



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

BOB MARTINEZ CENTER
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

JONATHAN P. STEVERSON
SECRETARY

April 28, 2015

Sent by Electronic Mail – Document Access Verification Requested

Mark Hammond
Solid Waste Authority of Palm Beach County
7501 North Jog Road
West Palm Beach, Florida 33412

RE: Palm Beach Renewable Energy Park (PA 84-20)
Amendment Request (AM15-094)
Alternate Wet Well, Pump Station, and Radio Antenna

Dear Mr. Hammond:

On April 2, 2015, the Florida Department of Environmental Protection (Department) Siting Coordination Office received a request from the Solid Waste Authority of Palm Beach County (SWA) for a post-certification amendment to the Palm Beach Renewable Energy Park (PBREP) Site Certification Application (SCA). The amendment request is for the construction of an alternate wet well and pump station and installation of an internal communications radio antenna.

Based on a review of the information submitted on April 2, 2015, the Department has determined that this proposal has been properly characterized as an amendment, as it requests a material change to SWA's SCA pursuant to Section 403.5113(1), Florida Statute (F.S.), but does not require modification to the SCA. This letter serves as notification of approval of the proposed amendment.

Failure to comply with all existing requirements of the Conditions of Certification, pursuant to Section 403.514, F.S. shall constitute a violation of Chapter 403. The Department's notification 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 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 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).

Questions

Any questions regarding the Department's review of this amendment request should be directed to Bobby Bull at (850) 717-9111. 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.

Mr. Mark Hammond

Page 4 of 6

April 28, 2015

Sincerely,



Justin Green

Director,

Division of Air Resource Management

CC by email:

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

Paul Wierzbicki, DEP SED: paul.wierzbicki@dep.state.fl.us

Mary Beth Morrison, SWA: mmorrison@swa.org

Bob Cooper, URS: Bob_Cooper@URSCorp.com

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

04/28/2015

Date

Mr. Mark Hammond

Page 5 of 6

April 28, 2015

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

Justin G. Wolfe
Deputy General Counsel
Department of Environmental Protection
3900 Commonwealth Blvd., M.S. 35
Tallahassee, Florida 32399-3000
justin.g.wolfe@dep.state.fl.us

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

Scott Rogers
Department of Economic Opportunity
107 East Madison St.
Tallahassee, Florida 32399-2100
Scott.Rogers@deo.myflorida.com

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

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

Jeffrey Collier
South Florida Water Mgmt. District
P.O. Box 24680
West Palm Beach, Florida 33416-4680
jacollier@sfwmd.gov

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

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

Scott Sanders
Florida Fish & Wildlife Conservation
Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600
FWCCConservationPlanningServices@myfwc.com

Deena Woodward
Permitting and Compliance
Bureau of Historic Preservation
R.A. Gray Building
500 South Bronough
Tallahassee, Florida 32399
deena.woodward@dos.myflorida.com

Eric Schneider, AICP
Principal Planner, City of West Palm Beach
Development Services Dept.
401 Clematis Street
West Palm Beach, FL 33402
eschneider@wpb.org

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

Mr. Mark Hammond

Page 6 of 6

April 28, 2015

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

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

David S. Dee, Esquire
Gardner, et. al., P.A.
Post Office Box 1833
Tallahassee, Florida 32302
ddee@gbwlegal.com

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