Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

October 25, 2005

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. John D. Booth
Executive Director
Solid Waste Authority of Palm Beach County
7501 North Jog Road
West Palm Beach, Florida 33412

Re: Municipal Solid Waste Class I and Class III Landfill Gas Collection System
Request for Higher Wellhead Operating Temperature
Title V Permit Number 0990234-001-AV

Dear Mr. Booth:

The Department of Environmental Protection (Department) acknowledges receipt of your requests dated September 1st and October 20th (copies attached). The Class I and Class III Landfills are regulated under 40 CFR 60 Subpart WWW, Standards for Air Emissions from Municipal Solid Waste Landfills, adopted and incorporated by reference, subject to provisions, in Rule 62-204.800(8)(b), Florida Administrative Code (F.A.C.). The mentioned Department rule adoption is part of Florida's approved state implementation plan (SIP). The landfill is operated under Title V Permit Number 0990234-001-AV.

Pursuant to Rule 62-204.800(8), F.A.C., the "Administrator" means the "Department's Secretary" or the "Secretary's designee" with respect to provisions delegated by United States Environmental Protection Agency to the Department, except that the Secretary is not the Administrator for the purposes of 40 CFR 60.754(a)(5).

The federal regulation, 40 CFR 60.753(c), allows a facility to establish a higher landfill gas temperature for interior wellheads in the gas collection system provided a demonstration shows that the higher temperature does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens. In your letter you stated that a demonstration had been performed. The most recent monthly monitoring data for certain wells showed temperatures routinely up to 82.2°C. Your evaluation of data also indicated active anaerobic decomposition was taking place with no indication of fires. **Based on this demonstration you are hereby allowed to operate wellheads at the demonstrated higher value of 82.2°C.**

The Department will consider the above-noted action final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. Mediation under Section 120.573, F.S., will not be available for this proposed action.

A person whose substantial interests are affected by the proposed 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 (received) by the Agency Clerk in the Department's Office of General Counsel, MS #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9314, Fax: 850/487-4938). Petitions filed by the applicant or any of the parties listed below must be filed within 14 (fourteen) days of receipt of this notice. Petitions filed by any other person must be filed within 14 (fourteen) days of receipt of this proposed action. A petitioner must 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 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 must contain the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

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Re: Municipal Solid Waste Class I and Class III Landfill Gas Collection System
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Title V Permit Number 0990234-001-AV
Page 2 of 2

(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 how and when each petitioner received notice of the agency action or proposed action;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and,

(g) A statement of the relief sought by the petitioner, stating precisely the action 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 notice. 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.

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by the filing of 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 from the date this notice is filed with the Clerk of the permitting authority.

Executed in Tallahassee, Florida.

Trina L. Vielhauer
Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this order was sent by certified mail or electronically (with Received Receipt) (*) and copies were sent by U.S. Mail or electronically (with Received Receipt) before the close of business on 10/26/05 to the person(s) listed or as otherwise noted:

John Booth, SWA*
Mary Beth Morrison, SWA, via e-mail (mmorrison@swa.org)
Kevin C. Leo, P.E., CDM, via e-mail (leokc@cdm.com)
Darrel J. Graziani, P.E., SED, via e-mail (Darrel.Graziani@dep.state.fl.us)

Clerk Stamp
FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

(Clerk) (Date) 10/26/05