file c

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In Re: Lee County Resource Recovery Facility Modification of Conditions of Certification PA 90-30C Lee County, Florida	)	OGC Case No. 99-1343

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

On June 19, 1992, the Governor and Cabinet, sitting as the Siting Board, issued a final order approving certification for the Lee County Resource Recovery Facility (Facility). The certification order approved the construction and operation of a nominal 1,200 tons per day municipal waste fired power plant and associated facilities located in Lee County, Florida. The certification was modified on April 3, 1995, and again on August 22, 1996.

On August 10, 1999, Lee County (County) filed a request to modify the certification order to clarify the testing and other requirements concerning the airborne emissions for the Facility, clarify the description of fuels that may be used at the Facility, authorize the construction and operation of a yard waste processing facility on the certified site, authorize the construction and operation of a materials recovery facility on the certified site, and revise the conditions to conform with amended permits issued under federally delegated or approved permit programs. Furthermore, on March 21, 2000 the Department issued an amendment to permit PSD-FL-151 and PSD-FL-151(A) for the County as PSD-FL-151(B). This action requires the Department to make certain modifications to conform the Conditions of Certification for the above referenced facility to the revised PSD permit. Additionally, the Department propose and the petitioner concurred that the conditions should be updated to reflect the applicant's current name, the Department's current name, and current rule citations.

On June 23, 1999, the South Florida Water Management District approved the discontinuance of a surface water monitoring program subject to Condition XV.C.3.c.(4). The District's action is included in this modification. The District has also requested revisions to the water use conditions, specifically those pertaining to impacts on legal uses, impacts on existing off-site land uses, impacts to natural resources, modification of authorized withdrawals, and a water conservation plan.

Copies of the proposed modifications were made available for public review on June 21, 2000. On June 30, 2000, Notice of Intent to Issue Proposed Modification of Power Plant Certification was published in the Florida Administrative Weekly. On June 21, 2000, all parties to the original proceeding were furnished with Notice of Intent to Issue Proposed Modification of Power Plant Certification. The notices specified that all parties to the original certification proceeding have 45 days from the issuance of the notice by mail to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response constitutes a waiver of objection to the requested modification. The notices further specified that any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of the public notice to object in writing. If no objections are received, then a Final Order approving the modification shall be issued by the Department.

One written letter of objection was received by the Department. On July 21, 2000, a letter of objection was received from Dr. W. Dexter Bellamy, of Fort Myers, Florida. Dr. Bellamy objected to the inclusion of paragraphs XIV.A.3.f.(8)(a) – (g) of the Proposed Final Order Modifying Conditions of Certification issued June 21, 2000. Those proposed paragraphs would allow Lee County to use certain products and materials as fuel for the Resource Recovery Facility. Dr. Bellamy had no objection to any other portion of the proposed modifications. No other written objection to the proposed modifications has been received by the Department.

Section 62-17.211(1)(b)5., F.A.C., states, "If written objections are filed which address only a portion of the modification, then the department shall issue a Final Order approving the portion of the modification to which no objections were filed,

unless that portion of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed." Those portions to which Dr. Bellamy objects have been removed from this Final Order, and the portions to which no objection has been made are not substantially related to or necessary to implement the objected to portion. In the future if an agreement cannot be reached, then pursuant to §403.516(1)(c), F.S., the applicant or the Department may file a petition for modification seeking approval for those portions of the request for modification to which written objections were timely filed.

Accordingly, in the absence of any other timely objection,

IT IS ORDERED:

The proposed changes to the certification order for the Lee County Resource Recovery Facility, excluding those to which Dr. W. Dexter Bellamy objects, are APPROVED. Pursuant to Section 403.516(1)(b), F.S., the conditions of certification for the Lee County Resource Recovery Facility are **MODIFIED** as follows:

I. No Change.

II. NON-COMPLIANCE NOTIFICATION

If, for any reason, the Permittee (defined as the Applicant or its successors and or assigns) does not comply with or will be unable to comply with any limitation specified in this certification, the Permittee shall notify the South District Office of the Department of Environmental <u>Protection</u> ~~Regulation~~ by telephone within a 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. – B. No change

III. - IV.

No change.

V. RIGHT OF ENTRY

The Permittee shall allow during operational hours the Secretary of the Florida Department of Environmental Protection ~~Regulation~~ and/or authorized representatives, upon the presentation of credentials: ---

A. – D. No change

VI. – XII.

No change.

XIII. CONSTRUCTION

The facility shall be constructed pursuant to the design standards presented in the application and the standards or plans and drawings submitted and signed by an engineer registered in the state of Florida. The Applicant shall present specific facility plans, as developed, for review by the South District Office at least 90 days prior to construction of those portions of the facility for which the plans are then being submitted. Specific South District Office acceptance of plans will be required based upon a determination of consistency with approved design concepts, regulations and these Conditions prior to initiating construction of the off-site water and wastewater pipelines; transmission line; stormwater run-off system; and hazardous, toxic or pathological handling facilities or areas. Review and action by the South District Office on said plans shall be accomplished in a timely fashion in accordance with Chapter 120, F.S., from the date of a complete submittal of such plans and any action may be subject to review pursuant to Chapter 120, Florida Statutes.

A. Control Measures

1. Stormwater Run-off

To control run-off during construction which may reach and thereby pollute Waters of the State, necessary measures shall be utilized to settle, filter, treat or absorb silt-containing or pollutant-laden storm water to ensure against spillage or discharge of excavated material that may cause turbidity in excess of 29 Nephelometric Turbidity Units above background in Waters of the State. Control measures may consist of sediment traps, barriers, berms, and vegetation plantings. Exposed or disturbed soil shall be protected and stabilized as soon as possible to minimize silt and sediment laden run-off. The pH of the run-off shall be kept within the range of 6.0 to 8.5. The Permittee shall comply with Florida Administrative Code Chapters ~~17-25~~, 40E-2, and 40E-4. The Permittee shall complete the forms required by ~~17-25.09(1) and~~ 40E-4 and submit those forms and the required information to the SFWMD for any modifications that might occur.

2. Open Burning

Open burning in connection with initial land clearing shall be in accordance with Chapter 62-256 ~~17-256~~, F.A.C., Chapter 51-2, F.A.C., Uniform Fire Code Section 33.101 Addendum, and any other applicable County regulation.

Any burning of construction generated material, after initial land clearing, that is allowed to be burned in accordance with Chapter 62-256 ~~17-256~~, F.A.C., shall be approved by the South District Office in conjunction with the Division of Forestry and any other County regulations that may apply. Burning shall not occur unless approved by the appropriate agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions.

3. No change

4. Solid Wastes

Solid wastes resulting from construction shall be disposed of in accordance with the applicable regulations of Chapter 62-701 ~~17-701~~, F.A.C.

