Florida Department of Environmental Protection

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

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

Electronically Sent – Received Receipt Requested.

thawkins@wm.com
Mr. Tim Hawkins, Vice President
Waste Management, Inc. of Florida, South Area
2700 Wiles Road
Pompano Beach, Florida 33073

Re: Draft Air Permit No. 0930104-018-AC (PSD-FL-382A)
Okeechobee Landfill (OL)
Landfill Gas to Energy (LFGTE) Project Permit Modification

Dear Mr. Hawkins:

On October 12, 2010 you submitted an application for an air construction permit modification subject to the preconstruction review requirements of Rule 62-212.300, Florida Administrative Code.

The purpose of the project is to modify the original construction permit 0930104-014-AC (PSD-FL-382) that authorized construction of a LFGTE plant including a landfill gas desulfurization plant, combustion turbines and open flares. The OL is located at 10800 Northeast 128th Avenue, Okeechobee, Florida.

The original Draft Permit and associated documents that were transmitted by the cover letter dated April 6, 2011 are hereby withdrawn and replaced by those enclosed herewith.

Enclosed are the following documents: Written Notice of Intent to Issue Air Permit Modification; Public Notice of Intent to Issue Air Permit Modification; Addendum to the original Technical Evaluation and Preliminary Determination; and the Draft Permit Modification with Appendices.

The Public Notice of Intent to Issue Air Permit Modification is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project. If you have any questions, please contact Alvaro Linero at 850/717-9076 or Teresa Heron at 850/717-9082.

Sincerely,

_____ _____

Jeffery F. Koerner, Program Administrator (Date)
Air Permitting and Compliance Section
Division of Air Resource Management

JFK/aal/dlr/th
Enclosures

WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT MODIFICATION

In the Matter of an
Application for Air Permit Modification by:

Okeechobee Landfill, Inc.
c/o Waste Management, Inc. of Florida (WMF)
2700 Wiles Road
Pompano Beach, FL 33073

Authorized Representative:
Mr. Tim Hawkins, Vice President, WMF, South Area

Draft Permit No. 0930104-018-AC
PSD-FL-382A
Landfill Gas to Energy Project
Permit Modification
Okeechobee Landfill
Okeechobee County

Facility Location: The Okeechobee Landfill is located at 10800 Northeast 128th Avenue, Okeechobee, Florida.

Project: This project is to modify certain conditions of air construction permit No. 0930104-014-AC / PSD-FL-382 issued on April 19, 2010.

Details of the project are provided in the application and the enclosed addendum to the original Technical Evaluation and Preliminary Determination.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212, F.A.C. The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Florida Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida and the mailing address is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone number is 850/717-9000.

The previous written notice and accompanying documents transmitted on April 6, 2011 are hereby withdrawn and replaced with the present revised notice and accompanying documents.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Modification, the Addendum to the original Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above.

Notice of Intent to Issue Air Permit Modification: The Permitting Authority gives notice of its intent to issue an air permit modification to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit Modification in accordance with the conditions of the proposed Draft Permit Modification unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Public Notice: Pursuant to Section 403.815, F.S. and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Permit Modification (Public Notice). The Public Notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected by

this project. The newspaper used must meet the requirements of Sections 50.011 and 50.031, F.S. in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Permitting Authority at the address or phone number listed above. Pursuant to Rule 62-110.106(5) and (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within 7 days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit modification pursuant to Rule 62-110.106(11), F.A.C.

Comments: The Permitting Authority will accept written comments concerning the proposed Draft Permit Modification. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 14-day period. In addition, if a public meeting is requested within the 14-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received comments result in a significant change to the Draft Permit Modification, the Permitting Authority shall revise the Draft Permit Modification and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241; Fax: 850/245-2303). Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Written Notice of Intent to Issue Air Permit Modification. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the attached Public Notice or within fourteen 14 days of receipt of this Written Notice of Intent to Issue Air Permit Modification, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Written Notice of Intent to Issue Air Permit Modification. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available in this proceeding.

Executed in Tallahassee, Florida

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Jeffery F. Koerner, Program Administrator
Air Permitting and Compliance Section
Division of Air Resource Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Intent to Issue Air Permit Modification package (including the Written Notice of Intent to Issue Air Permit Modification, the Public Notice of Intent to Issue Air Permit Modification, the addendum to the original Technical Evaluation and Preliminary Determination and the Draft Permit Modification with Appendices) was sent by electronic mail, or a link to these documents made available electronically on a publicly accessible server, with received receipt requested before the close of business on _____ to the persons listed below.

Heather Abrams, U.S. EPA Region 4: abrams.heather@epa.gov
Kathleen Forney, U.S. EPA Region 4: forney.kathleen@epa.gov
Dee Morse, National Park Service, Denver CO: dee_morse@nps.gov
Lennon Anderson, DEP SED: lennon.anderson@dep.state.fl.us
David Buff, P.E., Golder Associates, Inc.: dbuff@golder.com
Victoria Gibson, DEP BAR, Reading File: victoria.gibson@dep.state.fl.us

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.

_____ _____
(Clerk) (Date)