



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

May 7, 2007

- 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 PA90-30G
OGC Case Number 07- 0792**

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Sampson:

On January 29, 2007, the Department published notice of its intent to issue PSD Permit FL-0710119-005-AC. On February 12, 2007, the Department issued PSD Permit FL-0710119-005-AC for the Lee County Resource Recovery Facility. Pursuant to 403.516 (1) (b)., Florida Statutes ("F.S."), the Department may modify specific Conditions of a site Certification which are inconsistent with the terms of any federally delegated or approved permit. Such modification(s) may be made without further notice if the matter has been previously noticed under the requirements for any federally delegated or approved permit program. The Conditions of Certification for the Lee County Resource Recovery facility are hereby modified as follows:

XV. OPERATION

A. No Change

B. No Change

C. Air - Unit 3 (Emissions Unit 006)

Unit 3 will be constructed in accordance PSD Permit No PSD-FL-151C-D
(incorporated hereto as Appendix 2) and any subsequent revisions, modifications or
amendments.

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.

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:

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	Sheauching Yu, Esquire Department of Transportation Haydon Burns Building 605 Suwannee Street Mail Station 58 Tallahassee, FL 32399-0450
David Dee, Esquire Landers & Parsons Post Office Box 271 Tallahassee, FL 32302	Jim Yaeger Office of the County Attorney Post Office Box 398 Fort Myers, FL 32902
Jim Golden S. F. Water Management District Post Office Box 24680 West Palm Beach, FL 33416	Becky Macionski Covanta Energy 350 N. Falkenburg Rd Tampa, FL 33619
Jody Howard Covanta Energy 10500 Buckingham Rd. Fort Myers, Florida 33905	Scott A. Goorland, Esquire Department of Environmental Protection 3900 Commonwealth Blvd. Mail Station 35 Tallahassee, FL 32399-3000