5. – 6. No change

7. Transmission Lines

The directly associated transmission lines from the SWERF electric generators to the existing Florida Power & Light substation shall be cleared, maintained, and prepared without the use of herbicides. Wetland mitigation shall be accomplished in accordance with Chapter 62-312 ~~17-312~~, F.A.C. Wetland mitigation proposals shall be submitted to the Department at least 90 days prior to start of construction.

8. – 9. No change

B. – C. No change

XIV. OPERATION

A. Air

The operation of the Solid Waste Energy Recovery Facility shall be in accordance with all applicable provisions of Chapter 62-204, 62-210, 62-212, 62-213, 62-256, 62-296, 62-297 and 62-702 ~~17-2, 17-256, and 17-702~~, Florida Administrative Code.

The construction of the Lee County Solid Waste Energy Recovery Facility in Fort Myers, Florida shall consist of three mass-burn Municipal Waste Combustors (MWC) with two units to be constructed initially and the third unit to be installed in the future. These mass-burn units shall be of Stoker Waterwall Combustor design (or equivalent)

with a maximum heat input of 275 MMBtu per hour per unit or a total heat input for the facility of 825 MMBtu per hour based on a municipal solid waste average heating value of 5000 Btu per pound.

Each combustor unit is designed to produce a maximum of 152,000 pounds of steam per hour at 865 psig and 830°F. Each combustor shall be equipped with auxiliary burners to be fired by propane gas only. Emissions from each combustor shall be controlled by a slaked lime scrubber followed by a baghouse. NO_x emissions shall be controlled by a Selective Non-Catalytic Reduction (SNCR) system. Mercury emissions shall be controlled by injecting activated carbon. This facility shall be allowed to operate continuously (8,760 hrs/yr).

The Permittee shall submit at least four copies of complete information as to the make and model numbers of Municipal Waste combustors, all pollution control and continuous emissions monitoring devices, and related equipment to the Bureau of Air Regulation prior to purchase and installation. The Permittee shall also submit detailed stack drawings showing sampling locations, operation and maintenance manuals and calibration procedures at least 90 days prior to commencing operations to the Bureau of Air Regulation.

In addition to the foregoing the Permittee shall comply with the following specific Conditions of Certification:

1. Emission Standards

a. Based on a permitted capacity of 275 MMBtu/hr. and a Btu content of 5000 Btu/lb of MSW, per unit, the stack emissions from each unit shall not exceed any of the following limitations:

(1) – (12) No Change

(13) Hg (Mercury): In no case shall mercury emissions exceed 70 ug/dscm @ 7% 0_2 or 85% reduction by weight, whichever is less stringent. Emissions of mercury shall also not exceed 1.38 x 10^{-4} lb/mmBtu, 0.0379 lb/hr per unit, and 0.166 tons/year per unit.
[Rules 62-296.416(3)(a)1 and 62-204.800(8)(b)3.d, F.A.C., 40 CFR 60.33b(a)(3) and PSD-FL-151]

~~*Hg: Mercury emissions shall not exceed 0.00038 lbs/MMBtu, 0.0379 lbs/hr/unit, and 0.166 tons/yr/unit at 140 ug/dscm at 7% O_2 or at least 70% removal efficiency by weight, whichever is less stringent.~~

(14) No Change

(15) *Dioxins/Furans: Emissions of total (tetra thru octa-chlorinated dibenzo-p dioxins and dibenzofurans) shall not exceed 30.0 ng/dscm @ 7% O_2, 2.54 x 10^{-8} lbs/MMBtu, 7.0 x 10^{-6} lbs/hr/unit, and 2.8 x 10^{-5} tons/yr per unit.

(16) - (18)

* Pursuant to Rule 62-4.080 ~~17-4.080~~ F.A.C., for good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions for the pollutants CO, VOC, F, Pb, Be, Hg, dioxins and visible emissions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time.

2. Stack Testing/Continuous Emissions Monitoring/Record Keeping Requirements

a. Test Methods

Compliance with emission limitation standards mentioned in Specific Condition No. 1 shall be demonstrated using EPA Methods, as contained in 40 CFR Part 60 (Standards of Performance for New Stationary Sources), or 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants), or any other method as approved by the Department, in accordance with F.A.C. Rule 62-297.620 ~~17-2.700~~. A test protocol shall be submitted for approval to the Bureau of Air Regulation at least 90 days prior to testing.

EPA Method	For Determination of
1	Selection of sample site and velocity traverses.
2	Stack gas flow rate when converting concentrations to or from mass emission limits.
3	Gas analysis when needed for calculation of molecular weight or percent O_2.
4	Moisture content when converting stack velocity to dry volumetric flow rate for use in converting concentrations in dry gases to or from mass emission limits.
5	Particulate matter concentration and mass emissions.
5, 201 or 201A	PM_{10} emissions.
6, 6C, or 19	Sulfur dioxide emissions from stationary sources.
7, 7C, 7E or 19	Nitrogen oxide emissions from stationary sources.
9	Visible emission determination of opacity. - At least one ~~three~~ one-hour run ~~runs~~ to be conducted simultaneously with particulate testing for the emissions from the dry scrubber/baghouse~~, and ash handling building baghouse~~. - At least one 30-minute run to be conducted for the ash

	handling building baghouse. - At least one 30-minute run to be conducted for the lime silo baghouse while a truck is unloading lime into the lime silo. If the unloading is completed before 30 minutes duration, the duration of the unloading shall be sufficient to meet this requirement, provided it exceeds 12 minutes. ~~- At least one lime truck unloading into the lime silo (from start to finish).~~
10	Carbon monoxide emissions from stationary sources.
29 ~~12 or 101A~~	Lead concentration from stationary sources.
13A or 13B	Fluoride emissions from stationary sources.
23	Dioxin/furan concentration.
18 or 25A	Volatile organic compounds concentration.
26	HCl emissions or other methods approved by EPA or DEP ~~DER~~.
29 ~~101A or 108~~	Mercury, Antimony, Arsenic, and Cadmium emissions based on an average of three runs.
29 ~~104~~	Beryllium emission rate and associated moisture content.

Note: The weight of MSW being fed to each combustor during the stack test shall be continuously monitored and recorded by a weighing device which is properly calibrated. Stack test shall be conducted upstream and downstream of the applicable control device for the following pollutants, SO_2, Hg and HCl. Soot blowers shall be operated in a mode consistent with normal cleaning requirements of the system during the compliance testing.

