

Memorandum

Florida Department of Environmental Protection

TO: Howard Rhodes, Division of Air Resources Management

THRU: Trina Vielhauer, Bureau of Air Regulation *TV*
Al Linero, New Source Review Section

FROM: Jeff Koerner, New Source Review Section *JK*

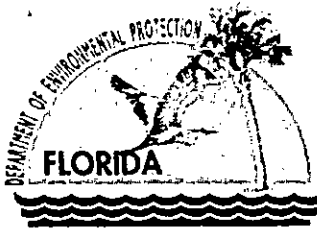
DATE: June 13, 2003

SUBJECT: Air Permit PSD-FL-248B
Project No. 0250281-007-AC
John E. Preston WTP
Extension of Permit Expiration Date

We received a request from the Miami-Dade Water and Sewer Department to extend Permit No. PSD-FL-248 (as modified) to provide additional time to revise the Title V operation permit for the newly constructed units. The water ozonation system, an insignificant unit, will not be installed. I have marked this "inactive" in ARMS. The remainder of construction is complete. No new construction is authorized.

I recommend your approval of the attached permit extension.

Attachments



Jeb Bush
Governor

Department of Environmental Protection

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

June 16, 2003

David B. Struhs
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Jorge S. Rodriguez, P.E.
Asst. Director, Water
Miami-Dade Water and Sewer Department
4200 Salzedo Street
Coral Gables, Florida 33146-0316

Re: DEP File No. 0250281-007-AC, PSD-FL-248B
John E. Preston WTP
Extension of Permit Expiration Date

The applicant, Miami-Dade Water and Sewer Department, applied on June 13, 2003, to the Department for an extension of PSD permit number PSD-FL-248 as modified (Project Nos. 0250281-006-AC and 0250281-007-AC) for its John E. Preston Water Treatment Plant located at 1100 West 2nd Avenue, and its Hialeah Water Treatment Plant located at 700 West 2nd Avenue, Hialeah, Miami-Dade County. The extension is to provide the necessary time to modify the Title V operation permit. The applicant also notes that the water ozonation system, an insignificant emissions unit that was authorized in Permit No. PSD-FL-248A, has been deferred indefinitely pending review of the public need. All other construction is complete.

The Department approves the request and hereby extends the expiration date of permit PSD-FL-248A (Project No. 0250281-007-AC) from **June 30, 2003 to June 23, 2004** to allow additional time for obtaining a revised Title V operation permit. No new construction is authorized by this action. The water ozonation system is marked "inactive" in the Department's ARMS database. A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This PSD permit modification is issued pursuant to Chapter 403, Florida Statutes.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3), F.S., must be filed within fourteen (14) days of publication of the public notice or within fourteen (14) days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen (14) days of receipt of that notice, regardless of the date of publication. 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 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 Department's action is based must contain the following

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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 how and when 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, 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; 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 Department'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 Department'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 Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542, F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2), F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

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.

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 thirty (30) days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



Howard L. Rhodes, Director
Division of Air Resources Management

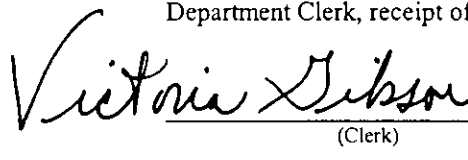
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this order was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 6/18/03 to the persons listed:

Mr. Jorge S. Rodriquez, Miami-Dade WSD*
Mr. Tom Tittle, SED
Mr. Patrick Wong, DERM
Mr. Gregg Worley, EPA Region 4
Mr. John Bunyak, NPS

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.

 June 18, 2003
(Clerk) (Date)



SERVE • CONSERVE

MIAMI-DADE WATER AND SEWER DEPARTMENT
P.O. Box 330316, Miami, Florida 33233-0316 • 3575 S. LeJeune Road • Tel: 305-665-7471

June 3, 2003

Certified Mail: 7001 0360 0001 6782 7349
Return Receipt

RECEIVED

JUN 13 2003

BUREAU OF AIR REGULATION

Mr. Alvaro Linero, P.E.
Administrator, New Source Review Section
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RE: Minor Modification of Air Construction Permit, Florida DEP File No. 0250281-007-AC,
PSD-FL-248A, John E. Preston Water Treatment Plant, 7th Standby Diesel Engine
Generator and Water Ozonation Systems

Dear Mr. Linero:

Miami-Dade Water and Sewer respectfully requests a minor modification to extend the construction deadline of the referenced permit as needed to June 23, 2004, to delete the installation of a raw water ozonation system from the construction permit and to provide the necessary time to modify the facilities operational permit.

The design and installation of a proposed raw water ozonation system at the Hialeah Preston Water Treatment Plants has been deferred indefinitely, pending review of the public need. The construction of the ozone generators and ozone water treatment basins for the ozonation of raw water as originally proposed where to have had negligible emissions of ozone and considered insignificant emissions units for the purposes of Title V regulation. The installation of the 7th standby generator was completed on January 10, 2002, with the deletion of this proposed insignificant unit; all work relating to this construction permit will be complete.

As the designated Responsible Official of this facility, I certify this request to be true, accurate, and complete based upon information and belief formed after reasonable inquiry. Please contact me at (786) 552-8112 or Mr. Richard M. O'Rourke, P.E. at (786) 552-8123 if there are any questions regarding this request.

Sincerely,

Jorge S. Rodriguez, P.E.
Assistant Director - Water

JSR/BMG/RMO/ro

c: T. Tittle, FDEP/SED
M. Muthiah, M-D/DERM

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SERVE • CONSERVE

MIAMI-DADE WATER AND SEWER DEPARTMENT
P.O. Box 330316, Miami, Florida 33233-0316 • 3575 S. LeJeune Road • Tel: 305-665-7471

June 3, 2003

Certified Mail: 7001 0360 0001 6782 7349
Return Receipt

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Administrator, New Source Review Section
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RECEIVED

JUN 13 2003

BUREAU OF AIR REGULATION

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Assistant Director - Water

JSR/BMG/RMO/ro

c: T. Tittle, FDEP/SED
M. Muthiah, M-D/DERM

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jorge S. Rodriquez, P.E.
 Assistant Director, Water
 Miami-Dade Water and Sewer Department
 4200 Salzedo Street
 Coral Gables, FL 33146-0316

2.

7001 0320 0001 3692 5740

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

6/24/03

C. Signature

x [Signature]

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes**U.S. Postal Service****CERTIFIED MAIL RECEIPT**

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(Endorsement Required)Restricted Delivery Fee
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Total Postage & Fees

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Postmark
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Sent To

Jorge S. Rodriquez

Street, Apt. No.

4200 Salzedo St.

City, State, ZIP+4

Coral Gables, FL 33146-031

PS Form 3800, January 2001

See Reverse for

7001 0320 0001 3692 5740

IM
PS Fo