

Gibson, Victoria

From: Vielhauer, Trina
Sent: Friday, June 23, 2006 12:23 PM
To: Comer, Patricia
Cc: Miskelley, Valerie; Gibson, Victoria; Linero, Alvaro; Sheplak, Scott
Subject: RE: Hillsborough PSD OGC # 06-1226

Great. Thank you!

From: Comer, Patricia
Sent: Friday, June 23, 2006 12:20 PM
To: Vielhauer, Trina
Cc: Miskelley, Valerie; Gibson, Victoria
Subject: Hillsborough PSD OGC # 06-1226

Trina

We did not get any petition on the PSD permit (we had denied the extension request and provided June 21 as the date for filing) so we are closing the litigation file on this.

Pat

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

HILLSBOROUGH COUNTY,

Petitioner,

vs.

OGC Case No. 06-1226
DEP File No. 0570261-007-AC
DEP Draft Permit No. PSD-FL-369

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Respondent.

_____ /

**ORDER DENYING REQUEST FOR EXTENSION
OF TIME TO FILE PETITION FOR HEARING**

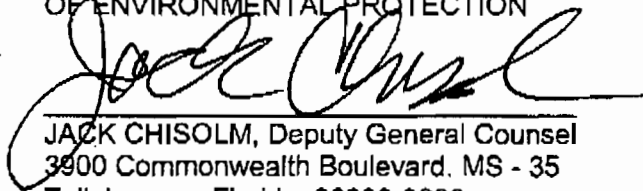
This cause has come before the Florida Department of Environmental Protection (Department) upon receipt of a request made by the Petitioner, Hillsborough County, to grant an extension of time to file a petition for administrative hearing concerning the Department's draft permit number PSD-FL-369 for the County's Resource Recovery Facility located in Hillsborough County, Florida. This permit is associated with Siting Certification case number 05-2692 (DOAH case No. 05-4347EPP). The applicant has requested an expedited Siting Certification hearing date and one has been set for July 12-13, 2006. To prevent delay of the expedited Site Certification hearing,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is DENIED. The Petitioner shall have until **June 21, 2006**, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE and ORDERED this 7th day of June, 2006, 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

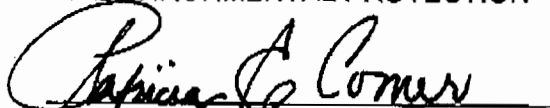
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished
via U. S. Mail facsimile **only**, this 7th day of June, 2006, to:

David S. Dee, Esquire
Young van Assenderp, P.A.
Post Office Box 1833
Tallahassee, FL 32302-1833

facsimile: 850/561-6834

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



PATRICIA E. COMER
Assistant General Counsel
3900 Commonwealth Boulevard – MS 35
Tallahassee, Florida 32399-3000
850/245-2242 facsimile: 850/245-2302

with a courtesy copy to:

Trina L. Vielhauer, Chief
Bureau of Air Regulation

facsimile: 850/921-9533

Gibson, Victoria

From: Vielhauer, Trina
Sent: Tuesday, June 06, 2006 4:20 PM
To: Comer, Patricia; Linero, Alvaro; Gibson, Victoria
Cc: Robinette, Rebecca
Subject: RE: Request for Extension of Time rec'd. - 0570261-007-AC - Hillsborough County

Thanks!

From: Comer, Patricia
Sent: Tuesday, June 06, 2006 4:12 PM
To: Linero, Alvaro; Gibson, Victoria; Vielhauer, Trina
Cc: Robinette, Rebecca
Subject: RE: Request for Extension of Time rec'd. - 0570261-007-AC - Hillsborough County

Scott Goorland and I have spoken to Jack Chisolm and to David Dee and here's what we will be doing. We will deny the Request for Extension of Time and grant the applicant until 5PM EDT June 21 to file a petition for hearing. David has agreed to expedite discovery if a petition is filed (but he seems pretty confident that no petition will be filed) to prevent delay of the certification hearing.

(FYI--The timing is also affected by the facts that Scott has a pre-hearing stipulation due on June 22 and that any continuance of the certification hearing would have to be noticed in the FAW on July 7 at the latest and that involves a two week backup (June 23) from publication date now that we have to go back to the Dept of State for publication. So we need to know by June 21 COB what the story is.)

-----Original Message-----

From: Linero, Alvaro
Sent: Tuesday, June 06, 2006 12:10 PM
To: Gibson, Victoria; Comer, Patricia; Vielhauer, Trina
Cc: Robinette, Rebecca
Subject: FW: Request for Extension of Time rec'd. - 0570261-007-AC - Hillsborough County

Vicky:

This relates to the Intent to Issue PSD Permit for Hillsborough County Resource Recovery Facility Unit 4 that we distributed 5/24/06.