[Rules 62-4.070(3) and 62-296.416(3)(d)1, and 62-297.310(4)(a)2., F.A.C., 40 CFR 60.38b and 40 CFR 60.58b, and applicant request]

b. Continuous Emissions Monitoring

Continuous emission monitors with recorders shall be installed, calibrated, maintained and operated subject to approval by the Department for the following:

Carbon Monoxide, Oxygen, Nitrogen Oxide, Opacity, and Sulfur Dioxide (for SO_2 one monitor shall be located upstream of the scrubber and one shall be located downstream of the baghouse), as specified in 40 CFR 60, Appendix B; total steam production (lbs/hr, pressure, and temperature) and power generation (MW) for each unit; ammonia injection rate; slaked lime; activated carbon and/or sodium sulfide injection or usage rates; and thermocouple to measure roof temperature ~~of combustion zone~~ (to be specified by the vendor and one second residence time). The monitoring devices shall meet the applicable requirements of ~~Chapter~~ Rule 62-297.520 ~~17-2, Section 17-2.710~~, F.A.C. and 40 CFR 60.45, and 40 CFR 60.13, including certification of each device in accordance with 40 CFR 60, Appendix B, Performance Specifications and 40 CFR 60.7 (a)(5). Data on monitoring equipment specifications, manufacturer, type, calibration and maintenance needs, and its proposed location after the economizer or in the air pollution control equipment outlet duct shall be provided to the South District Office for review prior to installation together with and subject to the same provisions as submittal of air pollution control equipment pursuant to paragraph XIII hereof.

c. Testing Frequency

Compliance with the emission limitations of condition of certification XIV.A.1. shall be determined by annual emission testing, except that testing for arsenic, beryllium, fluoride, sulfuric acid mist, ammonia and VOC shall be performed prior to renewal of each operation permit. Testing of the MWC units for particulate matter shall be performed using three one-hour test runs so that two one-

hour runs are conducted during normal operation and one one-hour run is conducted during soot blowing conditions. Compliance for visible emissions shall be determined in accordance with Rule 62-297.310(4)(a), F.A.C. [Rules 62-4.070(3), 62-297.310(4)(a), and 62-297.310(7)(a)3, F.A.C., and request of the applicant]

~~Compliance with emission standards contained in Condition No. XIV.A.1.a. shall be determined by conducting stack tests within 120 days of completion of construction and initial operation and annually thereafter. These tests may be staggered throughout the year with the approval of the Bureau of Air Regulation.~~ Pursuant to Rule 62-297.310(7)(b), F.A.C. ~~17-2.700(2)(b)~~, when the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in these conditions of certification ~~this permit~~ is being violated, it may require the owner or operator of the source to conduct compliance tests which identify the nature and quantity of pollutant emissions from the source and to provide a report on the results of said tests to the Department. Compliance testing for particulate matter emissions from the ash handling building baghouse is waived, and an alternative standard of 5% opacity is imposed, pursuant to rule 62-297.620(4), F.A.C. If the Department has reason to believe that the particulate weight emission standard is not being met, it shall require that compliance be demonstrated using EPA Method 5. Compliance testing for visible emissions from the ash handling building baghouse and lime silo baghouse shall be conducted annually. ~~Compliance testing for the flyash handling building (baghouse) and the lime silo loading operation (V.E. test) shall be conducted within 90 days of completion of construction and initial operation and annually thereafter.~~ All notification requirements of 40 CFR parts 60 and 61 shall be complied with by the owner/operator of the SWERF. [Rules 62-4.070(3) and 62-297.620(4), F.A.C., and request of the applicant]

d. Sampling Ports

The Permittee shall provide sampling ports in the air pollution control equipment outlet duct or stack and shall provide access to the sampling ports in accordance with Section 62-297.310(6) ~~17-2.700~~, F.A.C. Drawings of testing facilities including sampling port locations as required by Section 62-297.310(6) ~~17-2.700~~ F.A.C. shall be submitted to the South District Office for approval at least 60 days prior to construction of the sampling ports and stack.

e. No Change

3. Miscellaneous Requirements

a. Start-up and Shut-down Procedures

During start-up and shut-down, the auxiliary burners shall be fired as needed to ensure proper combustion of wastes consistent with good operating practices as specified in 40 CFR 60.53b. ~~procedures, propane gas shall be used to preheat the combustion zone to achieve a minimum furnace roof temperature and a minimum temperature of 1800°F above the grate (at a height to be specified by the vendor) prior to the ignition of MSW. The appropriate minimum furnace roof temperature shall be established by the Department, based on the test data collected during the facility's initial start-up operations, and shall be correlated to the minimum temperature of 1800 degrees F above the grate.~~

~~During all shut-down procedures, propane gas shall be used to ensure that the temperature above the grate, as specified above, does not drop below 1800°F and the furnace roof temperature is maintained above the correlated minimum furnace roof temperature while any MSW is still burning.~~

b. Operating Procedures

Operating procedures shall include good combustion practices and proper training and certification of all operators. The good combustion practices shall meet the guidelines established in 40 CFR 60, Subpart Ea and procedures as established by the equipment manufacturers. All operators (including supervisors) of air pollution control devices shall be properly trained and certified in accordance with the manufacturers guidelines. A list of all such certified personnel shall be submitted to the South District Office. Department staff may attend any training sessions related to operation and maintenance of air pollution control devices.

The emission limitations for this facility shall apply at all times, except during periods of startup, shut down, or malfunctions, provided that the duration of startup, shut down and malfunction periods shall not exceed three hours per occurrence. The startup period commences when the affected facility begins the continuous burning of municipal solid waste and does not include any warm-up period when the affected facility is combusting natural gas or propane, and no municipal solid waste is being fed to the combustor. Continuous burning is the continuous, semi-continuous, or batch feeding of municipal solid waste for purposes of waste disposal, energy production, or providing heat to the combustion system in preparation for waste disposal or energy production. The use of municipal solid waste solely to provide thermal protection of the grate or hearth during the startup period when municipal solid waste is not being fed to the grate is not considered to be continuous burning. During all periods of startup, shut down and malfunction, the owner or operator shall use best operational practices to minimize air pollutant emissions. The owner or operator shall maintain a manual that identifies and describes best operational practices that will be used during periods of startup, shut down and malfunction at this facility. [Rules 62-4.070(3), and 62-210.700(1) and (5), F.A. C., 40 CFR 60.38b and 40 CFR 60.58b(a), and request of the applicant]

~~The emission standards for this facility shall apply at all times, except during periods of start-up, shut-down, or malfunctions, provided that the~~

~~duration of start-up, shut-down, or malfunction shall not exceed 3 hours per occurrence. The start-up period commences when the affected facility begins the continuous burning of MSW and does not include any warm-up period when the affected facility is combusting only propane gas and no MSW is being combusted. During all startups, shutdowns and malfunctions the owner/operator shall use best operational practices to minimize air pollutant emissions. Within 90 days prior to commencing commercial operations of this facility, the permittee shall submit to the South District Office an operational procedures manual that identifies and describes best operational practices that will be used during startup, shutdown, and malfunctions of this facility.~~

c. Odor Control

No objectionable odors are allowed from this facility pursuant to ~~F.A.C.~~ Rule 62-296.320(2), F.A.C. ~~17-2.620~~. The truck access doors to the facility shall remain closed except during normal working shifts when MSW is being received near the storage pit area to allow vehicle passage. To minimize odors at the facility, a negative pressure shall be maintained on the tipping floor and air from within the building will be used as combustion air.

