

Department of Environmental Regulation  
**Routing and Transmittal Slip**

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1. Adams, Patty Rm. 306H
- 2.
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Remarks:

I'll hang on to these files until Friday (3-5-93), then send them back to archives.

Let me know before then, please, if you think you might need to see the OBC files.

Good luck!

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Division of Air  
Resources Management

From

Dea Wahlen

Date

3-2-93

Phone

8-9730

P. 100  
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STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

THE CONSERVANCY, INC., )  
 )  
 Petitioner, )  
 )  
 vs. )  
 ) Case No. 86-3297  
 RESOURCE RECOVERY OF COLLIER, )  
 INC., and STATE OF FLORIDA, )  
 DEPARTMENT OF ENVIRONMENTAL )  
 REGULATION, )  
 )  
 Respondents. )

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BOB & JAN KRASOWSKI, and )  
 COLLIER COUNTY DEMOCRATS' )  
 ENVIRONMENTAL COMMITTEE, )  
 )  
 Petitioners, )  
 )  
 vs. ) Case No. 86-3298  
 )  
 RESOURCE RECOVERY OF COLLIER, )  
 INC. and STATE OF FLORIDA, )  
 DEPARTMENT OF ENVIRONMENTAL )  
 REGULATION, )  
 )  
 Respondents. )

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THE CONSERVANCY, INC., )  
 )  
 Petitioner, )  
 )  
 vs. ) Case No. 86-3299  
 )  
 RESOURCE RECOVERY OF COLLIER, )  
 INC., and STATE OF FLORIDA, )  
 DEPARTMENT OF ENVIRONMENTAL )  
 REGULATION, )  
 )  
 Respondents. )

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BOB & JAN KRASOWSKI, and )  
 COLLIER COUNTY DEMOCRATS' )  
 ENVIRONMENTAL COMMITTEE, )  
 )  
 Petitioners, )  
 )  
 vs. ) Case No. 86-3300  
 )  
 RESOURCE RECOVERY OF COLLIER, )  
 INC., and STATE OF FLORIDA, )  
 DEPARTMENT OF ENVIRONMENTAL )  
 REGULATION, )  
 )  
 Respondents. )

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BOB & JAN KRASOWSKI, and )  
COLLIER COUNTY DEMOCRATS )  
ENVIRONMENTAL COMMITTEE )  
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Petitioners, )  
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vs. )  
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RESOURCE RECOVERY OF COLLIER, )  
INC, and STATE OF FLORIDA, )  
DEPARTMENT OF ENVIRONMENTAL )  
REGULATION )  
 )  
Respondents. )  
 )

Case No. 86-3301

NOTICE OF WITHDRAWAL OF INTENTS TO ISSUE  
AND MOTION TO RELINQUISH JURISDICTION

COMES NOW the State of Florida, Department of Environmental Regulation (Department), by and through the undersigned counsel, and provides notice of the Department's withdrawal of its Intents to Issue the permits that are the subject of this consolidated proceeding, and moves the Hearing Officer for an order relinquishing jurisdiction. As grounds, counsel states:

1. On July 11, 1986, the Department issued an Intent to Issue Permit No. SC11-120205 (copy attached as Exhibit A) to the above referenced applicant. On July 25, 1986, the Department issued an Intent to Issue Permits Nos. AC11-119614 and AC11-119615 (copy attached as Exhibit B) to the above referenced applicant. Subsequently, the Conservancy, Inc. and Collier County Democrats' Environmental Committee filed petitions for formal administrative hearings. The Department assigned these cases to the Division of Administrative Hearings, where they were consolidated and where a hearing was scheduled.

2. On May 13, 1987, the Department received the attached letter (Exhibit C) from the attorneys for the permit applicant, Resource Recovery of Collier, Inc. This letter requests that the Department rescind the above-referenced Intents to Issue subject to certain conditions. The attorneys for the Conservancy, Inc. and Collier County Democrats Environmental Committee have indicated that they have no objection to withdrawal of the Intents to Issue under the terms and conditions as outlined in that letter.

3. Therefore, in consideration of the above facts and in the interests of administrative efficiency, the Department provides notice that the above-referenced Intents to Issue are hereby withdrawn subject to the following conditions:

a. The respective permit applications (Nos. SC11-120205, AC11-119614, and AC11-119615) shall be kept on active status through December 31, 1987;

b. This rescission is without prejudice to Resource Recovery of Collier, Inc.'s right to request the Department to reissue or renew the Intents to Issue upon thirty (30) days notice;

c. In the event that the Intents to Issue are reissued or renewed, the attorneys for The Conservancy, Inc., and Collier County Democrats Environmental Committee will be duly notified in writing and afforded an opportunity to request administrative hearings;

d. Resource Recovery of Collier, Inc., has waived its right to have its pending application approved or denied within ninety (90) days (§120.62(2), Florida Statutes), provided that this waiver expires thirty (30) days after such time as Resource Recovery of Collier, Inc., notifies the Department that it wishes to have the permit applications processed; and

e. This rescission shall not have any res judicata, estoppel, or other preclusive effects with respect to the merits of the above-referenced permit applications.

4. Pursuant to Section 22I-6.33, Florida Administrative Code, the Department moves that the Division of Administrative Hearings (DOAH) relinquish jurisdiction in this case and states:

5. There no longer exist, at the present time, disputed issues of material fact requiring adjudication or agency action ripe for administrative adjudication.

6. The undersigned has contacted attorneys for the respective parties in this case and is authorized to state that they have no objection to entry of an order relinquishing jurisdiction.

WHEREFORE, the undersigned respectfully requests that the Hearing Officer enter an Order relinquishing jurisdiction in this proceeding.

Respectfully submitted,

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of the foregoing NOTICE OF WITHDRAWAL OF INTENTS TO ISSUE AND MOTION TO RELINQUISH JURISDICTION have been hand carried to the Division of Administrative Hearings, The Oakland Building, 2009 Apalachee Parkway, Tallahassee, Florida 32399-1550 and a true copy of the foregoing NOTICE OF WITHDRAWAL OF INTENTS TO ISSUE AND MOTION TO RELINQUISH JURISDICTION have been furnished by United States Mail to the following on this 17<sup>th</sup> day of June, 1987, in Tallahassee, Florida.

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STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION

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