

BEFORE THE GOVERNOR AND CABINET
OF THE STATE OF FLORIDA

In re: Dade County Application)
For Certification of Resource)
Recovery Facility under the)
Provisions of the Florida)
Electrical Power Plant Siting)
Act.)

DOAH Case NO. 77-607

The following persons were present and participated
in the disposition of this matter:

Honorable Reubin O'D. Askew
Governor

Honorable Bruce A. Smathers
Secretary of State

Honorable Robert L. Shevin
Attorney General

Honorable Bill Gunter
Treasurer and Insurance Commission

Honorable Gerald A. Lewis
Comptroller

Honorable Doyle Conner
Commissioner of Agriculture

Honorable Ralph D. Turlington
Commissioner of Education

ORDER ADOPTING HEARING OFFICER'S ORDERS
RECOMMENDING CERTIFICATION SUBJECT TO CONDITIONS

BY THE GOVERNOR AND CABINET:

The Governor and Cabinet having heard presentations
by the parties, reviewed both Recommended Orders dated
November 22, 1977 (attached and incorporated as Exhibits A
and B), as well as the special and general conditions referred

to therein, and being fully advised herein, it is,

ORDERED:

1. The Recommended Orders are adopted with the correction of the name Resource Recovery (Dade County), Inc. where Dade County Resource Recovery, Inc. appears.

2. The general and special conditions referenced are adopted.

DONE AND ENTERED this 9th day of January, 1978, subsequent to a vote of the Governor and Cabinet at a duly constituted Cabinet meeting of December 20, 1977.

FOR THE GOVERNOR AND FLORIDA
CABINET:


RUEBIN O'D ASKEW
Governor

VOTE: Unanimous

FOR

AGAINST

Copies Furnished to All Parties

BEFORE THE STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

In Re: Dade County Application)
 for Certificate of Resource)
 Recovery Facility under the)
 provisions of the Florida)
 Electrical Power Plant)
 Siting Act.)
)
)
)

Docket No. 77-607

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND RECOMMENDED ORDER

Pursuant to proper notice, a certification hearing as required by Section 403.508(3), Florida Statutes, was held before Kenneth G. Oertel, Director of the Division of Administrative Hearings, at the Dade County Commission Chambers, 73 West Flagler Street, Miami, Florida, at 10:00 o'clock a.m., November 2, 1977. This proceeding was held pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403, Florida Statutes, to consider the application for site certification of the Dade County Resource Recovery facility in Dade County, Florida, and to receive testimony and evidence as to whether the location and operation of the proposed resource recovery facility would produce adverse effects on human health, the environment, the ecology of the land and its wildlife, and the ecology of the State waters and their aquatic life.

The following parties entered appearances at and participated in the hearing through counsel or through representatives:

1. Department of Environmental Regulation
2. Metropolitan Dade County
3. Dade County Resource Recovery, Inc.
4. South Florida Water Management District

At the hearing, testimony and evidence were presented relating to the necessity for the facility, the expected environ-

mental impacts, agency comments, impacts of water use, operational safe-guards of the facility, proposed conditions of certification, and other public interests and issues relevant to certification of the proposed site.

Upon consideration of all testimony and evidence presented, the following findings of fact, conclusions of law and recommended order are submitted:

FINDINGS OF FACT

1. The proposed site for the resource recovery unit is located on 160 acres of the northeast quarter of Section 17, Township 53 South, and Range 40 East in Dade County. This site is presently undeveloped and bordered on the east by the Dade County Northwest 58th Street landfill.

2. The resource recovery facility as proposed consists of a three thousand (3,000) tons per day solid waste resource recovery facility and two 38.5 megawatt steam electric generating turbines, and one 80 acre landfill.

3. The proposed operations call for the separation of ferrous and aluminum metals and glass from combustible material. The combustible material is to be pulped, dried, and burned in four (4) boilers to produce steam for the generation of electricity.

