



Florida Department of Environmental Protection  
Office of General Counsel

# Memo

**To:** Jeff Koerner, Bruce Mitchell, and OGC File

**From:** Ronni Moore, Assistant General Counsel 

**Date:** September 16, 2009

**Re:** Solid Waste Authority of Palm Beach County vs. DEP; DEP Permit No. 0990234-015-AC;  
OGC No. 09-3353

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On July 31, 2009, the Department issued its notice of intent to issue an air construction permit, permit no. 0990234-015-AC, subject to the preconstruction review requirements for the Prevention of Significant Deterioration of Air Quality (PSD), project no. PSD-FL-108H, to the Solid Waste Authority of Palm Beach (Palm Beach). The intended permit authorized Palm Beach to refurbish two municipal waste combustors, nos. 1 and 2, at its existing North County Resource Recovery Facility, located at 6501 North Jog Road, West Palm Beach, Palm Beach County, Florida. Palm Beach requested and was granted an extension of time to file a petition for hearing on the intended permit through September 14, 2009.

Palm Beach neither requested a further extension of time nor filed a petition by close of business on September 14th. There being no further matters to consider, the Department's file in this matter is closed.

## Gibson, Victoria

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**From:** Koerner, Jeff  
**Sent:** Wednesday, September 16, 2009 1:53 PM  
**To:** Gibson, Victoria  
**Subject:** FW: Solid Waste Authority of Palm Beach County vs. DEP 09-3353  
**Attachments:** MEMO CLOSING FILE 09-16-09.pdf

OGC sent this to us today ... it's done.

Jeff

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**From:** Phipps, Jessica R.  
**Sent:** Wednesday, September 16, 2009 11:31 AM  
**To:** Koerner, Jeff; Mitchell, Bruce  
**Cc:** Moore, Ronni  
**Subject:** Solid Waste Authority of Palm Beach County vs. DEP 09-3353

Please find attached the Memo Closing File regarding the Solid Waste Authority of Palm Beach County case.

Thank you,

*Jessica Phipps*

*Department of Environmental Protection*

*Administrative Assistant*

*850-245-2243*

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at <http://www.protectingourwater.org/> presented by the Florida Department of Environmental Protection.

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOLID WASTE AUTHORITY OF  
PALM BEACH COUNTY,

Petitioner,

vs.

OGC No. 09-3353  
DEP Permit No. 0990234-015-AC

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Respondent.

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

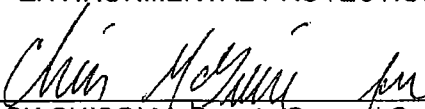
This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by the Solid Waste Authority of Palm Beach County (Petitioner) to grant an extension of time to file a petition for administrative hearing to allow time to discuss with the Department several specific permit conditions for its facility in Palm Beach County, Florida. Because the request shows good cause for the extension of time,

**IT IS ORDERED:**

The request for an extension of time to file a petition for administrative proceeding is **GRANTED**. Petitioner shall have until **September 14, 2009** to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 17<sup>th</sup> day of August, 2009, 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

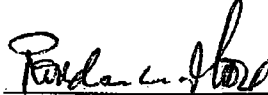
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting Request for Extension of Time to File Petition for Hearing, was furnished via electronic mail only on this 17<sup>th</sup> day of August, 2009, to:

Mark Hammond      [mhammond@swa.org](mailto:mhammond@swa.org)  
Executive Director  
Solid Waste Authority of Palm Beach County  
7501 North Jog Road  
West Palm Beach, FL 33412

Marc Bruner      [mbruner@swa.org](mailto:mbruner@swa.org)  
Solid Waste Authority of Palm Beach County  
7501 North Jog Road  
West Palm Beach, FL 33412

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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RONDA L. MOORE  
Assistant General Counsel  
3900 Commonwealth Boulevard - MS 35  
Tallahassee, Florida 32399-3000  
phone 850/245-2193  
facsimile 850/245-2302  
Florida Bar No. 0676411

cc via electronic mail:

Bruce Mitchell, DEP, Engineer IV - [Bruce.Mitchell@dep.state.fl.us](mailto:Bruce.Mitchell@dep.state.fl.us)  
Jeff Koerner, DEP, Professional Engineer II - [Jeff.Koerner@dep.state.fl.us](mailto:Jeff.Koerner@dep.state.fl.us)

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOLID WASTE AUTHORITY OF  
PALM BEACH COUNTY,

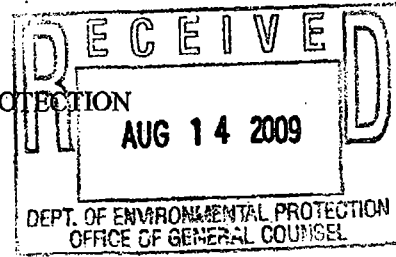
Petitioner,

v.

DEP Draft Air Permit No.  
0990234-015-AC/PSD-FL-108H

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

Respondent.



