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MAY 13 1987

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May 13, 1987

OF COUNSEL
W. ROBERT FOKES

BY HAND DELIVERY

Julia Cobb Costas, Esquire
Office of General Counsel
Florida Department of Environmental
Regulation
2600 Blair Stone Road
Tallahassee, Florida 32301

DER
JUL 15 1987
BAQM

Re: DER Permits No. AC 11-119614, AC 11-119615,
and SC 11-120205
Consolidated DOAH Case Nos. 86-3297, 86-3298,
86-3299, 86-3300, and 86-3301

Dear Julia:

As we've informed you, Bill Deane (attorney for Collier County Democrats), and David Rynders (attorney for The Conservancy, Inc.), due to non-environmental developments at the local level, Resource Recovery of Collier, Inc. does not wish to proceed at this time with the currently scheduled DOAH administrative hearing on its Department of Environmental Regulation (DER) air quality and solid waste permit applications. However, Resource Recover of Collier, Inc. would like to keep its outstanding DER permit applications "on file" and "pending" until the end of this year in order to avoid unnecessary delay and expense in the event that circumstances at the local level change and the project becomes viable again. Mr. Deane and Mr. Rynders have informed me that they have no objection to canceling the administrative hearing and allowing Resource Recovery of Collier, Inc's permit applications to remain in a pending but inactive status. Their main concern is that they have adequate opportunity to request an administrative hearing in the event that the project moves forward again. This letter is to propose a procedure for accommodating the needs and concerns of all parties.

I would request that DER, for the reasons stated in this letter, rescind the "intents to issue" issued to Resource

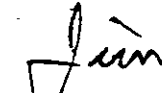
Julia Cobb Costas, Esquire
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Recovery of Collier, Inc. for the above-referenced permits with provisos stating that: (1) the respective permit applications will remain pending through December 31, 1987, (2) the rescissions are without prejudice to Resource Recovery of Collier, Inc.'s right to request that DER reissue or renew the "intents to issue" upon thirty days notice, and (3) in the event that the "intents to issue" are reissued or renewed, the attorneys for Collier County Democrats and The Conservancy, Inc. will be duly notified and afforded an opportunity to request administrative hearings. As indicated, Resource Recovery of Collier, Inc. will notify DER if and when it wishes DER to resume processing of its above-referenced permit applications. Resource Recovery of Collier, Inc. hereby waives its right to have its pending applications approved or denied within 90 days. See §120.60(2), Fla. Stat. This waiver expires 30 days after Resource Recovery of Collier, Inc. notifies the Department that it wishes to have its permit applications processed.

As we discussed, if DER were to forward a document reflecting rescission of intents to issue (with the above provisos) along with a perfunctory Motion to Relinquish Jurisdiction (§221-6.33, Fla. Admin. Code) to Hearing Officer Tremor, the DOAH administrative proceedings probably would be dismissed summarily. Please let us know if you would like us to assist you in drafting the Motion.

We sincerely appreciate the cooperation that you and Messrs. Rynders and Deane have extended. Please do not hesitate to call us if you have any questions or comments regarding this matter. We would also ask that Messrs. Rynders and Deane contact us immediately if they have any reservations regarding this letter.

Very truly yours,



Peter C. Cunningham
James S. Alves

Attorneys for Resource
Recovery of Collier, Inc.

JSA/gb

cc: David W. Rynders, Esquire
William W. Deane, Esquire

copied by
Pradeep Raval 7-14-87
Barry Andrews

DEPARTMENT OF ENVIRONMENTAL REGULATION

ROUTING AND TRANSMITTAL SLIP

ACTION NO

ACTION DUE DATE

1. TO: (NAME, OFFICE, LOCATION)

Clair Fanczy, BAQM

Initial

Date

2.

Initial

Date

3.

DER

Initial

Date

4.

JUL 15 1987

Initial

Date

REMARKS:

BAQM

This letter includes a waiver of the 90-day timeclock for the Resource Recovery of Collier air permits, # AC-11-119614 AC 11-119615

For your files

INFORMATION

Review & Return

Review & File

Initial & Forward

DISPOSITION

Review & Respond

Prepare Response

For My Signature

For Your Signature

Let's Discuss

Set Up Meeting

Investigate & Report

Initial & Forward

Distribute

Concurrence

For Processing

Initial & Return

FROM:

Julie Costas

DATE

7-14-87

PHONE

89730