4. On a daily basis the resource recovery boilers will require 1.76 million gallons of water to operate the cooling towers. Cooling tower blow-down, boiler blow-down, and landfill leachate will be utilized in a hydro-pulping process to process the solid wastes prior to combustion. As a result of this waste water usage, no industrial waste water will be discharged from the site.

5. Potable water will be supplied by the Miami Dade Water and Sewer Authority. Sanitary wastes will be treated in a sewage treatment plant on the site.

6. The cooling water will be withdrawn from a portion of the Biscayne Aquifer contaminated by leachate from the Northwest 58th Street landfill. The South Florida Water Management District has concluded that the Biscayne Aquifer would be capable of supplying the non-potable water requirements of the proposed facility. In addition, the withdrawal of water for the facility would alleviate the impact of the leachate plume from the 58th Street landfill, which plume of contaminated water is moving eastward to the Miami Springs wellfield.

7. The construction of the resource recovery facility would allow the closing of the 58th Street landfill and would thereby prevent the continued production of contaminated leachate and would reduce problems of flies, rodents, and odors.

8. The construction of the resource recovery facility will involve extensive grading, filling, and removal of vegetation on the proposed site. Due to previous drainage and development of the surrounding area, however, the site is situated in a degraded everglades habitat the hydrologic regime of which has been drastically altered and now supports relatively little wildlife. Surrounding land uses would make future restoration difficult. The destruction of the grasses, and other vegetation on the site would have little environmental impact.

9. The resource recovery facility site is owned by Dade County and will be operated by Dade County Resource Recovery, Inc.

10. Steam produced at the resource recovery facility will be sold to Florida Power and Light Company for the generation of electricity. Some 61 megawatts of electricity will be generated and distributed throughout the Florida Power and Light transmission system. The electricity generated by this facility will eliminate the need for over one million barrels of imported fuel oil each year and will produce a net savings to the customers of Florida Power and Light.

11. The resource recovery facility will utilize cyclonic collectors and high efficiency electrostatic precipitators to remove fly ash from the burning of processed refuse. Plant air will be injected into the boiler or will be passed through activated carbon filters to eliminate odors. As a result of these control measures, the resource recovery facility will comply with state and federal emission limitations and ambient air quality standards. Although the facility may contribute slightly to a violation of the Dade County Ambient Air Quality Standards, the Director of the Dade County Environmental Resources Management Board did not feel that the facility would cause a problem.

12. The resource recovery facility would utilize the latest reasonably available control technology for the control of emissions to the atmosphere. The use of the proposed equipment will result in a very small incremental increase of sulphur dioxide and particulate matter into the ambient air. These emissions are less than the federal significant deterioration limits and the increases in air pollution levels are not expected to significantly degrade air quality in the area.

13. The Florida Public Service Commission report of October 7, 1977, states that 62 megawatts of electricity would enhance the reliability of Florida Power and Light's system and would displace residual fuel oil so that some benefit would be derived from construction of the facility.

14. The Division of State Planning did not submit a report as required by Section 403.507(1)(a), Florida Statutes.

15. The Department of Natural Resources, Game and Fresh Water Fish Commission, Department of Commerce, and South Florida Regional Planning Council offered comments on the facility supportive of its construction and operation.

16. Comments and objections from the Department of Health and Rehabilitative Services, South Florida Water Management District, the Division of Archives, History and Records Management, were resolved by the provision of additional information and proposed conditions of certification. No opposition from these agencies was presented at the conclusion of the hearing.

17. The Department of Environmental Regulation recommended certification of the Dade County Resource Recovery facility in accordance with the proposed general and special conditions of certification. The applicant has stipulated and agreed that the general and special conditions of certification, as proposed at the hearing, should be imposed if certification is granted.

18. At the conclusion of the presentations by the parties to this proceeding, opportunity was given to the general public to comment on the application for site certification. No such individuals appeared and no comments were offered.

After examining the sum and substance of the testimony and evidence offered, it appears that the construction of the resource recovery facility would provide for the closing of inadequate sanitary landfills and inadequate air polluting incinerators. Further, the operational safe guards of the proposed facility are sufficient to protect human health, wildlife and aquatic life. Finally, the construction and operation of the proposed facility will not violate state air or water pollution standards.

