



Jeb Bush
Governor

Department of Environmental Protection

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

Colleen M. Castille
Secretary

July 26, 2006

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. John D. Booth
Executive Director
Solid Waste Authority of Palm Beach County
7501 North Jog Road
West Palm Beach, Florida 33412

Re: Municipal Solid Waste Class I Landfill Alternative Timeline
Title V Permit Number 0990234-010-AV

Dear Mr. Booth:

The Department of Environmental Protection (Department) acknowledges receipt of your request dated July 6, 2006 (copy enclosed). The Class I Landfill is regulated under 40 CFR 60 Subpart WWW, Standards for Air Emissions from Municipal Solid Waste Landfills, adopted and incorporated by reference, subject to provisions, in Rule 62-204.800(8)(b), Florida Administrative Code (F.A.C.). The mentioned Department rule adoption is part of Florida's approved state implementation plan (SIP). The landfill is operated under Title V Permit Number 0990234-004-AV.

Pursuant to Rule 62-204.800(8), F.A.C., the "Administrator" means the "Department's Secretary" or the "Secretary's designee" with respect to provisions delegated by United States Environmental Protection Agency to the Department, except that the Secretary is not the Administrator for the purposes of 40 CFR 60.754(a)(5).

The federal regulation, 40 CFR 60.755(a)(5), allows a facility to request in writing an alternative timeline for correcting an exceedance of an operating parameter, e.g., nitrogen or oxygen as specified in 40 CFR 60.753(c). The EPA did not retain the authority to act upon this request under 40 CFR 60.750. In your letter you indicated that the current landfill gas wells in cells 5 & 6 will be abandoned and replaced with new gas wells. Additional time may be needed to correct exceedances that may occur when bringing the new landfill gas (LFG) well system online. Approval of this request by the Department provides the facility additional time to transition from the existing LFG system to the new replacement system.

Specifically, your request for an additional 60 (sixty) days beyond the 120 days allowed under 40 CFR 60.755(a)(5), for a total of 180 days is approved for this project. Corrective measures shall not cause exceedances of other operational or performance standards.

The Department will consider the above-noted action final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. Mediation under Section 120.573, F.S., will not be available for this proposed action.

A person whose substantial interests are affected by the proposed decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) by the Agency Clerk in the Department's Office of General Counsel, MS #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9314, Fax: 850/487-4938). Petitions filed by the applicant or any of the parties listed below must be filed within 14 (fourteen) days of receipt of this notice. Petitions filed by any other person must be filed within 14 (fourteen) days of receipt of this proposed action. A petitioner must 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, F.A.C.

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or PO Box No. 7501 North Jog Road

City, State, ZIP+4
West Palm Beach, Florida 33412

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, F.A.C.

A petition 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 each 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, as well as the rules and statutes which entitle the petitioner to relief;
- (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 permitting authority'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, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the permitting authority'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 permitting authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation will not be available in this proceeding.

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by the filing of a Notice of Appeal, under Rule 9.110 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 notice is filed with the Clerk of the permitting authority.

Executed in Tallahassee, Florida.



Trina L. Vielhauer, Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this order was sent by certified mail or electronically (with Received Receipt) (*) and copies were sent by U.S. Mail or electronically (with Received Receipt) before the close of business on 7/27/06 to the person(s) listed or as otherwise noted:

John D. Booth, SWA*
Mary Beth Morrison, SWA, via e-mail (nmorrison@swa.org)
Mark McLean, SWA, via e-mail (nmclean@swa.org)
Darrel J. Graziani, P.E., SED, via e-mail (Darrel.Graziani@dep.state.fl.us)

Clerk Stamp
FILING AND ACKNOWLEDGMENT FILED, on this date,
pursuant to §120.52(7), Florida Statutes, with the designated
Department Clerk, receipt of which is hereby acknowledged.


Clerk) (Date) 7/27/06



YOUR PARTNER FOR
SOLID WASTE SOLUTIONS

July 6, 2006

Mr. Errin Pichard, P.E.,
Bureau of Air Monitoring & Mobile Sources
Florida Department of Environmental Protection
2600 Blair Stone Road,
Mail Station 5510
Tallahassee, FL 32399-2400

RECEIVED
JUL 10 2006
BUREAU OF AIR POLLUTION

RE: Request for Alternative Timeline – New Gas Well Installation
Class I Landfill Closure Project (Cells 5 & 6)
Title V Operating Air Permit 0990234-004-AV
North County Resource Recovery Facility

Dear Errin:

The Authority is in the process of closing two additional cells at the Class I Landfill (cells 5 & 6). During the landfill closure process, the current landfill gas wells in cells 5 & 6 will be abandoned and be replaced with new gas wells. The Authority's LFG consultant, Waste Energy Technology, has advised that it may take up to an additional time to perform the initial balancing on the newly installed wells.

In accordance with 40 CFR 60.755(a)(5), the Authority is requesting that the Department grant an additional 60 days from the 120 day timeframe, for a total of 180 days, to correct any exceedances of the monthly parameters that may occur when bringing the new landfill gas system online. Corrective action measures will not cause exceedances of other operational or performance standards.

Based upon information and belief formed after reasonable inquiry, the statements and information in the documents are true, accurate, and complete. If you have any questions or require additional information, please contact Mary Beth Morrison at (561) 640-4000 ext. 4613.

Sincerely,

John D. Booth
Executive Director

JDB/mbm

cc: Darrel Graziani, SE District FDEP
Scott Sheplak, FDEP
Marc Bruner, SWA
Mark Mclean, SWA
Mary Beth Morrison, SWA
Ray Schauer, SWA
Bob Worobel, SWA
Jack Mesojedec, SWA
Kevin Leo, CDM