeast District (SED) prior to placing the proposed wastewater pipeline into operation; and
 - within six months after the proposed wastewater pipeline is placed in operation, provides written notification to the SED on Department Form 62-620.910(13) *[Notification of Availability of Record Drawings and Final Operation and Maintenance Manuals]* that record drawings pursuant to Chapter 62-600, F.A.C., and that an updated operation and maintenance manual pursuant to Chapters 62-600, F.A.C., are available in a specified location;

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- Submits construction plans to the City of West Palm Beach in accordance with Section A, Condition IX. Construction Practices, Paragraph A. Local Building Codes of the COCs, to verify compliance with applicable building and construction codes; and
- Secures all necessary approvals from the Department under the federal Underground Injection Control Program.

The Department's order shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, 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 post-certification 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, F.S., is not available.

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

For good cause shown, pursuant to subsection 62-110.106(4), 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, 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 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

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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 Sections 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 certification number for the facility, 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, 3900 Commonwealth Boulevard, MS 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 thirty days after this order is filed with the clerk of the Department (see below).

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Questions

Any questions regarding the Department's review of this amendment request should be directed to Jessica Dalton at (850) 245-2004. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2257. 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,



Cindy Mulkey
Administrator,
Siting Coordination Office

CC by email:

Jill Creech, DEP SED: jill.creech@dep.state.fl.us

Chad Kennedy, DEP SED: william.kennedy@dep.state.fl.us

Linda Brien, DEP SED: linda.brien@dep.state.fl.us

Eric Schneider, WPB: eschneider@wpb.org

Mark McLean, SWA: mmclean@swa.org

FILING AND ACKNOWLEDGMENT

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


Clerk

10-25-2012
Date

October 25, 2012

Service List: *Sent by Electronic Mail – Document Access Verification 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

Sherry Spiers, Esquire
Department of Economic Opportunity
107 East Madison St.
Tallahassee, Florida 32399-2100
sherry.spiers@deo.myflorida.com

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

Kimberly Menchion, Assistant General Counsel
Department of Transportation
605 Suwannee Street, Mail Station 58
Tallahassee, FL 32399-0450
Kimberly.Menchion@dot.state.fl.us

Joanne Davis, Community Planner
1000 Friends of Florida
1029 North Lakeside Drive
Lake Worth, FL 33460
capercat@bellsouth.net

Denise M. Nieman, County Attorney
Robert Banks, Sr. Asst. County Attorney
Palm Beach County
301 N. Olive Avenue, Ste. 601
West Palm Beach, FL 33401
dnieman@pbcgov.org
rbanks@pbcgov.org
cc: lreilly@pbcgov.org

Michael Busha, Executive Director
Treasure Coast Regional Planning Council
421 SW Camden Avenue
Stuart, Florida 34994
mbusha@tcrpc.org

Roger Saberson, P.A.
General Counsel – Treasure Coast RPC
70 S.E. 4th Avenue
Delray Beach, FL 33783-4514
ssroger@att.net

Anthony Pinzino, Esquire
Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600
anthony.pinzino@myfwc.com

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

Adam Teitzman, Attorney Supervisor
Florida Public Service Commission
2450 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
ateitzma@psc.state.fl.us

Suzanne Payson, Esquire
City of West Palm Beach
City Hall, 200 2nd Street, 5th Floor
West Palm Beach, Florida 33401
spayson@wpb.org

Paul R. Golis, Esquire
Terence J. Watterson, Esquire
Watterson, Hyland & Fleming
4100 RCA Blvd., Suite 100
Palm Beach Gardens, Florida 33410
twatterson@wattersonlaw.com