



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr.
Secretary

XXXXXX, 2011

Mr. Jim Espilantis
Acting Plant Manger
Wheelabrator North Broward, Inc.
2600 Wiles Road
Pompano Beach, FL 33073

Re: North Broward Resource Recovery Facility
Modification to Conditions of Certification
Metal Recovery Facility
DEP Case Number PA86-22J
OGC Case Number 10-1805

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Espilantis:

The Governor and Cabinet (Siting Board) issued the Site Certification for the Wheelabrator North Broward, Inc. (Wheelabrator) North Broward Resource Recovery Facility on March 3, 1987. This certification authorizes the construction and operation of a 67 megawatt (MW), 2,250 tons per day, municipal waste fired power plant and ancillary facilities. The Department of Environmental Protection (Department) has modified the Conditions of Certification by Final Order on nine other occasions.

On June 7, 2010 the Department received a request from Wheelabrator to modify the Conditions of Certification for the North Broward Resource Recovery Facility. The petition requested the installation and operation of a metal recovery facility on the existing site, and removal of specific federal air emissions requirements currently under the purview of the federal TV air operation permit, and removal of requirements to send copies of air related monitoring and reporting documents to the Broward County Department of Planning and Environmental Protection..

Additionally, the Department initiated a modification in accordance with Section 403.516(1)(c), Florida Statutes (F.S.), to incorporate a uniform set of General Conditions consistent with recent Site Certifications.

The Department reviewed the modification requests and on XXXX, XXX, issued its Notice of Intent to Modify Conditions of Certification. On or before XXXXX, XXXX, all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification. On XXXXX, XXXX, notice of the Department's intent to modify the Conditions of Certification for this facility was published in the Florida Administrative Weekly (FAW).

Section 403.516, F.S., and Rule 62-17.211, Florida Administrative Code (F.A.C.), provide that all parties to the certification proceeding have 45 days from the issuance of notice by mail to such party's last address of record in which to file a written objection to the proposed modification; that any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the requested modification have 30 days from the date of publication of the public notice in the FAW to object in writing; that failure to act within the time frame constitutes a waiver of the right to object to the proposed modification; and that the Department will issue an Order Modifying the Conditions of Certification for this facility if no written objections are received by the Department.

No objections to the Department's Notice of Intent were received. The Petition for Modification is approved and the Conditions of Certification for the North Broward Resource Recovery Facility are hereby modified as follows (words ~~stricken~~ are deletions; words underlined are additions):

Modifications Related to the Metal Recovery Facility: *The following language was added to Section A, General Conditions.*

I. SCOPE

A. Pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-518, Florida Statutes (F.S.), this certification is issued to Wheelabrator North Broward Inc. (Wheelabrator) as owner/operator of North Broward Resource Recovery Facility and Licensee. Subject to the requirements contained in these Conditions of Certification (Conditions) Wheelabrator will operate a 67 MW facility consisting of a 2,250 tons per day (nominal rating) mass burn resource recovery facility. This facility is located on a 25-acre site which is located in Broward County, Florida. UTM coordinates are: Zone 17; 583,541 km East; and 2907,498 km North. The Department does not intend, solely by the incorporation of these General Conditions, to require the retrofitting of existing certified facilities.

B. The certified facility includes but is not limited to the following major associated facilities;

- Ash disposal area
- Metal Recovery Facility
- Cooling system
- Electrical substation
- Stormwater retention areas
- Internal roadway system
- Visitor/employee parking area
- Gatehouse/weigh station
- Receiving and handling building

The following language was added to Section B, Specific Conditions.

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

E. Solid/Hazardous Waste

2. Ash Residue Management Plan

An Ash Residue Management Plan shall be submitted to the DEP Southeast District Office Solid Waste Section in accordance with 62-702.400, F.A.C. The plan shall be

updated as necessary to reflect changed conditions, but shall be reviewed and updated at least every five years.

[62-702.400, F.A.C.]

Modifications Related to the Federal Air Permit Requirements: *Condition XIV. OPERATION,*
A. Air was replaced in its entirety by the following language:

VI. FEDERAL PERMITS

The following permits have been issued pursuant to federal programs and they are applicable to the certified facility. The Department may consider a violation of any of these federal permits as a violation of this license.

A. Air

The provisions of the following permits shall be conditions of this certification to the extent the substantive provision of those permits apply to the certified facilities. The Licensee shall comply with the applicable substantive provisions and limitations set forth in both Air Construction Permit No. PSD-FL-112 and Title V Air Operation Permit Number 0112120-009-AV as part of these Conditions of Certification, and as those provisions may be modified, amended, or renewed in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

1. Air Construction Permit

Air Construction Permit PSD-FL-112 is incorporated by reference herein as part of this Certification and attached as Appendix I.