d. Auxiliary Burners

These devices shall be used at startup during the introduction of MSW fuel until design furnace gas temperature is achieved. They shall be fueled only with natural gas or propane. If the annual capacity factor for natural gas is greater than 10%, as determined by 40 CFR 60.41b, the facility shall be subject to 40 CFR 60.44b(d), Standards for Nitrogen Oxides.
[Rules 62-4.070(3), 62-4.160(2) and 62-210.200, F.A.C., and 40 CFR 60.40b(d)]

~~Auxiliary burners for each unit shall be fired only by propane gas and shall not exceed the 10% capacity factor as determined by 40 CFR 60.44b(d).~~

e. No Change

f. Restriction for Type of Wastes Combusted

(1) Allowable Fuels. The only fuels allowed to be burned in the MWC units are solid wastes allowed by this condition and natural gas and propane as auxiliary fuels. Other wastes shall not be burned without written prior approval from the Department. Lee County shall minimize emissions of mercury through a battery collection program. Chromium compounds shall not be used as an additive in the cooling tower water.

(2) The primary fuel for the facility is municipal solid waste (MSW), including the items and materials that fit within the definition of MSW contained in either 40 CFR 60.51b or Section 403.706(5), Florida Statutes (1999).

(3) Subject to the limitations contained in these conditions, the authorized fuels for the facility also include the other solid wastes that are not MSW which are described below. However, the facility shall not burn:

(a) those materials that are prohibited by state or federal law;

(b) those materials that are prohibited by these conditions;

(c) lead acid batteries;

(d) hazardous waste;

(e) nuclear waste;

(f) radioactive waste;

(g) sewage sludge;

(h) explosives.

Further, the facility **shall not knowingly burn:**

(i) nickel-cadmium batteries pursuant to Section 403.7192(3), F.S.

(j) mercury containing devices and lamps pursuant to Sections 403.7186(2) and (3), F.S.

(4) The fuel may be received either as a mixture or as a single-item stream (segregated load) of discarded materials. If the facility intends to use an authorized fuel that is segregated non-MSW material, the fuel shall be either:

(a) well mixed with MSW in the refuse pit; or

(b) alternately charged with MSW in the hopper.

(5) The facility operator shall prepare and maintain records concerning the description and quantities of all segregated loads of non-MSW material which are received and used as fuel at the facility, and subject to percentage weight limitations, below. For the purposes of these conditions, a segregated load is defined to mean a container or truck that is almost completely or exclusively filled with a single item or homogeneous composition of waste material, as determined by visual observation.

(6) To ensure that the facility's fuel does not adversely affect the facility's combustion process or emissions, the facility operator shall:

(a) comply with good combustion operating practices in accordance with 40 CFR 60.34b;

(b) install, operate and maintain continuous emissions monitors (CEMS) for oxygen, carbon monoxide, sulfur dioxide, oxides of nitrogen and temperature in accordance with 40 CFR 60.58b;
and

(c) record and maintain the CEMS data in accordance with 40 CFR 60.59b.

These steps shall be used to ensure and verify continuous compliance with the emissions limitations in these conditions.

(7) Natural gas or propane may be used as fuel during warm-up, startup, shutdown, and malfunction periods, and at other times when necessary and consistent with good combustion practices.

(8) Subject to the conditions and limitations contained in these conditions, waste tires may be used as fuel at the facility. The total quantity of waste tires received as **segregated loads** and burned at the facility shall not exceed 3%, by weight, of the facility's total fuel, except as provided in the following sentence. Subsequent to an initial test burn scheduled to allow Department representatives to observe, while firing 5% (by weight) tires at each of the combustion units while operating each unit at capacity that demonstrates via the CEMS that each unit can comply with the emission limits for pollutants monitored by the CEMS while firing 5% (by weight) tires, this quantity limitation shall rise from 3% to 5%. Compliance with this limitation shall be determined on a calendar monthly basis.

(9) Subject to the conditions and limitations contained in these conditions, the following other solid waste materials may be used as fuel at the facility (i.e. the following are authorized fuels that are non-MSW material). The total quantity of the following non-MSW material received as **segregated loads** and burned at the facility shall not exceed 5%, by weight, of the facility's total fuel. Compliance with this limitation shall be determined on a calendar monthly basis.

(a) Unsorted mixtures of construction and demolition debris, or that fraction of sorted construction and demolition debris that is predominantly non-combustible. Non-combustible construction and demolition debris shall include concrete, metals, gypsum products, plaster, rock, brick, and masonry.

(b) Oil spill debris from aquatic, coastal, estuarine or river environments. Such items or materials include but are not limited to rags, wipes, and absorbents.

(c) Items suitable for human, plant or domesticated animal use, consumption or application where the item's shelf-life has expired or the

generator wishes to remove the items from the market. Such items or materials include but are not limited to off-specification or expired consumer products, pharmaceuticals, medications, health and personal care products, cosmetics, foodstuffs, nutritional supplements, returned goods, and controlled substances.

(d) Consumer-packaged products intended for human or domesticated animal use or application but not consumption. Such items or materials include but are not limited to carpet cleaners, household or bathroom cleaners, polishes, waxes and detergents.

(e) Waste materials that:

(i) are generated in the manufacture of items in categories (c) or (d), above and are functionally or commercially useless (expired, rejected or spent); or

(ii) are not yet formed or packaged for commercial distribution. Such items or materials must be substantially similar to other items or materials routinely found in MSW.

(f) Waste materials that contain oil from:

(i) the routine cleanup of industrial or commercial establishments and machinery; or

(ii) spills of virgin or used petroleum products. Such items or materials include but are not limited to rags, wipes, and absorbents.

(g) Used oil and used oil filters. Used oil containing a PCB concentration equal or greater than 50 ppm shall not be burned, pursuant to the limitations of 40 CFR 761.20(e).

(h) Waste materials generated by manufacturing, industrial or agricultural activities, provided that these items or materials are substantially similar to items or materials that are found routinely in MSW, subject to prior approval of the Department.

(10) The following records shall be made and kept to demonstrate compliance with the **segregated** non-MSW percentage limitations of these conditions:

(a) Each segregated load of non-MSW materials, that is subject to the percentage weight limitations of these conditions, which is received for processing shall be documented as to waste description and weight. The weight of all waste materials received for processing shall be measured using the facility truck scale and recorded.

(b) Each day the total weight of **segregated tires** received shall be computed, and the daily total shall be added to the sum of the daily totals from the previous days in the current calendar month. At the end of each calendar month, the resultant monthly total weight of tires shall be divided by the total weight of all waste materials received in the same calendar month, and the resultant number shall be multiplied by 100 to express the ratio in percentage terms. The percentage computed shall be compared to the 3% or 5% limitation, whichever is applicable.