The County has asked for extension of time to request an administrative hearing.

We'll need to see what they actually asked for and let Pat determine if it "correct", timely, valid, etc.

But I would suggest at most a short extension. It should be clearly beyond the date when others can petition (meaning this Thursday based on Public Notice of Intent to Issue PSD Permit published, so I hear, on 5/25). Beyond that, I wouldn't recommend much of an extension at all.

If you look at the schedule below, they have a combined certification and Land Use Hearing planned for July 12-13, 2006. Wouldn't want to see a sudden (though slim possibility) of a consolidation a few days before the other scheduled hearings!

Thanks.

Al.

Hillsborough County Resource Recovery Facility

Date	Event
03/13/06	DEP and other agencies submit sufficiency response questions to Siting Coordination

03/20/06	DEP issues determination of sufficiency
04/20/06	DEP and other reviewing agencies submit reports to Siting Coordination
05/24/06	Siting Coordination issues DEP Project Analysis
05/26/06	Deadline for Hillsborough County and DEP to publish public notice of Certification hearing
07/12-13/06	Combined Land Use & Certification hearing before Administrative Law Judge
09/27/06	Cabinet Aides Meeting
10/03/06	Siting Board Hearing on Certification

From: Sheplak, Scott
Sent: Tuesday, June 06, 2006 11:02 AM
To: Linero, Alvaro
Subject: FW: Request for Extension of Time rec'd. - 0570261-007-AC - Hillsborough County

fyi

-----Original Message-----

From: Crandall, Lea
Sent: Tuesday, June 06, 2006 8:40 AM
To: Chisolm, Jack; Light, Lisa; Gibson, Victoria; Sheplak, Scott
Subject: Request for Extension of Time rec'd. - 0570261-007-AC - Hillsborough County

FYI, a Request for Extension of Time was rec'd. re: 0570261-007-AC - Hillsborough County.

Thanks,
Lea

Lea Crandall
Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

Gibson, Victoria

From: Gibson, Victoria
Sent: Tuesday, June 06, 2006 2:20 PM
To: Miskelley, Valerie
Subject: RE: Hillsborough County

Yes, I do have a copy on file. I will fax it to you now.

Vickie

From: Miskelley, Valerie
Sent: Tuesday, June 06, 2006 2:12 PM
To: Gibson, Victoria
Subject: Hillsborough County

Vickie,

We just got a new case for Hillsborough County for permit 0570261-007-AC. When I went to the air permit search website and searched for this permit, there wasn't anything there. Do you have a copy of the notice of intent to issue? I think it was published on or around 5/24/06.

Thanks,
Valerie Miskelley
Administrative Secretary
FDEP Office of General Counsel
3900 Commonwealth Blvd. MS 35
Tallahassee, FL 32399-3000
(850) 245-2260 SC 205-2260
Fax: (850) 245-2302
Valerie.Miskelley@dep.state.fl.us



2:25 pm

Florida
Department of
Environmental Protection

Jeb Bush
Governor

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

Colleen M. Castille
Secretary

F A X T R A N S M I T T A L S H E E T

DATE: 6/6/06

TO: Valerie Miskelley

PHONE: _____

FAX: 245-2302

FROM: Vickie Gibson

PHONE: 921-9504

Division of Air Resources Management

FAX: 850.922.6979

RE: Hillsborough Cnty

CC: _____

Total number of pages including cover sheet: 4

Message

as you requested. 😊

If there are any problems with this fax transmittal, please call the above phone number.

"Protect, Conserve, and Manage Florida's Environmental and Natural Resources"

Printed on recycled paper

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

HILLSBOROUGH COUNTY,

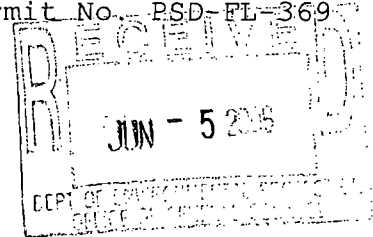
Petitioner,

v.

DEP File No. 0570261-007-AC
DEP Draft Permit No. PSD-FL-369

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.



HILLSBOROUGH COUNTY'S REQUEST FOR
EXTENSION OF TIME TO FILE PETITION

Petitioner, Hillsborough County ("County"), pursuant to Rule 28-106.111(3), Florida Administrative Code, respectfully requests the Department of Environmental Protection ("Department") to grant the County an extension of time to file a petition for a formal administrative hearing concerning the Department's draft permit for the County's Resource Recovery Facility (DEP Permit No. PSD-FL-369) (the "Draft Permit"). In support of this request, the County says:

1. On November 21, 2005, the County filed an application with the Department for a Prevention of Significant Deterioration ("PSD") permit for the installation of an additional municipal waste combustor at the County's existing Resource Recovery Facility, which is located at 350 North Falkenburg Road, Tampa, Florida.

