

Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

December 29, 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Jorge S. Rodriguez, P.E.
Assistant Director - Water
Miami-Dade Water & Sewer Department
3071 SW 38th Avenue
Miami, Florida 33146-1520

Re: Alexander Orr, Jr. Water Treatment Plant
Three Natural Gas Engine Pump Sets and One Diesel Fueled Standby Generator
Extension of the Expiration Date of Permit No. 0250314-005-AC
DEP File No. 0250314-007-AC

Dear Mr. Rodriguez:

The Department has reviewed your October 2, 2003 letter requesting an extension of the expiration date of permit No. 0250314-005-AC. It is our understanding that installation of Pump Engines Nos. 3 and 4 (ARMS EU's Nos. 018 and 019) and the Diesel Generator (ARMS EU No. 023) will be completed by the end of the year. Additional time is requested to install Pump Engine No. 5 (ARMS E.U. 020). In addition, your letter also requested authorization to operate Pumps Engines No. 3 and 4 and the Diesel Generator.

The extension is acceptable to allow for the construction/installation of Pump Engine No. 5 (ARMS E.U. 020). The expiration date of the permit is hereby extended from December 31, 2003 to **August 7, 2005**. This permit modification authorizes the extension requested and initial operation to determine compliance with Department rules as stated in this permit.

To authorize operation of Pump Engines No. 3, 4 and the Diesel Generator after the performance tests, you will need to submit a Title V permit application at least 90 days prior to expiration of this permit, but no later than 180 days after commencing operation. To apply for a Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, and such additional information as the Department may by law require.

A copy of this letter 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.

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

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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 will be only at the approval 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; 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.

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 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.



Michael G. Cooke, Director
Division of Air Resources
Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this permit modification was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 12/30/03 to the person(s) listed:

Jorge S. Rodriguez, P.E.* WASD
Richard O'Rourke, WASD*
Tom Tittle, DEP SED
Patrick Wong, Miami-Dade County DERM
Jim Little, EPA Region 4

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.

Victoria Gibson 12/30/03
(Clerk) (Date)



October 2, 2003

Certified Mail: 7001 0360 0001 6791 7066
Return Receipt

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

RECEIVED

OCT 13 2003

BUREAU OF AIR REGULATION

RE: Request for Minor Modification, Extension of Air Construction Permit, Florida DEP File No. 0250314-005-AC, Alexander Orr, Jr. Water Treatment Plant, Three Natural Gas Fueled Engine Driven Pump Sets *0250314-007-AC*

Dear Mr. Linero:

The Miami-Dade Water and Sewer Department (MDWASD) respectfully requests a minor modification to extend the construction deadline of the referenced permit to August 7, 2005, the expiration date of the current air operating permit for the facility.

The installation of the three pump engines and emergency generator under the referenced permit at the Alexander Orr, Jr. WTP is proceeding albeit with contractual delays. The installation of the emergency generator and pump engine nos. 3 and 4 should be complete by the years end, but in order to provide more reliable water supply, the installation of pump engine no. 5 cannot begin until pump engine nos. 3 and 4 are operational. In this regard, MDWASD also respectfully requests authorization to operate these emission units (nos. 018, 019 and 23) upon completion.

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
J. Heron

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:

Richard O'Rourke, P.E.
Miami-Dade Water & Sewer Department
P.O. Box 330316
Miami, FL 33233-0316

2. Article Number (Copy from service label)
7000 2870 0000 7028 3758

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery
George O'Rourke 11/7/04
C. Signature Agent
George O'Rourke 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
(Domestic Mail Only; No Insurance Coverage Provided)**

OFFICIAL USE

Postage \$
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees \$

Postmark Here

Sent To
Jorge S. Rodriguez
Street, Apt. No.; or PO Box No.
3071 SW 38th Ave.
City, State, ZIP+ 4
Miami, FL 33146-1520
PS Form 3800, May 2000 See Reverse for Instructions

**U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)**

OFFICIAL USE

Postage \$
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees \$

Postmark Here

Sent To
Richard O'Rourke
Street, Apt. No.; or PO Box No.
PO Box 330316
City, State, ZIP+ 4
Miami, FL 33233-0316
PS Form 3800, May 2000 See Reverse for Instructions

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1. Article Addressed to:

Jorge S. Rodriguez, P.E.
Assistant Director - Water
Miami-Dade Water & Sewer Dept.
3071 SW 38th Avenue
Miami, FL 33146-1520

2. Article Number (Copy from service label)
7000 2870 0000 7028 3741

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery
Sandra Sanchez 1-2-04
C. Signature Agent
Sandra Sanchez 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