

7/7/85/88

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

In Re: NORTH BROWARD COUNTY)
RESOURCE RECOVERY PROJECT)
POWER PLANT SITING CERTIFICATION)
APPLICATION P.A. 86-22)

DOAH Case No. 86-0074
OGC File No. 86-0216

FINAL ORDER

BY THE GOVERNOR AND CABINET:

The Governor and Cabinet, sitting as the Siting Board, having reviewed the Agreement to Modify Site Certification which is attached hereto as Exhibit 1, and otherwise being fully advised herein, issues this Final Order and, therefore, it is

ORDERED:

1. The Agreement to Modify Site Certification, which was signed by all parties to the original certification proceeding pursuant to Section 403.516(1)(b), