

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

MARILYN BLACKWELL, WAYNE
CHILDERS, MARJERY STITT,
SALLY MALONE, HELP SAVE THE
APALACHICOLA RIVER GROUP, INC.,
VICTOR RAMOS, HARRY L. PAUL,
ZEBE SCHMITT, DENISE WILLIAMS,
ET AL.,

Petitioners,

DOAH CASE NO. 10-1122

vs.

NORTHWEST FLORIDA RENEWABLE
ENERGY CENTER, LLC, AND
DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondents.

ORDER CLOSING FILE

On January 28, 2010, the Department of Environmental Protection (Department) issued its intent to issue an air construction permit, permit number 0450012-001-AC, to Northwest Florida Renewable Energy Center, LLC (Northwest) to construct a biomass-fed integrated gasification and combined cycle unit to be located at 521 Premier Drive, Port St. Joe, Gulf County, Florida. The Department received a sufficient petition for formal administrative hearing from the Petitioners, the matter was forwarded to the Division of Administrative Hearings (DOAH) and a hearing was set to begin on May 26, 2010.

On April 13, 2010, Northwest filed a Motion to Relinquish Jurisdiction and Withdrawal of Application (Motion) with DOAH, whereby Northwest withdrew its permit application, rendering the Department's intended action and the challenge to the action moot. Upon receiving

Northwest's Motion, DOAH issued its Order Closing File and relinquished jurisdiction to the Department. There being no further matters to consider,


IT IS ORDERED:

Department case number 10-0897 is CLOSED.

Any party to this order has the right to seek judicial review of the order under section 120.68 of the Florida Statutes by the filing of a notice of appeal under rules 9.110 and 9.190 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, 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 of appeal must be filed within thirty days from the date this order is filed with the clerk of the Department.

DONE AND ORDERED this 15th day of April, 2010, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850-245-2242 facsimile 850-245-2302

FILED ON THIS DATE PURSUANT TO §120.52,
FLORIDA STATUTES, WITH THE DESIGNATED
DEPARTMENT CLERK, RECEIPT OF WHICH IS
HEREBY ACKNOWLEDGED.


CLERK

4/15/10
DATE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Closing File, was furnished by electronic mail on this 15th day of April, 2010, to:

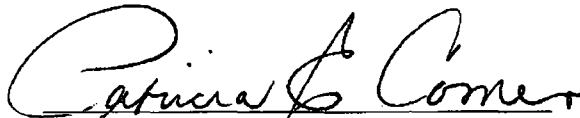
Margaret Sheehan
P.O. Box 292
Lincoln, MA 01773
meg@ecolaw.biz

Representative for Petitioners

Gary V. Perko
gperko@hgs.law.com
Angela Morrison Uhland
auhland@hgslaw.com
Hopping Green & Sams, P.A.
PO Box 6526
Tallahassee, FL 32314

*Counsel for Northwest Florida
Renewable Energy Center, LLC*

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



RONDA L. MOORE
Assistant General Counsel