

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

LEE COUNTY,

Petitioner,

v.

DEP Draft Permit No. 0710119-001-AV
OGC CASE NO. 00-1561

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

NOTICE OF LEE COUNTY'S WAIVER OF
EXTENSION OF TIME TO FILE PETITION

Petitioner, Lee County (the "County"), pursuant to Rule 28-106.111(3), Florida Administrative Code, respectfully waives its right to an extension of time to file a petition for a formal administrative hearing concerning the Florida Department of Environmental Protection's ("Department") revised draft Title V air operation permit for the County's Resource Recovery Facility (DEP Permit No. 0710119-001-AV) (the "Revised Draft Permit").

1. The County is the applicant for a Title V air operation permit for the County's Resource Recovery Facility (the "Facility"), which is located at 10500 Buckingham Road, Ft. Meyers, Florida.

2. On July 20, 2000, the Department electronically distributed its "Intent to Issue Title V Air Operation Permit" and the Revised Draft Permit for the Facility. As the applicant for the Revised Draft Permit, the County is affected by the Department's proposed action.

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3. The County requested and the Department granted an extension of time to file a petition concerning the Revised Draft Permit until August 30, 2000. The County requested an additional 30 day extension of time on August 30, 2000, which is still pending.

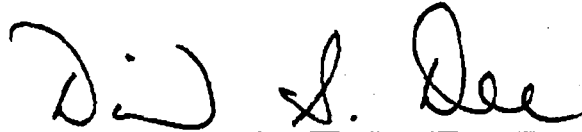
4. The County has resolved all of its issues with the Department concerning the Revised Draft Permit. Accordingly, the County hereby waives the remaining portion of the requested extension of time to file a petition. In addition, the County requests that the Department issue Permit No. 0710119-001-AV.

5. The County's counsel has discussed this request with Mr. Scott Sheplak on the Department's staff and Mr. Sheplak indicated that he does not object to this request.

WHEREFORE, the County waives its right to file a petition for a formal administrative hearing concerning the Revised Draft Permit and requests that the Department issue the subject permit.

Respectfully submitted this 1st day of September, 2000.

LANDERS & PARSONS

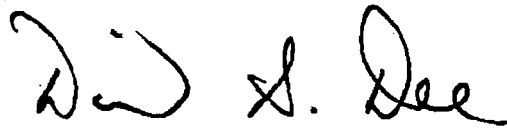


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ATTORNEYS FOR LEE COUNTY

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 a copy to Douglas Beason, Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, on this 1st day of September, 2000.



ATTORNEY

cc: Scott Sheplak
Lindsey Sampson
David Owen

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STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

LEE COUNTY,

Petitioner,

v.

DEP Revised Draft Permit No. 0710119-001-AV
OGC Case No. 99-1904

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

LEE COUNTY'S SECOND REQUEST FOR
EXTENSION OF TIME TO FILE PETITION

Petitioner, Lee County (the "County") pursuant to Rule 28-106.111(3), Florida Administrative Code, respectfully requests the Department of Environmental Protection ("Department") to grant the County an additional extension of time to file a petition for a formal administrative hearing concerning the Department's revised draft Title V air operation permit for the County's Resource Recovery Facility (DEP Permit No. 0710119-001-AV) (the "Revised Draft Permit"). In support of this request, the County says:

1. The County is the applicant for a Title V air operation permit for the County's Resource Recovery Facility (the "Facility"), which is located at 10500 Buckingham Road, Ft. Myers, Florida.

2. On July 20, 2000, the Department electronically distributed its "Intent to Issue Title V Air Operation Permit" and the Revised Draft Permit for the Facility. As the applicant for the Revised Draft Permit, the County is affected by the Department's proposed action.

3. On August 1, 2000, the County published notice of the Department's intent to issue the Revised Draft Permit.

4. On August 2, 2000, the County requested an extension of time of 30 days from the date the Department issues an order to file a petition in this case. By order dated August 29, 2000, the Department granted the County's request and extended the time to file a petition to August 30, 2000.

5. The Revised Draft permit is extremely lengthy and complex. The County has filed comments concerning the Revised Draft Permit with the Department to which the Department has not fully responded. The County requires additional time to further discuss with the Department several issues raised in its comments and then needs a reasonable opportunity to carefully review the final changes to the Revised Draft Permit with its staff, its consultants, and the company that operates the Facility.

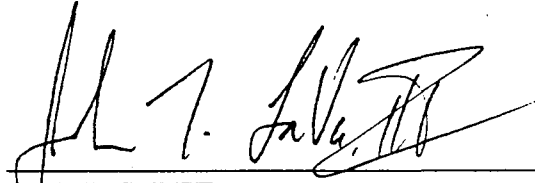
6. Although the County does not expect to file a petition for a formal administrative hearing concerning the Revised Draft Permit, the County requests a 30-day extension of time to allow the County to complete its negotiations with the Department concerning the Revised Draft Permit before the County waives its right to a hearing.

6. The County's counsel has discussed this request with Scott Sheplak of the Department's staff, and Mr. Sheplak stated that he does not believe an additional extension of time is necessary.

WHEREFORE, the County requests the Department to grant a 30-day extension of time to file a petition for a formal administrative hearing concerning the Revised Draft Permit.

Respectfully submitted this 30th day of August, 2000.

LANDERS & PARSONS

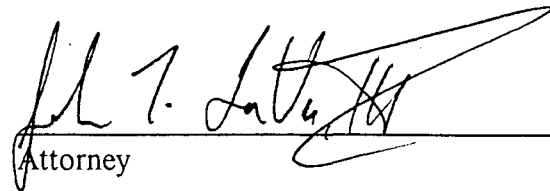


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CERTIFICATE OF SERVICE

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Attorney