



FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

May 24, 2019

Sent by Electronic Mail – Document Access Verification Requested

Daniel Pellowitz
Executive Director
Solid Waste Authority of Palm Beach County
7501 North Jog Road
West Palm Beach, Florida 33412
dpellowitz@swa.org

RE: Palm Beach County Renewable Energy Park
Modification to Conditions of Certification
DEP Case Number PA84-20P
OGC Case Number 19-0240

NOTICE OF INTENT TO MODIFY CONDITIONS OF CERTIFICATION

Dear Mr. Pellowitz:

On March 7, 2019, the Department of Environmental Protection (Department) Siting Coordination Office received a petition for modification from the Solid Waste Authority (SWA) and the associated fee to modify the Conditions of Certification (Conditions) for the Palm Beach County Renewable Energy Park (PBCREP) Site Certification pursuant to §403.516(1)(c), Florida Statutes (F.S.). The petition is for approval to recycle and beneficially use bottom ash residue, consistent with §403.7045(5), F.S., produced by SWA's two waste-to-energy facilities by sending the residue off-site to be blended with aggregate to be used in concrete or asphalt pavement.

The Department is modifying the Conditions for PBCREP to incorporate changes associated with SWA's petition. Herein the Department is also initiating modifications pursuant to §403.516(1)(c), F.S., to update various Conditions to reflect recent Rule and General Condition language changes. The modified Conditions (PA84-20P) replace the existing Conditions (PA84-20O) in their entirety. Some existing Conditions have been updated and incorporated into a more uniform set of General Conditions. These changes are shown in strikethrough/underline notation in Attachment A (Proposed Conditions). A copy of the existing Conditions is included as Attachment B. Both documents can be downloaded from the following file transfer protocol (FTP) site:

http://publicfiles.dep.state.fl.us/Siting/Outgoing/PBC_SWA/Mod_P_Ash_Reuse/NOI_Attachments/.

Copies of the Conditions and/or attachments may also be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 2600 Blair Stone Road, Tallahassee, Florida 32399-3000, (850) 717-9000.

Pursuant to §403.516, F.S., and Rule 62-17.211, F.A.C., all parties to the certification proceeding have 45 days from the issuance of this notice in which to file a written objection to the modification. A public notice will also be published in the Florida Administrative Register (FAR) regarding this Intent to Modify the Conditions. 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 notice in the FAR to object in writing. Failure to act within the time frame constitutes a waiver of the right to become a party. The Department will issue a Final Order Modifying the Conditions of Certification for PBCREP if the Department receives no written objections.

Written objections must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, M.S. 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 modification, then pursuant to Rule 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 raised, then pursuant to §403.516(1)(c), F.S., the Applicant 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 Amanda Dyer at (850) 717-9111. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2257. Such contact with any of the above does not constitute an objection to the modification.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cindy Mulkey", enclosed within a large, loopy circular flourish.

Cindy Mulkey
Administrator
Siting Coordination Office

CC by electronic mail:

Project Manager, SWA: mmorrison@swa.org

District Director SED, DEP: jason.andreotta@dep.state.fl.us

District Liaison SED, DEP: indarjit.jagnarine@dep.state.fl.us

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: *Sent by Electronic Mail – Document Access Verification Requested*

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