



Florida Department of Environmental Protection

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

MAILED

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

March 7, 2007

DEP07-0413

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Mr. Daryl Smith
Hillsborough County Solid Waste Management Department
601 East Kennedy Boulevard
Tampa, Florida 33602

**RE: Hillsborough County Resource Recovery
Modification to Conditions of Certification
DEP Case Number PA 83-19E
OGC Case Number 07-0040**

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Smith:

On September 19, 2006, the Siting Board approved a consolidated final order for certification of an expansion of the Hillsborough County Resource Recovery Facility to add a new 600-ton-per-day mass burn unit for a waste subject to the Conditions of Certification.

It has since come to the Department's attention that two conditions were erroneously left out of the Conditions of Certification authorized under that order. The last two bulleted items listed on the letter dated January 27, 2006 (attached) from the Florida Department of Transportation represent the basis for this modification.

On or before January 30, 2007, all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification. Additionally, on February 2, 2007, notice of the Department's intent to modify the Conditions of Certification for this facility was published in the Florida Administrative Weekly. Those notices specified that pursuant to Section 403.516, Florida Statutes ("F.S."), and Rule 62-17.211, Florida Administrative Code ("F.A.C."), 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 modification; that any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the

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requested modification has 30 days from the date of publication of the public notice in the Florida Administrative Weekly to object in writing; that failure to act within the time frame constitutes a waiver of the right to become a party; 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 modification have been received by the Department. The Conditions of Certification for Hillsborough County Resource Recovery Facility are hereby modified as follows:

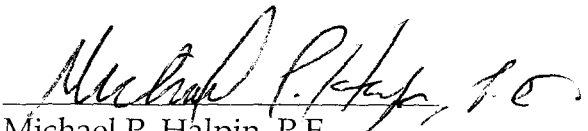
Accordingly, the following Conditions are added in Section IV.C.:

E. Any structures proposed in the application which exceed 200 feet in height will be subject to an aeronautical study by the Federal Aviation Authority under the provisions of 14 CFR Part 77. If the aeronautical study finds an adverse effect on the safe and efficient use of navigable airspace, the project will require the issuance of a variance by state or local government.

F. Any drainage onto State of Florida right of way and transportation facilities will be subject to the requirements of Rule Chapter 14-86, Drainage Connections, Florida Administrative Code, including the attainment of any permit required thereby. The Department reserves the right to raise further issues as additional information on this project becomes available.

Any party to the this Order has a right to seek judicial review of it pursuant to Section 120.68, Florida Statutes 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, M.S. 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

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to §120.52
Florida Statutes, with the designated
Department Clerk, receipt of which is
hereby acknowledged.

Linda Korakows 3-7-07
Clerk Date

CC by certified mail:

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