CONCLUSIONS OF LAW

1. The Division of Administrative Hearings has jurisdiction of this cause.

2. Notice, in accordance with Chapter 403 and Chapter 120, Florida Statutes, and Chapter 17-17, Florida Administrative Code, has been provided all persons and parties entitled thereto, as well

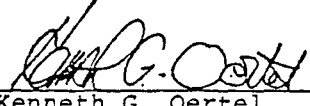
as to the general public.

3. An examination of the facts in this case as shown by the testimony and evidence presented at the hearing demonstrates that the construction and operation of the proposed resource recovery facility at this location will produce minimal adverse affects on human health, the environment, the ecology of the land and its wildlife, and the ecology of the State waters and their aquatic life. Moreover, the facility will serve to balance the increasing demands for electrical power with the broad interests of the public.

RECOMMENDED ORDER

Upon review of the record herein, it is the recommendation of the undersigned hearing officer that certification pursuant to Chapter 403, Florida Statutes, be granted to Dade County for the construction and operation of the proposed resource recovery facility. It is further recommended that this certification be made subject to the general and special conditions of certification as set forth in the Department of Environmental Regulation composite exhibit number 1, and as modified at the hearing.

DONE AND ENTERED this 22nd day of November, 1977, in Tallahassee, Florida.



Kenneth G. Oertel
Director
Division of Administrative Hearings
Room 101, Collins Building
Tallahassee, Florida 32304

Copies furnished to all parties

State of Florida Department of Environmental Regulation
Resource Recovery (Dade County), Inc.
Resource Recovery Facility
Case No. PA 77-08
CONDITIONS OF CERTIFICATION

General

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State of Florida Department of Environmental Regulation
Resource Recovery (Dade County), Inc.
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Case No. PA 77-08
CONDITIONS OF CERTIFICATION

GENERAL

1. Change in Discharge

All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge of any pollutant not identified in the application, or more frequent than, or at a level in excess of that authorized herein, shall constitute a violation of the certification. Any anticipated facility expansions, production increases, or process modifications which may result in new, different or increased discharges or pollutants, change in fuel, or expansion in steam generating capacity must be reported by submission of a new application.

2. Non-Compliance Notification

If, for any reason, the permittee does not comply with or may be unable to comply with any limitation specified in this certification, the permittee shall notify the South Florida Subdistrict Manager of the Department by telephone during the working day that said noncompliance occurs and shall confirm this in writing within seventy-two (72) hours of becoming aware of such conditions, and shall supply the following information:

- a. A description of the discharge and cause of noncompliance; and
- b. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

3. Facilities Operation

The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this certification.

4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.

5. Right of Entry

The permittee shall allow the Secretary of the Florida Department of Environmental Regulation and/or authorized representatives, upon the presentation of credentials:

- a. To enter upon the permittee's premises where an effluent source is located or in which records are required to be kept under the terms and conditions of this permit, and
- b. To have access to and copy any records required to be kept under the conditions of this certification; and
- c. To inspect any monitoring equipment or monitoring method required in this certification and to sample any discharge or pollutants.

6. Revocation or Suspension

This certification may be suspended or revoked pursuant to Section 403.512, Chapter 403, Florida Statutes, or for violations of any General or Special Condition.

7. Civil and Criminal Liability

This certification does not relieve the permittee from civil or criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the Department or Chapter 403, Florida Statutes, or regulations thereunder.

Subject to Section 403.511, Florida Statutes, this certification shall not preclude the institution of any legal action or relieve the permittee from any responsibilities, or penalties established pursuant to any other applicable State Statutes, or regulations.

8. Property Rights

The issuance of this certification does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights nor any infringement of Federal, State or local laws or regulations. The application will obtain title, lease or right of use from the State of Florida, to any sovereign submerged lands occupied by intake or discharge structures.

