



Florida Department of Environmental Protection

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

April 10, 2007

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

Electronic Mail – Received Receipt Requested

Mr. Tom Morello, Facility Manager
Veolia Environmental Services
Montenay Power Corporation
6990 NW 97th Avenue
Doral, Florida 33178

Re: Extension Request/DEP File No. 0250348-006-AC
Excess Emissions from Startup, Shutdown, or Malfunction

Dear Mr. Morello:

The Department has reviewed your letter (attached) received on April 9, 2007, requesting an extension of the expiration date of the above referenced permit from April 30, 2007, to March 27, 2008. After reviewing the submitted information, the expiration date of the referenced permit is hereby extended through **March 27, 2008**, for the purposes of completing the programming and reporting changes related to excess emissions from startup, shutdown, or malfunction of the refuse derived fuel spreader stoker combustors at the facility.

The units shall comply with all conditions as set forth in Air Construction Permit No. 0250348-006-AC.

A copy of this notice of intent 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.

The Department's proposed agency action shall become final unless a timely petition for an administrative determination (hearing) is filed under sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

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 of the Florida Statutes. 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 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) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen 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 (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department'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 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, 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 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.

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.

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 order 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 of the Florida Statutes, 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 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.


Trina L. Vielhauer, Chief
Bureau of Air Regulation

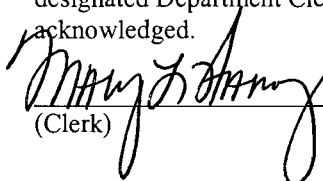
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Permit Extension Letter and all copies were sent electronically (with Received Receipt) before the close of business on 4/11/07 to the person(s) listed below.

Tom Morello, Montenay Power Corporation (Tom.Morello@veoliaes.com)
Lee S. Casey, Department of Solid Waste Management, Miami-Dade County (le1@miamidade.gov)
David Buff, P.E., Golder Associates, Inc. (DBuff@Golder.com)
Darrel Graziani, P.E., Southeast District Office (darrel.graziani@dep.state.fl.us)
Anetha Lue, P.E., Montenay Power Corporation (anetha.lue@veoliaes.com)
Jim Little, EPA Region 4 (little.james@epa.gov)
Gracy Danois, EPA Region 4 (danois.gracy@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)

4/11/07
(Date)

A copy of the request for extension is attached.

Enclosure



RECEIVED

APR 09 2007

WASTE-TO-ENERGY
NORTH AMERICA

BUREAU OF AIR REGULATION

April 5, 2007

Mr. A. A. Linero, PE.
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re : Air Permit No. 0250348-006-AC for Miami-Dade County Resource Recovery Facility
Facility ID No. 0250348

Dear Mr. Linero:

Air Construction Permit No. 0250348-006-AC was issued for the Miami-Dade County Resource Recovery Facility on March 27, 2007, by the Florida Department of Environmental Protection. This authorization to construct expires on April 30, 2007. The permit authorizes programming and reporting changes that will be incorporated in the Title V permit for the facility when that permit is issued. We received notice that the proposed Title V Permit Renewal No. 0250348-007-AV, which contains the changes in the construction permit, was sent to EPA for review on or around April 2, 2007.

Given, the uncertainties in schedules we request an extension of the construction permit so that it covers a 1-year period and expires on March 27, 2008, or on the effective date of the Final Title V permit, whichever is earlier.

We would appreciate a response, or final action, regarding this request prior to the current April 30, 2007, expiration date of the permit, if possible. In accordance with FAC 62-4.080 (3) we understand that if FDEP is unable to respond prior to April 30, 2007, "the permit will remain in effect until final agency action is taken on the request." If we are incorrect in our understanding of this matter please notify us as soon as possible.

We appreciate your help in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "T Morello".

Tom Morello,
Facility Manager

Cc: Dave Buff – Golder Engineering
Lee Casey – Miami-Dade Department of Solid Waste Management
Anetha Lue – Montenay Power Corp.

Tom Cascio – Florida Department of Environmental Protection, Tallahassee
Darrel Graziani – Florida Department of Environmental Protection, Southeast District Office