



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

August 1, 2011

Electronically sent – Received Receipt requested

NOTICE OF APPROVAL OF HIGHER OPERATING TEMPERATURES

Mr. Leonard Marion, Director
Volusia County Solid Waste Services Division
3151 New York Avenue
DeLand, FL 32724

RE: Request for Operating Temperature Variance for the North Cell Landfill Gas System
Tomoka Farms Road Landfill
DEP Project File No.: 1270117-006-AV

Dear Mr. Marion:

The Department received a letter dated August 10, 2010 requesting an operating temperature variance for landfill gas (LFG) extraction wells located in the North Cell of Tomoka Farms Road Landfill. Supporting data accompanied the original request and additional supporting data was submitted later on April 12, 2011. Additional data including carbon monoxide monitoring was submitted in a letter dated July 24, 2011. The request for operating temperature variance for wells EW-10R, EW-12R, EW-13R, EW-14R, EW-15R and EW-17R was included in the letter dated August 10, 2010. The request for operating temperature variance for well EW-16R was included in the letter dated July 24, 2011.

A review of the submitted data was conducted. The average methane concentrations for the seven wells were 45.5 percent to 55.4 percent, 45.5 percent for well EW-13R (well with the lowest average methane concentration) and 55.4 percent for EW-14R (well with the highest average methane concentration). The average oxygen concentrations for the seven wells were 0.0 to 0.2 percent by volume; the highest average oxygen concentration was 0.2 percent for well EW-10R. The carbon monoxide sampling results indicate CO concentrations less than 10 ppm for six of the wells, CO concentrations of 10-50 ppm and 50-100 ppm for well EW-13R.

The Department is granting higher operating temperatures for all seven wells. The Department granted the temperature requested for six of the seven wells. A higher operating temperature of 150° F (Fahrenheit) was granted for well EW-13R instead of 160° F as requested.

The gas extraction wells listed below shall be operated with a landfill gas temperature the same or less than the following:

Well Number	LFG Temperature Value	Request Date	Approval Date
EW-10R	≤ 140° F	August 10, 2010	August 1, 2011
EW-12R	≤ 140° F	August 10, 2010	August 1, 2011
EW-13R	≤ 150° F	August 10, 2010	August 1, 2011
EW-14R	≤ 145° F	August 10, 2010	August 1, 2011
EW-15R	≤ 145° F	August 10, 2010	August 1, 2011
EW-16R	≤ 145° F	July 14, 2011	August 1, 2011
EW-17R	≤ 145° F	August 10, 2010	August 1, 2011

The variance for higher operating temperatures for all seven wells is approved by the Department. This letter and previous SOP must be attached to and becomes a part of Permit No. 1270117-006-AV.

A person whose substantial interests are affected by the proposed permit amendment may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. 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. 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, F.A.C.

All petitions filed under these rules shall contain:

- The name and address of each agency affected and each agency's file or identification number, if known;
- 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;
- A statement of when and how the petitioner received notice of the agency decision;
- A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- 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;
- A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; 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, F.A.C.

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 permit amendment. 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.

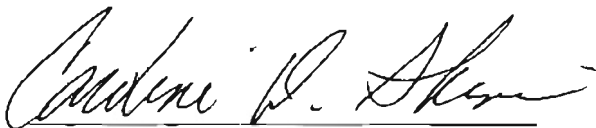
Mediation is not available in this proceeding.

This permit amendment is final and effective on the date filed with the Clerk of the Department unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. or unless a request for an extension of time in which to file a petition is filed within the time specified for filing a petition. Upon timely filing of a petition or a request for an extension of time to file the petition, this permit amendment will not be effective until further Order of the Department.

Any party to the Order (Permit Amendment) has the right to seek judicial review of the Order pursuant to 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 of Environmental Protection in the Office of General Counsel, Douglas Building, 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 of Appeal must be filed within 30 days after this Order is filed with the Clerk of the Department.

This letter must be attached to and becomes a part of Permit No. 1270117-006-AV. If you have any questions, please call Jeff Rustin, P.E. at 407-897-2930.

Executed in Orange County, Florida.



Caroline D. Shine
District Air Program Administrator

CDS/jr

Mr. Leonard Marion, Director
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CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Approval for Higher Operating Temperatures was sent by electronic mail before the close of business on 8/2/11 to the person(s) listed:

Mr. Leonard Marion, Director, Volusia County Solid Waste Services Division
(lmarion@co.volusia.fl.us)

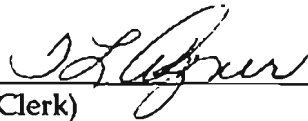
Ms. Jennifer Stirk, Environmental Specialist, Volusia County Solid Waste Services Division
(JStirk@co.volusia.fl.us)

Mr. Daniel Cooper, P.E., Project Manager, SCS Engineers (DCooper@SCSEngineers.com)

Ms. Leigh-Ann Pell, FDEP/Tallahassee (Leigh.Pell@dep.state.fl.us)

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.


(Clerk)

8/2/11
(Date)