9. Severability

The provisions of this certification are severable, and if any provision of this certification or the application of any provision of this certification to any circumstances, is held invalid, the application of such provision to other circumstances and the remainder of the certification shall not be affected thereby.

10. Definitions

The meaning of terms used herein shall be governed by the definitions contained in Chapter 403, Florida Statutes and any regulations adopted pursuant thereto. In the event of any dispute over the meaning of a term in these general or special conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative by the use of the commonly accepted meaning as determined by the Department.

11. Review of Site Certification

The certification shall be final unless revised, revoked or suspended pursuant to law. Five years from the date of issuance of certification the Department shall review all monitoring data that has been submitted to it during the preceding five-year period for the purpose of determining the extent of the permittee's compliance with the conditions of this certification and the environmental impact of this facility. The Department shall submit the results of its review and recommendations to the permittee. This review will be repeated every five years thereafter.

12. Modification of Conditions

The conditions of this certification may be modified in the following manner:

- a. The permittee shall comply with rules, adopted by the Department subsequent to the issuance of the certification, which prescribe new or stricter criteria to the extent that the rules are applicable to electrical power plants. Except where express variances have been granted, subsequently adopted rules which prescribe new or stricter criteria shall operate as automatic modifications to the certification.
- b. The permittee may choose to operate in compliance with any rule subsequently adopted by the Department which prescribes criteria more lenient than the criteria required by the terms and conditions in the certification which are not site specific.
- c. Except as provided in 12 a and b, amendments or modifications of certification shall be governed by Section 403.516, F.S.
- d. No term or condition of certification shall be interpreted to preclude the post-certification exercise by the permittee of whatever procedural rights it may have under Chapter 120, F.S., including those related to rule-making proceedings.

State of Florida Department of Environmental Regulation
Resource Recovery (Dade County), Inc.
Resource Recovery Facility
Case No. PA 77-08
CONDITIONS OF CERTIFICATION

SPECIAL

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State of Florida Department of Environmental Regulation
Resource Recovery (Dade County), Inc.
Resource Recovery Facility
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CONDITIONS OF CERTIFICATION

SPECIAL

I. AIR

The construction and operation of the Resource Recovery Facility shall be in accordance with all applicable provisions of Chapters 17-2 and 17-7, Florida Administrative Code. In addition to the foregoing, the permittee shall comply with the following specific conditions of certification:

A. Emission Limitations

1. Incinerator stack emissions shall not exceed the following:
 - a. Particulate matter - 0.08 grains per standard cubic foot dry gas corrected to 50% excess air.
 - b. Odor - there shall be no objectionable odor.
2. Pathological incinerator emissions shall not exceed the following:
 - a. Visible emissions - no visible emissions except visible emissions are allowable for up to three minutes in any hour up to but not more than 20% opacity.
 - b. Odor - there shall be no objectionable odor.
3. The height of the boiler exhaust stacks shall not be less than 150 feet above grade.
4. The incinerator boilers shall not be loaded in excess of their capacity of 156,400 pounds per hour.
5. The incinerator boilers shall have a metal name plate affixed in a conspicuous place on the shell showing manufacturer, model number, type waste, rated capacity and certification number.

B. Air Monitoring Program

1. The permittee shall install and operate continuously monitoring devices for each stack for opacity. The monitoring devices shall meet the applicable requirements of 40 CFR, Part 60.
2. The permittee shall maintain a daily log of the amounts and types of fuels used and copies of fuel analyses containing information on sulfur content, ash content and heating values of oil, as received, to facilitate calculations of emissions.
3. The permittee shall provide sampling ports into the stacks and shall provide access to the sampling ports, in accordance with Standard Sampling Techniques and Methods of Analysis for the Determination of Air Pollutants from Point Sources, July 1975.*
4. The permittee shall have a sampling test of the stack emissions performed by a commercial testing firm within 90 days of the start of operation of the boilers and annually thereafter. Two copies of the results of the stacktest shall be submitted to the South Florida Sub-district Manager of DER, Post Office Box 3858, West Palm Beach, Florida 33402.

