



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

February 16, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

NOTICE OF INTENT TO MODIFY CONDITIONS OF CERTIFICATION

Dear Mr. Espilantis,

On June 7, 2010 the Department of Environmental Protection's (Department's) Siting Coordination Office received a petition from Wheelabrator North Broward, Inc. (Wheelabrator) for a modification to the Certification for the North Broward Resource Recovery Facility. The petition is for the installation and operation of a metal recovery facility. The applicant also requested the removal of specific federal air emissions requirements currently under the purview of the federal TV air operation permit, and requirements to send copies of air related monitoring and reporting documents to the Broward County Department of Planning and Environmental Protection.

Additionally, the Department is initiating 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 Conditions of Certification are being modified to address the above described changes.

Modifications of certain conditions are contained in the attached draft Final Order. Copies of the existing and proposed modified Conditions of Certification (including cross reference annotations) are available at the following file transfer protocol site:

<http://publicfiles.dep.state.fl.us/siting/outgoing/North%20Broward%20RRF/Mod%20J/>. The modified Conditions of Certification PA86-22J replace the existing Conditions of Certification PA86-22I 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 (proposed 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 copy of the proposed modified Conditions of Certification (strikethrough/underline notation) and the Petition for Modification can be obtained by contacting the Siting Coordination Office, 3900 Commonwealth Blvd, MS 48, Tallahassee, Florida 32399-3000, (850) 245-2002.

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 this notice by mail to such party's last address of record in which to file a written objection to the proposed modification. A public notice will also be published in the Florida Administrative Weekly (FAW) regarding this Intent to Modify the Conditions of Certification. Any person who is not already a party to the certification proceeding, and whose substantial interests will be affected by the requested modification, has 30 days from the date of publication of the public notice in the FAW to object in writing. Failure to act within those time frames constitutes a waiver of the right to object to the proposed modification.

Written objections must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000. If the Department does not receive any written objections, then an Order Modifying the Conditions of Certification shall be issued by the Department. If written objections are timely filed which address only a portion of the proposed modification, then pursuant to subsection 62-17.211(1)(b)5., F.A.C., the Department shall issue an Order approving that portion of the modification to which no objections were filed, unless that portion of the modification is substantially related to or necessary to implement the portion to which written objections are filed. If written objections are filed, then pursuant to Section 403.516(1)(c), F.S., the applicant or the Department may file a petition for modification with the Department and the Division of Administrative Hearings seeking approval for those portions of the modification to which written objections were timely filed.

Mediation is not available in this proceeding.

Any questions regarding this Intent to Modify Conditions of Certification should be directed to Cindy Mulkey at (850) 245-2175. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2242. Such contact with any of the above does not constitute an objection to the proposed modification.

Sincerely,



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

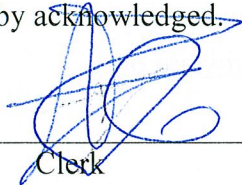
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Attachment: Draft Final Order

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

2/16/11

Date

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