



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Mimi A. Drew
Secretary

January 5, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. John Power
Solid Waste Facility Manager
Pasco County Solid Waste
Resource Recovery Facility
14230 Hays Road
Spring Hill, FL 34610

Re: Pasco County RRF (PA87-23)
Request for Amendment dated October 26, 2010
After-the-Fact Equipment Shelters & Electric Pump

Dear Mr. Power:

The Florida Department of Environmental Protection's Siting Coordination Office (Department) received a request for a post certification amendment (dated October 26, 2010) to the Pasco County Solid Waste Resource Recovery Facility Site Certification Application (PA87-23) for the after-the-fact approval for the construction of three equipment shelter canopies and the replacement of an existing diesel pump.

Pursuant to subsection 62-17.205(1), Florida Administrative Code (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 (COC) for the facility. The canopies are used to shelter mobile equipment used at the landfill, tankers during leachate loading, and the leachate transfer pump station. The existing diesel leachate transfer pump which transfers leachate from the storage tank to the mobile tankers was replaced with an electric pump. All relevant agencies listed in Section 403.508, Florida Statutes (F.S.), were notified of the requested amendment.

Pursuant to 403.5113(1)(a), F.A.C, subsequent to certification, the licensee shall submit a written request for amendment for any proposed material change to the site certification application. This after-the-fact amendment approval does not preclude the Department from seeking enforcement action for this activity if deemed appropriate.

Additionally, in reviewing Pasco County's proposal, the Department identified the need for the existing COC for the facility to be updated, including the incorporation of a uniform set of General Conditions, consistent with recent site certifications. Therefore, a modification to the facility's COC will be initiated by the Department pursuant to Section 403.516(1)(c), F.S. following this amendment.

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 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, 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, 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 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 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, 3900 Commonwealth Boulevard, Mail Station 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 your postcertification amendment should be directed to Cindy Mulkey at (850) 245-2175. 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

CC: by email:

Deborah Getzoff, Director DEP SWD – deborah.getzoff@dep.state.fl.us

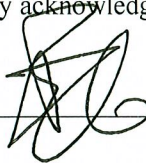
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Susan Pelz, DEP SWD – susan.pelz@dep.state.fl.us

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



1/5/11
Date

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

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