SOLID WASTE AUTHORITY'S REQUEST FOR  
EXTENSION OF TIME TO FILE PETITION

Petitioner, the Solid Waste Authority of Palm Beach County ("Authority"), pursuant to Rule 28-106.111(3), Florida Administrative Code, respectfully requests the Department of Environmental Protection ("Department") to grant the Authority an extension of time to file a petition for a formal administrative hearing concerning the Department's draft air construction permit (DEP Permit No. 0990234-015-AC/PSD-FL-108H) (the "Draft Permit"). In support of this request, the Authority says:

1. The Authority is the applicant for an air construction permit. The Authority wishes to install new air pollution control systems and undertake other construction work on the Authority's North County Resource Recovery Facility.

2. On July 31, 2009, the Department issued its Draft Permit for the Authority's proposed construction project. As the applicant for the Draft Permit, the Authority is affected by



**PLEASE DELIVER THE FOLLOWING PAGE(S) TO:**

Date:	8/14/09	
Name:	<del>Frank K...</del> Clerk's Office	
Entity / Firm:	DEP	
Telephone:	Fax #: 1-850-245-2303	Office #:
From:	Marc Bauer	

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET: 4

**COMMENTS:**


the Department's proposed action.


3. The Authority needs additional time to (a) carefully review the Draft Permit with its staff and its consultants and (b) discuss the Draft Permit with the Department. The Authority is concerned because the Draft Permit contains provisions that impose new obligations on the Authority. The Authority also is concerned because the Draft Permit contains provisions that are different than the provisions requested in the Authority's permit application.

4. Although the Authority does not expect to file a petition for a formal administrative hearing concerning the Draft Permit, the Authority requests a 30-day extension of time to further evaluate the provisions in the Draft Permit. The Authority is unwilling to waive its right to a hearing before the Authority discusses the Draft Permit with the Department.

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

Respectfully submitted this 14th day of August, 2009.

SOLID WASTE AUTHORITY

  
Mark Hammond, Executive Director



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was furnished by fax (1-850-245-2303) to the CLERK'S OFFICE, Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, Room 633B, Tallahassee, Florida 32399; and a copy by U.S. Mail to Ms. Trina Vielhauer, Division of Air Resources Management, 2600 Blair Stone Road, Mail Station 5505, Tallahassee, FL 32399-2400, on this 14th day of August, 2009.

  
Mark Hammond, Executive Director

## Gibson, Victoria

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**From:** Gibson, Victoria  
**Sent:** Friday, August 14, 2009 12:51 PM  
**To:** Vielhauer, Trina; Koerner, Jeff  
**Subject:** FW: Request for Extension of Time - Solid Waste Authority of Palm Beach County vs. DEP - OGC 09-3353 (0990234-015)  
**Attachments:** Solid Waste Authority of Palm Beach County vs. DEP - OGC 09-3353.pdf

FYI,

Vickie

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**From:** Crandall, Lea  
**Sent:** Friday, August 14, 2009 12:40 PM  
**To:** Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Mitchell, Bruce  
**Subject:** RE: Request for Extension of Time - Solid Waste Authority of Palm Beach County vs. DEP - OGC 09-3353 (0990234-015)

Sorry, please ignore the attachment on the previous e-mail. The correct Request is attached.

Thanks,

Lea

Lea Crandall  
Agency Clerk  
Office of General Counsel  
3900 Commonwealth Blvd., MS 35  
Tallahassee, FL 32399-3000  
Phone (850) 245-2212  
Fax: (850) 245-2303

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at <http://www.protectingourwater.org/> presented by the Florida Department of Environmental Protection.

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**From:** Crandall, Lea  
**Sent:** Friday, August 14, 2009 12:36 PM  
**To:** Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Mitchell, Bruce  
**Subject:** Request for Extension of Time - Solid Waste Authority of Palm Beach County vs. DEP - OGC 09-3353 (0990234-015)

Attached is a Request for Extension of Time re: Solid Waste Authority of Palm Beach County vs. DEP - OGC 09-3353 (0990234-015).

Thanks,

Lea

Lea Crandall

Agency Clerk  
Office of General Counsel  
3900 Commonwealth Blvd., MS 35  
Tallahassee, FL 32399-3000  
Phone (850) 245-2212  
Fax: (850) 245-2303

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**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
07/31/2009		NOTICE OF INTENT TO ISSUE AIR PERMIT
08/14/2009	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
08/14/2009	ACO	ADMIN. CASE OPENED IN OGC
08/14/2009	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
08/17/2009		ORDER GRANTING FIRST REQUEST FOR EXTENSION OF TIME (09/14/09)
08/17/2009	AR	RE-ASSIGNED TO LEAD ATTORNEY RONNI L MOORE
09/14/2009	EXP1	FIRST EXTENSION EXPIRES TODAY
09/16/2009		MEMO CLOSING FILE - NO REQUEST OR PETITION WAS EVER FILED
09/16/2009	CC	CASE CLOSED IN OGC
09/16/2009		REFERENCE OCLUS FOR THESE DOCUMENTS (FILE WAS DESTROYED)