(c) Each day the total weight of **segregated non-MSW materials** received that are subject to the 5% restriction shall be computed, and the daily total shall be added to the sum of the daily totals from the previous days in the current calendar month. At the end of each calendar month, the resultant monthly total weight of segregated non-MSW materials shall be divided by the total weight of all waste materials received in the same calendar month, and the resultant number shall be multiplied by 100 to express the ratio in percentage terms. The percentage computed shall be compared to the 5% limitation.

[Rule 62-4.070(3), F.A.C., PSD-FL-151, request of the applicant].

~~No biological waste, medical waste, bio-hazardous waste, sewage sludge or hazardous wastes shall be received or combusted at this facility without obtaining proper modification to the power plant site certification conditions from the Department. The County shall establish a household battery collection program to be specified by the~~

~~applicant prior to start of construction, to further minimize mercury emissions. Chromium compounds shall not be used as an additive in the cooling tower water.~~

g. – k. No Change

4. No Change

5. Reporting

a. No Change

b. Emissions monitoring shall be reported to the South District Office on a quarterly basis in accordance with Section 62-4.070(3) ~~17-2.710~~, F.A.C., 40 CFR, part 60, Subsection 60.7 or 40 CFR part 61 as appropriate.

c. Notice of anticipated and actual start-up dates of each waste combustor boiler shall be submitted to the DEP ~~DER~~ South District Office.

B. Reserved ~~Fuel~~

~~The SWERF shall utilize refuse such as garbage and trash (as defined in Chapter 17-7, F.A.C.) as its fuel. Use of alternate fuels except for distillate fuel oil or natural gas in start-up burners would necessitate modification of these Conditions of Certification. Refuse as fuel shall not include "hazardous waste" as defined in Chapter 17-30, F.A.C. The alternate fuel, which may be used distillate oil, shall not contain more than 0.3% sulfur by weight and shall not be used more than required during boiler startup or shutdown.~~

C. Wastewater Disposal

A complete submittal of plans, drawings and specifications for leachate collection systems, pumps, lift stations, sewage collection systems, and wastewater collection systems in accordance with appropriate DEP ~~DER~~ rules shall be furnished to the South District Office for approval at least 90 days prior to start of construction for the particular of such component. In order to obtain approval, the receiving sewage treatment plant shall indicate its ability and willingness to accept the wastewater. Also, plans and specifications for connections to off-site sewage and wastewater transmission systems shall be furnished to the South District Office for approval 90 days prior to start of construction. Review shall be accomplished in accordance with Condition XIII.

D. Water Discharges

1. Surface Water

Any discharges from the site stormwater system via the emergency overflow structure which results from an event LESS than a ten-year, 24-hour storm (as defined by the U.S. Weather Bureau Technical Paper No. 40, or the DOT drainage manual, or similar documents) shall meet applicable State Water Quality Standards, Chapter 62-302 ~~17-302~~, F.A.C., ~~the Standards of Chapter 17-25, F.A.C.,~~ and Chapter 40-E, F.A.C.

2. Groundwaters

All discharges to groundwaters shall be collected and treated as necessary, or otherwise be of high enough quality, to be able to meet the applicable Water Quality Standards of Sections 62-520.400 ~~17-301.402~~ and 62-520.420 ~~17-301.404~~, F.A.C., at the boundary of a zone of discharge approved for each potential pollution source. If monitoring should indicate a violation of the standards, the Permittee shall immediately notify the South District office and SFWMD and institute remedial action.

3. Groundwater Monitoring Program

a. – c. No change

d. Upon completion of construction of the groundwater monitoring system, but no less than 12 months before the commencement of operation the Permittee shall sample all ground water monitoring wells for the Primary and Secondary Drinking Water parameters included in Chapter 62-550 ~~17-22~~, F.A.C.~~, Public Drinking Water Systems.~~ The specific parameters to be sampled are listed in ~~Part II, Quality Standards, Analytical Methods, Sampling,~~ Sections 62-550.310, 62-550.320 and 62-550, Part V ~~17-550.310 and 17-550.320~~, F.A.C.

e. The field testing, sample collection and preservation and laboratory testing, including quality control procedures, shall be in accordance with Chapter 62-550, Part V ~~17-4.246 and 17-301.401~~, F.A.C. Approved methods as published by the Department or as published in Standard Methods, A.S.T.M. or EPA methods shall be used. Approved methods for chemical analyses are summarized in the Federal Register, December 1, 1976 (41FR52780) except that turbidity shall be measured by the Nephelometric Method.

E. Solid/Hazardous Waste

1. Incinerator ash, fly ash, spent acid control medias and other forms of solid waste shall be disposed of in a licensed off-site landfill in accordance with all applicable portions of Chapters 62-701 ~~17-701~~ and 62-702 ~~17-702~~, F.A.C., including prohibitions, procedures for closing of the landfill, and final cover requirements, or, as provided in this condition (XIV.E.) in its entirety. The plans of the final landfill design shall be provided to the South District Office and the Division of Waste Management for review and approval at least 90 days prior to start of operation of the SWERF Unit.

Review shall be performed in accordance with Condition XIII. The final plans for this SWERF shall include provisions for the isolated temporary handling of suspected hazardous, toxic or infectious wastes. The SWERF shall not be operated until a landfill capable of disposing of plant wastes is licensed to operate.

2 – 8. No change

9. The design, operation, and monitoring of disposal or control of any "special wastes" shall be in accordance with F.A.C. ~~Section~~ Rule 62-701.520 ~~17-702.060~~, and any other applicable department rules, to protect the public safety, health and welfare. "Special wastes" means those wastes that require extraordinary management. They include but are not limited to abandoned automobiles, white goods, used tires, waste oil, sludges, dead animals, agricultural and industrial wastes, septic tank pumpings, and infections and hazardous wastes. Sludges which may be hazardous due to their chemical composition shall be disposed of in accordance with F.A.C. Chapter 62-730 ~~Section 17-7.040(4)~~. Disposal of Grade III Domestic Wastewater Treatment Sludge, disposal of domestic septage, and disposal of food service sludge, shall be in accordance with F.A.C. Chapter 62-701 ~~Section 17-7.540(6)~~.