C. Reporting

Stack monitoring, fuel usage and fuel analysis data shall be reported to the Department on a quarterly basis in accordance with 40 CFR, Part 60, Section 60.7.

II. Water Discharges

Any discharges into any waters of the State during construction and operation of Unit No. 2 shall be in accordance with all applicable provisions of Chapter 17-3, Florida Administrative Code. Also the permittee shall comply with the following special conditions of certification:

- A. Industrial Wastes - If industrial wastes are discharged to waters of the state the effluent limitations of section 17-3.04(2), FAC., shall apply.
- B. Sanitary Wastes - Sanitary wastes shall be treated to achieve a minimum of 95% treatment or better prior to disposal in accordance with section 17-3.04(1), FAC, and the requirements of Dade County Department of Environmental Resources Management.
- C. Landfill Leachate - Landfill leachate shall be collected and utilized or treated prior to discharge.

D. Water Monitoring Programs

The permittee shall monitor and report to the Department the listed parameters on the basis specified herein. The methods and procedures utilized shall receive written approval by the Department prior to use. The monitoring program may be reviewed annually by the Department, and a determination may be made as to the necessity and extent of continuation and may be modified in accordance with condition No. 12 of the General Conditions of Certification.

1. Groundwater Monitoring

The groundwater levels shall be monitored continuously at one centrally located well as approved by the South Florida Water Management District. Chemical analyses shall be made on samples from all monitored wells identified on Figure 3-7 and wells site Number 1 and site Number 2. The wells shall be monitored for the following parameters:

Cadmium (Cd)	Mercury (Hg)
Chemical Oxygen Demand (COD)	pH
Total Dissolved Solids (TDS)	Nitrate (NO ₃)
Iron (Fe)	Nitrite (NO ₂)
Copper (Cu)	Total Coliform Bacteria
Zinc (Zn)	Fecal Coliform Bacteria
Lead (Pb)	Biochemical Oxygen
Chloride (Cl)	Demand (BOD)
	Chromium (Cr)

Samples of the above will be withdrawn every two months from the 10-foot, 20-foot and 30-foot levels. Samples of chlorinated hydrocarbon pesticides will be sampled every six months at the same depths.

The groundwater monitoring program shall be implemented at least one year prior to operation of Resource Recovery Facility. The chemical analyses shall be in accord with the latest edition of Standard Methods for the Analysis of Water and Wastewater. The data shall be submitted within 30 days of collection/analysis to the South Florida Subdistrict Manager and the South Florida Water Management District.

2. Sanitary Waste Treatment Monitoring

Monitoring of sanitary waste treatment unit effluent shall be done in accordance with the provisions of Chapter 17-19, FAC.

III. Groundwater

A. General

The sue of groundwater for the resource recovery facility shall be minimized to the greatest extent practicable, but in no case shall exceed 1.85 mgd.

B. Well Criteria

The submission of well logs and test results and location, design and construction of wells to provide cooling tower makeup water shall be in accordance with applicable rules of the Department of Environmental Regulation and the South Florida Water Management District. The plant well field shall be located in as close proximity as possible to the 58th Street landfill leachate plume.

IV. Control Measures During Construction

A. Stormwater Runoff

During construction and plant operation, necessary measures shall be used to settle, filter, treat or absorb silt containing or pollutant laden stormwater runoff to insure against spillage or discharge of excavated material that may cause turbidity in excess of 50 Jackson Turbidity Units above background in waters of the State, nor shall the runoff contain suspended solids in escess of 50 mg/l.

Control measures may consist of sediment traps, barriers, berms and vegetation plantings. Exposed or disturbed soil shall be protected and stablized as soon as possible to minimize silt and sediment laden runoff. The pH shall be kept within the range of 6.0 to 8.5.

B. Sanitary Wastes

Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of the appropriate local health agency.

C. Environmental Control Program

An environmental control program shall be established under the supervision of a qualified person to assure that all construction activities conform to good environmental practices and the applicable conditions of certification.

