



Jeb Bush
Governor

Department of Environmental Protection

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

Colleen M. Castille
Secretary

December 21, 2006

SENT BY E-MAIL - RECEIVED 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 November 3, 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 0990234-010-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 the Solid Waste Authority is planning to redesign and install a new gas collection system in cells 7 & 8 to correct exceedances. The Solid Waste Authority needs the additional time to design, construct and implement a new gas collection system in cells 7 & 8. Approval of this request by the Department provides the facility the additional time to perform the necessary corrective measures. The initial exceedance was on September 26, 2006. **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.**

"More Protection, Less Process"

Printed on recycled paper.

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.

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.


for Trina L. Vielhauer, Chief
Bureau of Air Regulation

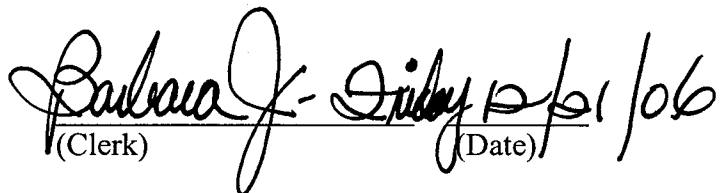
TLV/aal/sms

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this order and all copies were sent electronically (with Received Receipt) before the close of business on 12/21/06 to the person(s) listed below:

John D. Booth, SWA, jbooth@swa.org
Mary Beth Morrison, SWA, mmorrison@swa.org
Mark McLean, SWA, mmclean@swa.org
Darrel J. Graziani, P.E., SED, 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) 12/21/06 (Date)



November 3, 2006

Trina L. Vielhauer, Chief
Bureau of Air Regulation
Florida Department of Environmental Protection
2600 Blair Stone Road,
Tallahassee, FL 32399-2400

RECEIVED

NOV 06 2006

BUREAU OF AIR REGULATION

RE: Request for Alternative Timeline – Class I Landfill
3rd Quarter 2006 Methane Sweeps
Title V Operating Air Permit 0990234-010-AV
North County Resource Recovery Facility

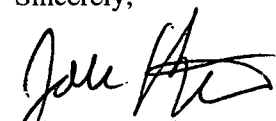
Dear Trina:

The 3rd quarter methane sweeps were conducted for the North County Resource Recovery Facility (NCRRF) Class I Landfill on September 25th-26th, 2006. There are two (2) areas on the Class I Landfill located in cells 7 & 8 that failed the 500 ppmvd limit three times within the quarterly period. According to 40 CFR 60.755(c)(4)(v), for any location that exceeds 500 ppmvd three times within a quarter, a new well or collection device shall be installed within 120 calendar days of the initial exceedance.

Rather than install a new well in just the two (2) locations, the Authority is planning to redesign and install a new gas collection system (wells, piping, etc.) in cells 7 & 8 as an alternate remedy to the two (2) exceedances. The Authority is requesting that the Department grant an additional 60 days from the 120 day time frame, for a total of 180 days from the initial exceedance, to design, construct & implement a new gas collection system in cells 7 & 8 as per 40 CFR 60.755(c)(4)(v). The date of the initial exceedance was September 26, 2006.

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
Kevin Leo, CDM

Friday, Barbara

From: John Booth [jbooth@swa.org]
To: Friday, Barbara
Sent: Thursday, December 21, 2006 7:07 PM
Subject: Read:

Your message

To: jbooth@swa.org
Subject:

was read on 12/21/2006 7:07 PM.

Friday, Barbara

From: System Administrator
To: Graziani, Darrel
Sent: Thursday, December 21, 2006 11:17 AM
Subject: Delivered:Delivery Status Notification (Success)

Your message

To: 'jbooth@swa.org'; 'mmorrison@swa.org'; 'mmclem@swa.org'; Graziani, Darrel
Cc: Sheplak, Scott
Subject:
Sent: 12/21/2006 11:17 AM

was delivered to the following recipient(s):

Graziani, Darrel on 12/21/2006 11:17 AM

Friday, Barbara

From: System Administrator
To: Mark L. McLean; John Booth; Marybeth Morrison
Sent: Thursday, December 21, 2006 11:18 AM
Subject: Delivered:Delivery Status Notification (Success)

Your message

To: jbooth@swa.org; mmorrison@swa.org; mmclean@swa.org; Graziani, Darrel
Cc: Sheplak, Scott
Subject:
Sent: 12/21/2006 11:17 AM

was delivered to the following recipient(s):

Mark L. McLean on 12/21/2006 11:17 AM
John Booth on 12/21/2006 11:17 AM
Marybeth Morrison on 12/21/2006 11:17 AM

Friday, Barbara

From: Mark L. McLean [mmclean@swa.org]
To: Friday, Barbara
Sent: Thursday, December 21, 2006 11:19 AM
Subject: Read:

Your message

To: mmclean@swa.org
Subject:

was read on 12/21/2006 11:19 AM.

Friday, Barbara

From: Graziani, Darrel
To: Friday, Barbara
Sent: Thursday, December 21, 2006 11:42 AM
Subject: Read:

Your message

To: 'jbooth@swa.org'; 'mmorrison@swa.org'; 'mmclem@swa.org'; Graziani, Darrel
Cc: Sheplak, Scott
Subject:
Sent: 12/21/2006 11:17 AM

was read on 12/21/2006 11:42 AM.