F. No change

G. Transmission Lines and Pipe Lines

The Licensee shall demonstrate compliance with Chapter 62-814 ~~17-274~~, F.A.C., at least 90 days prior to start of construction for the directly associated transmission lines from the SWERF electric generators to the Florida Power and Light Company Substation. Transmission and pipeline routes shall be kept cleared without the use of herbicides. Prior to clearing activities within any of the right-of-way associated with the various linear facilities, a survey shall be conducted to identify the presence of any listed wildlife species likely to occur within the right-of-way based on

range and habitat. Results of this survey shall be submitted to the Florida ~~Game and Fresh Water~~ Fish and Wildlife Conservation Commission (FFWCC) ~~(FGFWFC)~~ and the United States Fish and Wildlife Service (USFWS). If it is determined that any of these species will be affected by the construction of any of these linear facilities the Permittee shall consult with the FFWCC ~~FGFWFC~~ and the USFWS to determine the appropriate steps to be taken to avoid, minimize, mitigate, or otherwise appropriately deal with any adverse impacts within each agency's respective jurisdiction.

Prior to any clearing on the project site, the permittee shall arrange a site visit by personnel from the South District Office to verify the wetland jurisdictional areas on the project site and to inspect the proposed fill areas. If additional areas are determined to be within the Department's Wetland Resource jurisdiction or if the site plan is modified to impact additional wetlands, the Permittee shall submit a revised Joint Application for Works in Waters of the State and revised permit drawing package reflecting the changes. The permittee shall provide mitigation for any habitat loss or degradation resulting from the construction of the project. The mitigation shall meet all the requirements of Rule 62-312.300 ~~17-312.300~~, Florida Administrative Code.

H. – I. No change

XV. SOUTH FLORIDA WATER MANAGEMENT DISTRICT

A. Legal/Administrative Conditions

1. General

a. Responsible Entity

The Permittee, defined as Lee County or any full-service vendor/contractor under contract to the County, shall be responsible for the

implementation of the Certification Conditions. If contractual rights, duties, or obligations are transferred under this Certification, notice of such transfer or assignment shall immediately be submitted to the Florida Department of Environmental Protection ~~Regulation~~ and the SFWMD by the previous certification holder (Permittee) and the Assignee. Included in the notice shall be the identification of the entity responsible for compliance with the Certification. Any assignment or transfer shall carry with it the full responsibility for the limitations and conditions of this Certification. Reference: Sections 373.223 and 373.413, F.S.; Rules 40E-2.091(1)(a), 40E-2.301, 40E-2.381(1), 40E-4.091(1)(a), and 40E-4.301, F.A.C.

b. – g. No change

h. Post Certification Information Submittals

Information submitted to the SFWMD subsequent to Certification, in compliance with the conditions of this Certification, shall be for the purpose of the SFWMD determining the Permittee's compliance with the Certification conditions and the non-procedural criteria contained in Chapters 40E-2, 40E-3, and 40E-4, F.A.C., as applicable, prior to the commencement of the subject construction, operation and/or maintenance activity covered thereunder. Reference: Rule 62-17.191 ~~17-17.191~~, F.A.C.

i. – j. No Change

k. Operation Authorization

Authorization for the proposed energy recovery facility to begin operating shall not be granted by the Florida Department of Environmental Protection ~~Regulation~~ until it has received and approved an executed contract between Lee County and an entity capable or receiving and disposing of the ash residue and other

waste products to be generated by the proposed facility. Reference: Sections 373.043 and 403.504, F.S.

l. Enforcement

The SFWMD may take any and all lawful actions to enforce any condition of this Certification that is based on the rules of the agency. Prior to initiating such actions, the SFWMD shall notify the Secretary of DEP ~~DER~~ of the proposed actions. The SFWMD may seek modification of this Certification for any change in any activity resulting from the SFWMD's enforcement of this Certification which change will have a duration longer than 60 days. Reference: Sections 373.2223, 373.319, 373.423, and 373.603, F.S.; Rules 40E-2.091(1)(a), 40E-2.301, 40E-2.381(2)(f), 40E-3.461, 40E-4.091(1)(a), and 40E-4.301, F.A.C.

A.2.a – d. No Change

e. Subsequent modifications to the drawings and supporting calculations submitted to the SFWMD which may alter the quantity and/or quality of waters discharged off-site shall be made pursuant to Section 403.516, F.S., and Rule 62-17.211 ~~17-17.211~~, F.A.C. They shall also be submitted to the SFWMD for a determination that the modifications are in compliance with Chapters 40E-2, 40E-3, and 40E-4, F.A.C., prior to the commencement of construction. Reference: Section 403.516, F.S.

f. No change

B. Water Use Conditions

1. General

a. No Change

b. Impacts on Existing Legal Uses

The Permittee shall mitigate any adverse impact on existing legal uses caused by the ground water withdrawals authorized by this Certification. When adverse impacts occur or are imminent, the SFWMD reserves the right to curtail future withdrawal rates pursuant to the enforcement provisions of Condition A.1.I. of these conditions. The adverse impacts can include:

(1) A reduction in well water levels that impairs the ability of an adjacent well, including a domestic well, lawn irrigation well, or public water supply well, to produce by 10% or greater;

(2) A significant reduction in water levels in an adjacent water body such as a lake, pond, wetland, or canal system that impairs the ability to produce water by 10% or greater;

(3) Saline water intrusion or induced movement of pollutants into the water supply of an adjacent water user, resulting in a significant reduction in water quality; and/or

(4) A change in water quality caused by the Permittee that results in significant impairment or loss of use of a well or water body.

Reference: Section 373.223, F.S.; Rules 40E-2.091(1), 40E-2.301, and 40E-2.381, F.A.C.

~~The Permittee shall be responsible for mitigating to the satisfaction of the SFWMD any adverse impacts on existing legal uses caused by the groundwater withdrawals~~

~~authorized by this Certification. If adverse impacts occur, or are imminent, SFWMD reserves the right to curtail withdrawal rates pursuant to the enforcement provisions of Condition XV.A.1.I of these conditions. The adverse impacts can include:~~

~~(1) A reduction in well water levels that impairs the ability of an adjacent well to produce water (an adjacent well may be a domestic well, lawn irrigation well, public water supply well, etc.);~~

~~(2) A significant reduction in water levels in an adjacent water body such as a lake, pond, wetland, or canal system;~~

~~(3) Saline water intrusion or induction of pollutants into the water supply of an adjacent water user, resulting in a significant reduction in water quality; and/or~~

~~(4) A change in water quality that causes impairment or loss of use of well or water body.~~

~~Reference: Section 373.223, F.S.; Rules 40E-2.091(1)(a), 40E-2.301(1), and 40E-2.381(2)(d), F.A.C.~~

c. Impacts on Existing Off-Site Land Uses

The Permittee shall mitigate any adverse impacts on existing off-site land uses that are a consequence of the groundwater withdrawals authorized by this Certification. If increased withdrawals cause an adverse impact on existing land uses, the SFWMD reserves the right to curtail future withdrawal rates pursuant to the enforcement provisions of Condition A.1.I of these conditions. Adverse impacts can include:

(1) A significant reduction in water levels in an adjacent water body, including impoundments, to the extent that the designed function of the water body is impaired;

(2) Land collapse or subsidence caused by a reduction in water levels; and/or

(3) Damage to crops and other types of vegetation.