If unexpected harmful effects or evidence of irreversible environmental damage are detected during construction, the permittee shall notify the appropriate district office of the Department by telephone during the working day that the effect or damage occurs and shall confirm this in

writing within seventy-two (72) hours of becoming aware of such conditions, and shall provide in writing an analysis of the problem and a plan to eliminate or significantly reduce the harmful effects or damage.

V. Solid Wastes/Resource Recovery Facility

Solid wastes resulting from construction or operation shall be disposed of in accordance with the applicable regulations of Chapter 17-7, FAC.

Only open burning in connection with land clearing shall be in accordance with Chapter 17-5, FAC. Prior to each act of burning, the Division of Forestry shall be contacted to determine if satisfactory conditions exist for burning.

1. Starting every three (3) months after certification a construction status report shall be submitted to the South Florida Subdistrict Office of the Department of Environmental Regulation and the Metro Dade County Environmental Resources Management. The report shall be a short narrative describing the progress of construction.
2. Upon completion of construction the South Florida Subdistrict Office will be notified in order that a pre-operation inspection can be performed.
3. There shall be no discharge to surface waters of the State of Florida. Any groundwater contaminated by leachate shall be confined within the boundaries of the facility.
4. The permittee shall furnish two (2) copies (one copy to the Subdistrict Office of the Department and one copy to MDCERM) of the monthly report on the operation of the facility including volume, type and frequencies of waste being received. Reports for a month shall be submitted no later than the fifteenth (15th) day of the succeeding month. Such reports shall include results of any monitoring if required in this certification.
5. In the 80 acre landfill, no solid waste shall be placed in water at any time, nor shall any solid waste be placed within 4.2 feet of the maximum anticipated groundwater level.
6. This facility is to be operated in such a manner that the maximum level of efficiency is maintained at all times so as to cause a minimum adverse effect on the environment. This includes, but is not limited to, causing noxious or objectionable odors, contaminated storm water run-off, or ground waters.
7. A collection and treatment system for the landfill site (i.e., an impervious layer directed to a sump with treatment, an underdrain with treatment or a recirculation system) shall be utilized.
8. The facility shall be constructed, as a minimum, pursuant to the design standards presented in the application.

VI. Operational Safeguards

The overall design and layout of the facilities shall be such as to minimize hazards to humans and the environment. Security control measures shall be utilized to prevent exposure of the public to hazardous conditions. The Federal Occupational Safety and Health Standards will be complied with during construction and operation.

VII. Sanitary Wastes Disposal System

A. Septic Tank

The sanitary waste disposal system shall be designed to operate in conformance with Chapter 10D-6, FAC, and the guidelines of the Dade County Health Department and the State of Florida. If repeated failures of the drainfield system (two or more per year) indicate a potential for causing a public health hazard as determined by the Dade County Health Department or if sampling should indicate pollution of waters of the state due to excessive concentrations of coliform organisms, then the septic tank drainfield system shall be abandoned and plans for a properly designed sewage treatment plant shall be promptly submitted to the Department for approval and constructed immediately thereafter.

B. Sanitary Waste Treatment Facilities

Sanitary waste treatment facilities shall be designed in accordance with good engineering practice and in accordance with the provision of Chapter 17-3, FAC and the regulations of the Dade County Department of Environmental Resources Management. Plans for such facilities shall be submitted to the South Florida Subdistrict Manager in accordance with the provisions of 17-4, FAC and the Dade County Department of Environmental Resources Management for the review and approval prior to construction.

C. Sewer Connection

Whenever an approved sanitary sewer is made available in a public right-of-way or easement abutting the site, the individual septic tank or any individual sewage disposal system, device or equipment shall be abandoned and the sewage wastes from the resource recovery facility shall be connected to the sanitary sewer within ninety (90) days of the date the sanitary sewer becomes available.

VIII. Transmission Lines

The directly associated transmission lines from the steam electric generators to the existing Florida Power and Light 230KV transmission lines shall be cleared and maintained without the use of herbicides.