2. On May 22, 2006, the County received an advance electronic copy of the Department's "Public Notice of Intent to Issue PSD Permit."

3. On May 24, 2006, the Department distributed its "Public Notice of Intent to Issue PSD Permit", Intent to Issue PSD Permit, Technical Evaluation, Preliminary Determination and the Draft Permit.

4. As the applicant for the Draft Permit, the County is affected by the Department's proposed action.

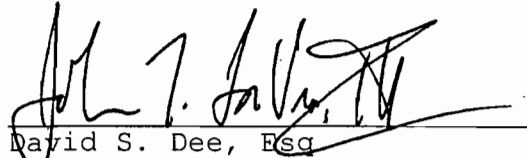
5. The Draft Permit contains several provisions that should be clarified or revised. The County has addressed these issues with the Department's staff (Mrs. Trina Vielhauer) and believe these issues can be resolved amiably. Although the County does not expect to file a petition for a formal administrative hearing concerning the Draft Permit at this time, the County respectfully requests a 30-day extension of time to allow the County resolve its concerns with the Department.

6. The County's counsel has discussed this request with the Department's staff (Mrs. Vielhauer) and she has indicated that she does not object to the County's request.

WHEREFORE, the County respectfully requests that the Department grant a 30-day extension of time for filing a petition for a formal administrative hearing concerning the County's Draft Permit.

Respectfully submitted this 5th day of June, 2006.

YOUNG VAN ASSENDERP, P.A.

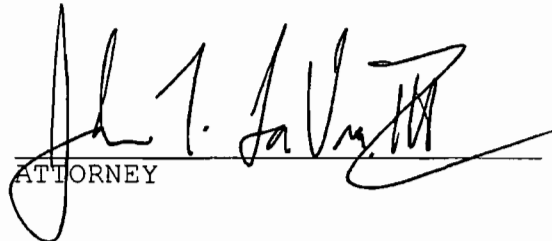


David S. Dee, Esq
Florida Bar No. 281999
John T. LaVia, III
Florida Bar No. 853666
Gallie's Hall
225 South Adams Street
Suite 200
P.O. Box 1833 (32302-1833)
Tallahassee, Florida 32301
Phone: 850/222-7206
Fax: 850/561-6834

Attorneys for Hillsborough County

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that an original and one copy of the foregoing was furnished by hand-delivery to the CLERK'S OFFICE, Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399; and to Brian Cross, Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-2400, on this 5th day of June, 2006.



ATTORNEY

Gibson, Victoria

From: Gibson, Victoria
Sent: Tuesday, June 06, 2006 2:04 PM
To: Sheplak, Scott; Linero, Alvaro
Subject: FW: Request for Extension of Time rec'd. - 0570261-007-AC - Hillsborough County

Attachments: Hills. Co..pdf

FYI,

Vickie

From: Crandall, Lea
Sent: Tuesday, June 06, 2006 1:33 PM
To: Gibson, Victoria
Subject: FW: Request for Extension of Time rec'd. - 0570261-007-AC - Hillsborough County

Good Afternoon,

Attached is the Request for Extension of Time.

Thanks,
Lea



Hills. Co..pdf (476
KB)

Lea Crandall

Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

-----Original Message-----

From: Crandall, Lea
Sent: Tuesday, June 06, 2006 8:40 AM
To: Chisolm, Jack; Light, Lisa; Gibson, Victoria; Sheplak, Scott
Subject: Request for Extension of Time rec'd. - 0570261-007-AC - Hillsborough County

FYI, a Request for Extension of Time was rec'd. re: 0570261-007-AC - Hillsborough County.

Thanks,
Lea

Lea Crandall

Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

Chronology of Activities

OGC Number District County

Style of Case

Program Area Mode

Lead Attorney Status

Forum Name Forum Case Number

Permit Appl Final Order Number

Date *	Code	Activity Description
05/25/2006	ITIP	INTENT TO ISSUE PERMIT
06/05/2006	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
06/05/2006	ACO	ADMIN. CASE OPENED IN OGC
06/05/2006	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
06/07/2006	EXTD	EXTENSION DENIED
06/07/2006	AR	RE-ASSIGNED TO LEAD ATTORNEY PATRICIA E COMER
06/23/2006	CC	CASE CLOSED IN OGC