



# 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

June 28, 2012

*Electronically Sent – Received Receipt Requested.*

[TBishop2@wm.com](mailto:TBishop2@wm.com)

Mr. Tony Bishop, District Manager  
Okeechobee Landfill, Inc.  
10800 NE 128<sup>th</sup> Avenue  
Okeechobee, FL 34972

Re: Project No. 0930104-019-AC  
Revision to Permit No. 0930104-018-AC  
Extension of Time to Install and Operate the Gas Desulfurization Plant  
Okeechobee Landfill, Landfill Gas-to-Energy Project

Dear Mr. Bishop:

On June 25, 2012, the Okeechobee Landfill requested additional time (request attached) to complete installation and commence full operation of the gas desulfurization plant (GDP) required by Permit No. 0930104-018-AC. This system is designed to remove hydrogen sulfide from the landfill gas prior to combustion in flares and/or combustion turbines. The GDP is currently functioning during its shakedown period, but is experiencing foaming problems. The Okeechobee Landfill is working with the GDP contractors to resolve this problem. However, additional shakedown time is needed to treat the LFG to a level of 200 parts per million or less of hydrogen sulfide. Based on the circumstances and information provided, the Department approves this request and will grant a 120 day extension of time to provide a sufficient period for the Okeechobee Landfill to overcome the initial startup issues.

## **Determination:**

Permit No. 0930104-018-AC is hereby modified as shown below in ~~strikeout~~ and underline format.

Section III – Emissions Units Specific Conditions, Condition 1 is modified as follows:

1. GDP: The permittee is required to install and operate by ~~June 30~~ October 28, 2012 a GDP such that all collected LFG shall be treated to a concentration less than or equal to 200 ppmv H<sub>2</sub>S or 210 ppmv of TS prior to combustion whether or not the permittee builds a LFGTE plant. [Rules 62-212.400, 62-4.070(3) and 62-4.080(1)(a), (b) and (c), F.A.C.]

A copy of this letter shall be filed with the referenced permit and shall become part of the permit.

**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 Office of Permitting and Compliance 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 850/717-9000.

**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. Petitions must be filed within 14 days of receipt of this permit modification. 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  
(*Electronic Signature*)

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that either this Written Notice of Intent to Issue a Air Construction Permit modification or a link to these documents available electronically on a publicly accessible server, was sent by electronic mail with received receipt requested before the close of business on the date indicated below to the following persons.

Tony Bishop, OL: [TBishop2@wm.com](mailto:TBishop2@wm.com)  
Jim Christiansen, OL: [JChristi@wm.com](mailto:JChristi@wm.com)  
Tim Hawkins, Waste Management of Florida, Inc.: [thawkins@wm.com](mailto:thawkins@wm.com)  
Lennon Anderson, DEP: [Lennon.anderson@dep.state.fl.us](mailto:Lennon.anderson@dep.state.fl.us)  
Heather Ceron, EPA Region 4: [ceron.heather@epa.gov](mailto:ceron.heather@epa.gov)  
Kathleen Forney, U.S. EPA Region 4: [forney.kathleen@epa.gov](mailto:forney.kathleen@epa.gov)  
Dee Morse, National Park Service: [dee\\_morse@nps.gov](mailto:dee_morse@nps.gov)  
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Barbara Friday, DEP OPC Reading File: [barbara.Friday@dep.state.fl.us](mailto:barbara.Friday@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.  
(*Electronic Signature*)