Reference: Sections 373.223, F.S.; Rules 40E-2.091(1), 40E-2.301, and 40E-2.381, F.A.C.

~~The Permittee shall be responsible for mitigating to the satisfaction of the SFWMD any adverse impacts on existing off-site land uses as a consequence of the groundwater water withdrawals authorized by this Certification. If the withdrawals cause an adverse impact on existing land uses, the SFWMD reserves the right to curtail future withdrawal rates pursuant to the enforcement provisions of condition IV.a.1.l of these conditions. Adverse impacts can include:~~

~~(1) A significant reduction in water levels in an adjacent water body such as a lake, pond, wetland, or canal system;~~

~~(2) Land collapse or subsidence caused by a reduction in water levels;~~

~~(3) Damage to crops and other vegetation, causing financial harm to the landowner; and/or~~

~~(4) Damage to the habitat of rare, endangered or threatened species.~~

~~Reference: Section 373.223, F.S.; Rules 40E-2.091(1)(a), 40E-2.301(1), and 40E-2.381(2)(e), F.A.C.~~

d. Impacts to Natural Resources

The Permittee shall mitigate any adverse impacts to natural resources as a consequence of the groundwater withdrawals authorized by this Certification. When adverse impacts occur, or are imminent, the SFWMD reserves the right to curtail future withdrawal rates pursuant to the enforcement provisions of Condition A.1.l of these conditions. Adverse impacts can include:

(1) A reduction in ground water levels that results in significant lateral movement of the fresh water/salt water interface;

(2) A reduction in water levels that adversely impacts the hydroperiod of protected wetland environments;

(3) A significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond;

(4) Induced movement or induction of pollutants into the water supply resulting in a significant reduction in water quality; and/or

(5) Harm to the natural system including damage to habitat for rare or endangered species.

Reference: Sections 373.223, F.S.; Rules 40E-2.091(1), 40E-2.301, and 40E-2.381, F.A.C.

e. ~~d.~~ Well System Operation

No Change to text.

2. Site Specific Standards Design Requirements

a. – c. No Change

~~d. ,Duration of Authorization~~

~~This Certification authorizes the withdrawals specified in Conditions B.2.a, B.2.b, and B.2.c above for five (5) years from the date of Certification. The Permittee must request an extension of this authorization prior to the expiration of the five (5) year period.~~

~~Reference: Sections 373.223 and 373.236, F.S.; Rules 40E-2.091(1)(a), 40E-2.301, 40E-2.321(1)(e), and 40E-2.381, F.A.C.~~

d. Modification of Authorized Withdrawals

Within ten years of Certification and every ten years thereafter, unless extended by mutual agreement between the Permittee and the SFWMD, the Permittee shall submit to the SFWMD a report on the project's consumptive water use which contains the information required by Chapter 40E-2, F.A.C. in effect at that time. Within 90 days after receipt of the completed report, the SFWMD shall evaluate the information contained therein and issue a written notification to the Department and the Permittee as to whether the groundwater withdrawals for consumptive use authorized by this Certification remain in compliance with the provisions of Chapter 373, F.S., and Chapter 40E-2, F.A.C., in effect at that time. If the notification indicates that the withdrawals are not in compliance with these provisions, it shall recommend possible alternatives for bringing the withdrawals into

compliance or otherwise meeting the minimum consumptive water use needs of the Certified project. If mutual agreement cannot be reached within 90 days after issuance of the written notification on whether the withdrawals of groundwater for consumptive use remain in compliance, then the written notification shall be immediately referred to the Division of Administrative Hearings (DOAH) for resolution in accordance with the procedural provisions of Sections 403.516(1)(c) and 120.569, F.S. (1999).

e. Right to Petition for Modification of Withdrawals

The SFWMD retains the right to request that the Department petition for a modification of the groundwater withdrawals for consumptive use authorized by this Certification, in accordance with the provisions of Section 403.516, F.S. (1999). Any request for an increase in water withdrawals shall be made pursuant to the provisions of Section 403.516, F.S.

3. Additional Information Requirements

a. – d. No Change

e. Water Conservation Plan

Within two (2) years of issuance of the modified Certification Order, the Permittee shall submit a Water Conservation Plan required by Chapter 40E-2, F.A.C., in effect at that time, for review and approval by SFWMD staff. The plan shall, at a minimum, incorporate the following components:

(1) An audit of the amount of water needed in the Permittee's operational processes. The following measures shall be implemented within one year of audit completion if found to be cost effective in the audit:

(a) Implementation of a leak detection and repair program;

(b) Implementation of a recovery/recycling or other program providing for technological, procedural or programmatic improvements to the Permittee's facilities; and

(c) Use of processes to decrease water consumption.

(2) Development and implementation of an employee awareness program concerning water conservation.

Reference: Sections 373.223, F.S.; Rules 40E-2.091(1), 40E-2.301, and 40E-2.381, F.A.C.

C. Surface Water Management Conditions

1. – 2. No Change

3. Additional Information Requirements

a. – b. No change.

c. Surface Water Quality Monitoring Program

~~Within three months of issuance of this Certification, the Permittee shall submit for review by the SFWMD a surface water quality monitoring program which monitors all discharges from the surface water management system into the Buckingham Road drainage system.~~

~~(1) While the program may incorporate additional monitoring requirements and parameters as required by other agencies, it shall include the following parameters and time frames at a minimum:~~

~~** MONITOR TYPE AND SCHEDULE~~	~~PARAMETERS~~
~~A. GENERAL (EVERY OTHER MONTH)~~	~~TOTAL ORGANIC CARBON, DISSOLVED OXYGEN, pH, TURBIDITY, SPECIFIC CONDUCTANCE, CHEMICAL OXYGEN DEMAND, TOTAL SUSPENDED SOLIDS, AND ALKALINITY.~~
~~B. ORGANICS (SEMI-ANNUAL)~~	~~OIL AND GREASE, DETERGENTS, EPA METHODS 601 AND 602~~
~~C. METALS (SEMI-ANNUAL)~~	~~ALUMINUM, ANTIMONY, BERYLLIUM, CADMIUM, COPPER, CYANIDE, IRON, LEAD, MERCURY, NICKEL, SELENIUM, SILVER, AND ZINC.~~

~~(2) Water quality samples shall be taken at the above noted locations in accordance with the above schedule during periods of discharge. The Permittee shall provide such data to the SFWMD as volumes of water discharged, including total volume discharged during the days of sampling, and total discharges from the property or into surface waters of the state. A laboratory certified by the State of Florida shall be responsible for all water quality analyses under (1)B and (1)C. above. Reports shall be submitted to the SFWMD on a semi-annual basis. Initial sampling results shall be reported to the SFWMD no later than six months following the issuance of this Certification.~~

(1) ~~(3)~~ The SFWMD will evaluate monitoring requirements to determine whether the discharge degrades receiving waters and conforms to State water quality standards as defined in Chapter 62-302 ~~17-3~~, F.A.C. If water quality problems develop, the SFWMD reserves the right to require ~~more frequent~~ sampling

and ~~more thorough~~ analyses in order to provide assurances that the discharges will not cause additional off-site water quality impacts.

