

Florida Department of Environmental Protection

Memorandum

TO: Trina Vielhauer, Bureau of Air Regulation
FROM: Syed Arif, New Source Review Section SA
DATE: September 3, 2008
SUBJECT: Request for Construction Permit Extension
Brevard County Solid Waste Management Central Disposal Facility
Project No. 0090069-007-AC; PSD-FL-378B
Modification of Air Permit 0090069-004-AC; PSD-FL-378

Attached for your approval and signature is a permit modification to extend the expiration date for the above referenced air permit. On March 6, 2007, the Department issued Air Permit No. 0090069-004-AC to install six landfill gas-fired engines at the above referenced facility. The permit expiration date is October 1, 2008. The Department received a request to extend the expiration date to April 1, 2009. The extension will allow sufficient time for the engines to be tested, and to apply for the necessary operating permit revisions.

I recommend your approval and signature.

Attachment



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

September 3, 2008

Sent by Electronic Mail – Received Receipt Requested

Mr. Scott Salisbury
Managing Member
Brevard Energy, LLC
29261 Wall Street
Wixom, Michigan 48393

Re: DEP File No. 0090069-007-AC; PSD-FL-378B
Request for Construction Permit Extension
Brevard County Solid Waste Management Central Disposal Facility
Landfill Gas Engines

Dear Mr. Salisbury:

On August 8, 2008, Brevard Energy, LLC requested an extension of the expiration date of the Air Construction Permit No. PSD-FL-378 (File No. 0090069-004-AC) issued March 6, 2007.

The letter stated that more time is needed to conduct testing to demonstrate compliance with the permit. According to this letter, testing is expected to be conducted during the week of September 22, 2008 and that approximately 6 additional months are necessary to incorporate the initial compliance test results and submit a complete Title V revision permit application to the Department. The letter requests that the expiration date be extended from October 1, 2008 to April 1, 2009.

The Department agrees with the request and modified this permit as requested.

The expiration date is hereby extended from **October 1, 2008** to **April 1, 2009** to allow sufficient time for the Units to be tested, and to apply for the necessary operating permit revisions. This permitting action does not authorize any new construction.

For a construction permit, an extension shall be granted if the applicant can demonstrate that, upon completion, the extended permit will comply with the standards and conditions required by the applicable regulations. [Rule 62-4.080(3), Florida Administrative Code]

A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes.

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 of the Florida Administrative Code (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 Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for

making a determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida 32301. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

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 / Facsimile: 850/245-2303). Petitions must be filed within 14 days of receipt of this permit extension. 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. 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.

Effective Date: This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of

Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this action will not be effective until further order of the Department.

Judicial Review: Any party to this permitting decision (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 of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, 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 must be filed within 30 days after this order is filed with the clerk of the Department.

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 written notice of permit extension was sent by electronic mail with received receipt requested before the close of business on 9/4/08 to the persons listed below.

Scott Salisbury, Brevard Energy, LLC: scott.salisbury@landfillenergy.com

Jim Bradner, DEP CD: james.bradner@dep.state.fl.us

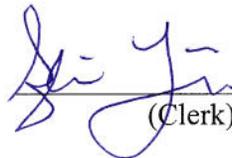
Euripides Rodriguez, Director, SWMD: euripides.rodriguez@brevardcounty.us

David Derenzo, Derenzo & Associates, Inc.: dderenzo@derenzo.com

Katy Forney, EPA Region 4: forney.kathleen@epa.gov

Clerk Stamp

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)

9/4/08
(Date)