[Chapter 62-212, F.A.C.]

2. Title V Permit

Title V Air Operation Permit 0112120-009-AV is incorporated by reference herein as part of this Certification and attached as Appendix II.

[Chapters 62-204, 62-210, 62-213, 62-214, 62-296, and 62-297, F.A.C.]

Modifications Associated with the Department Initiated Incorporation of General Conditions

In addition to the above modifications, the modified Conditions of Certification PA86-22J (Attachment B to this document) replace the existing Conditions of Certification PA86-22I (Attachment A) in their entirety. Several existing Conditions have been updated and incorporated into the more uniform set of General Conditions. Many existing Conditions have been moved to different sections of the document.

Attachment A (existing Conditions) contains cross references to the corresponding condition in Attachment B (modified Conditions) appearing in red following each section of the document. In the electronic Adobe pdf file of Attachment A (existing Conditions), the cross references have been electronically linked to the corresponding condition in the Adobe pdf file of Attachment B (modified Conditions). In order to toggle between the two documents on your screen, copy both files (Attachment A and Attachment B) from

<http://publicfiles.dep.state.fl.us/siting/outgoing/North%20Broward%20RRF/Mod%20J/> and paste

them into a single folder and open both files. (If you open the documents from the ftp site and “Save As” with a different file name, the links will not work. You must copy and paste with the same file names.) Clicking on a link in Attachment A will take you directly to the corresponding new and/or modified condition in Attachment B.

A complete set of the Conditions of Certification (including attachments) can be viewed and downloaded from the following website: <http://www.dep.state.fl.us/siting/certification.htm>. Copies of the Conditions of Certification and/or attachments may also be obtained by contacting Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Blvd, MS 48, Tallahassee, Florida 32399-3000, (850) 245-2002.

Any party to the this Order has a right to seek judicial review of it pursuant to Section 120.68, F.S., by filing a Notice of Appeal, pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 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 Order is filed with the Clerk of the Department of Environmental Protection.

Executed in Tallahassee, Florida.

Michael P. Halpin, P.E.
Administrator,
Siting Coordination Office

CC by Email:

Kevin Claridge, DEP SED, kevin.claridge@dep.state.fl.us
Dianne Hughes, DEP SED, dianne.k.hughes@dep.state.fl.us
Joe Lurix, DEP SED, joe.lurix@dep.state.fl.us
Chuck Faller, Wheelabrator, cfaller@WM.com

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 Date

Service List: CC by email (receipt verification requested):

Angela R. Morrison Uhland, Esq.
Gary P. Sams, Esq
Hopping, Green and Sams, P.A.
POB 6526
Tallahassee, FL 32314-6526
auhland@hgslaw.com
gsams@hgslaw.com

Samuel Goren, Esquire
South Florida Regional Planning Council
3440 Hollywood Blvd. Suite 140,
Hollywood, FL 33021
sgoren@cityatty.com

Kelly Samek, Esquire
Fish and Wildlife Conservation Commission
6230 South Meridian Street
Tallahassee, FL 32399-1600
kelly.samek@fwc.state.fl.us

Jennifer Brubaker, Esquire
Florida Public Service Commission
Gerald Gunter Building
2450 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
jbrubake@psc.state.fl.us

Barbara Lenczewski
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
barbara.lenczewski@dca.state.fl.us

Jeffery Newton, Esquire
Broward County
114 S. Andrews Ave
Fort Lauderdale, FL 33301
jnewton@broward.org

Ruth Holmes, Esq
South Florida Water Management District
POB 24680
West Palm Beach, FL 33426
rholmes@sfwmd.gov

Toni Sturtevant, Esquire
Department of Environmental Protection
3900 Commonwealth Blvd.
Mail Station 35
Tallahassee, FL 32399-3000
Toni.sturtevant@dep.state.fl.us

Matthew Davis, Esquire
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
matthew.Davis@dca.state.fl.us

Kimberly Menchion, Esquire
Department of Transportation
Haydon Burns Building
605 Suwannee Street
Mail Station 58
Tallahassee, FL 32399-0450
Kimberly.Menchion@dot.state.fl.us

Mary Beth Busutil
Solid Waste Operations Division
Broward County
1 North University Dr
Suite 400 B
Plantation , FL 33324
mbusutil@broward.org