(2) ~~(4)~~ After a minimum of two years of sampling, the applicant may request a reduction in monitoring frequencies and parameters. If the documentation provided in support of the request does not provide sufficient reasonable assurances to support a reduction, the SFWMD reserves the right to require that the original water quality monitoring program be continued. Reference: Section 373.413(1), 373.413(2), and 373.416(1), F.S.; Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381, F.A.C.

d. No change

D. No change.

XVI. - XIX. No Change.

XX. DEPARTMENT OF COMMUNITY AFFAIRS

A. – C. No change

D. Air Pollution Control

1. – 2. No change

3. The Permittee shall undertake and implement any additional processes and procedures to control emissions of regulated pollutants which are determined necessary by the Department of Environmental Protection ~~Regulation~~ or the U.S. Environmental Protection Agency (EPA). This shall specifically include the

new EPA emission limitations to be promulgated later this year, as required under the Clean Air Act Amendments of 1990.

4. No change

5. The Permittee shall monitor mercury emissions from the energy recovery facility to ascertain the efficiency of its mercury-control equipment. The results shall be reported to the DEP ~~DER~~.

E. Ash Marketing

The Permittee shall endeavor to market the energy recovery facility's ash residue. The Permittee shall file an annual report with the Department of Environmental Protection ~~Regulation~~ detailing its progress in marketing the ash.

F. Microbiological Testing

The Permittee shall carry out biweekly tests of facility cooling water for bacteria and viruses during the first 3 months of facility operation. The results shall be sent to the Florida Department of Environmental Protection ~~Regulation~~ (DEP ~~DER~~). If the DEP ~~DER~~ determines that the concentrations of bacteria or viruses in the cooling water pose a threat to public health the Permittee shall take all necessary measures to eliminate the threat.

G. – H. No change

I. Traffic Minimization

1. After the site for the associated landfill/ ashfill site is selected, the Permittee shall carry out a traffic analysis of project traffic to and from the landfill/ashfill

to assure that any significant traffic impacts are mitigated. The analysis shall be submitted to the Department of Environmental Protection ~~Regulation~~ and the Department of Community Affairs for review and approval, which shall include a determination of any mitigation that may be needed. The Department of Environmental Protection ~~Regulation~~ may modify the certification as necessary to incorporate any conditions needed for the mitigation of traffic impacts.

2. No change

J. No change

XXI. SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

A. No change

B. Water Resources

1 – 7. No change

8. As the applicant has stated that the project may use reclaimed wastewater for irrigation, the applicant will ensure that the onsite ponds, drainageways and wetlands are adequately buffered from possible effluent contamination, in accordance with FDEP ~~FDER~~ criteria.

9. No change.

C. – F. No change.

XXII. FEDERAL ANNUAL OPERATING PERMITS AND FEES

A. DEP ~~DER~~ Responsibilities

The Department of Environmental Protection ~~Regulation~~ shall implement the provisions of Title V of the 1990 Clean Air Act for the Lee County Solid Waste to Energy Resource Recovery Facility by developing Conditions of Certification requiring submission of annual operating permit information and annual pollutant emission fees in accordance with Federal Law and Federal Regulations.

B. – C. No change

History

Final Order of Certification 06/19/92; signed by Governor Chiles
Modification 04/03/95; signed by Secretary Wetherell
Modification 08/22/96; signed by Secretary Wetherell
Modification 0X/XX/00; signed by Deputy Secretary Green

Any party to this Notice has the right to seek judicial review of the Order Pursuant to Section 120.68, Florida Statutes, by the filing of Notice Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and by filing a copy of the Notice of Appeal accompanied by the applicable filing fee with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date that this Final Order is filed with the Department of Environmental Protection.

DONE AND ENTERED this 21st day of August, 2000, in Tallahassee, Florida.

STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION

Kirby B. Green III

KIRBY B. GREEN, III
DEPUTY SECRETARY
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (850) 488-7131

FILING IS ACKNOWLEDGED ON THIS DATE, PURSUANT TO §120.52, FLORIDA STATUTES, WITH THE DESIGNATED DEPARTMENT CLERK, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED.

Jeanette Capeman
CLERK

8/21/00
DATE

Certificate of Service

I hereby certify that a copy of the Final Order Modifying Conditions of Certification for the Lee County Resource Recovery Facility was sent to the following parties by United States Mail on this 21st day of Aug., 2000.

Jim Yaeger
Office of the County Attorney
P.O. Box 398
Fort Myers, FL 32902

David Dee
Landers & Parsons
P.O. Box 271
Tallahassee, FL 32302

Lindsey Sampson
Lee Co. Dept. of Solid Waste Management
P.O. Box 398
Fort Myers FL 33902

Joe Treshler
Tom Erickson
Ogden Projects, Inc.
350 N. Falkenburg Road
Tampa FL 33619

Paul Darst
Dan Stengle
Dept. of Community Affairs
2740 Centerview Drive
Tallahassee FL 32399-2100

Sheauching Yu
Dept. of Transportation
605 Suwannee St.
Tallahassee FL 32399-0450

Wayne Daltry
SWFRPC
4980 Bayline Drive, 4th Floor
P.O. Box 3455
North Fort Myers FL 33918

Jim Antista
Doug Bailey
Fish & Wildlife Conservation Commission
620 South Meridian
Tallahassee FL 32399-1600

James Golden
John Fumero
SFWMD
P.O. Box 24680
West Palm Beach FL 33416-4680

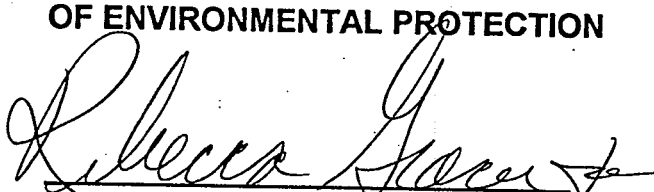
Mathew P. Farmer
Attorney for SFCARE
Farmer & Fitzgerald
708 East Jackson St
Tampa FL 33602

Rob Vandiver
Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee FL 32399-0450

The following persons on the Department's "Interested Persons" mailing list for this case were sent a copy:

W. Dexter Bellamy
5548 Hamlet Lane
Fort Myers, FL 33919-2713

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



SCOTT A. GOORLAND
Senior Assistant General Counsel
Florida Bar No. 0066834

Douglas Building, MS 35
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
Telephone: (850) 488-9314