



Jeb Bush
Governor

Department of Environmental Protection

DEP06-0195

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

February 27, 2006

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Lindsey Sampson
Lee County Dept. of Solid Waste Management
POB 398
Fort Meyers, FL 33902

**RE: Lee County Resource Recovery Facility
Modification to Conditions of Certification
DEP Case Number PA90-30E
OGC Case Number 05-2613**

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Sampson:

The Siting Board issued the Site Certifications for the Lee County Resource Recovery Facility on June 19 1992. This certification authorized the construction and operation of a nominal 1200 tons per day municipal waste fired power plant and associated facilities located in Lee County, Florida. The Department of Environmental Protection has subsequently modified the Conditions of Certification on four different occasions by final orders.

On or before November 18, 2005, 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 or before November 21, 2005, notice of the Department's intent to modify the Conditions of Certification for this facility was published on the Department's website. Those notices specified that pursuant to Section 403.516, F.S., and Rule 62-17.211, F.A.C., all parties to the certification proceeding have 45 days from the issuance of the notice by mail to such party's last address of record in which file a written objection to the modification; that failure of any of the parties to file a response will constitute a waiver of objection to the modification; and that any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the

requested modification has 30 days from the date of publication of the public notice in the Florida Administrative Weekly to object in writing.

No objections to the modification have been received by the Department. The Conditions of Certification for the Lee County Resource Recovery facility are hereby modified as follows:

XV. OPERATION

A. Air – All Units

The following conditions apply to Units 1 – 3 at the Lee County SWERF.

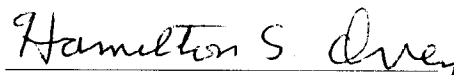
1. The operation of the Solid Waste Energy Recovery Facility shall be in accordance with all applicable provisions of Chapter 62-204, 62-210, 62-212, 62-213, 62-256, 62-296, 62-297 and 62-702, F.A.C. and Air Operation Permit 0710119-003-AV as well as any subsequent renewals.

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

Mediation is not available in this proceeding.

Any questions regarding this Final Order to Modify Conditions of Certification should be directed to Hamilton S. Oven at (850) 245-8002. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2242. Such contact with any of the above does not constitute an objection to the modification.

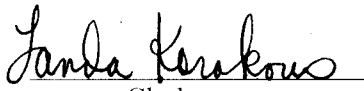
Sincerely,



Hamilton S. Oven, P.E.
Administrator, Siting Coordination Office

Attach:

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

 2/27/06
Clerk Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Final Order has been sent by United States Postal Service to:

David Dee, Esquire
Landers & Parsons
Post Office Box 271
Tallahassee, FL 32302

Jim Yaeger
Office of the County Attorney
Post Office Box 398
Fort Meyers, FL 32902

James V. Antista, Esquire
Fish and Wildlife Conservation Commission
6230 South Meridian Street
Tallahassee, FL 32399-1600

Craig Varn, Esquire
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Mary Ann Helton, Esquire
Florida Public Service Commission
Gerald Gunter Building
2450 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Jim Golden
S. F. Water Management District
Post Office Box 24680
West Palm Beach, FL 33416

Sheauching Yu, Esquire
Department of Transportation
Haydon Burns Building
605 Suwannee Street
Mail Station 58
Tallahassee, FL 32399-0450

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

Scott A. Goorland, Esquire
Department of Environmental Protection
3900 Commonwealth Blvd.
Mail Station 35
Tallahassee, FL 32399-3000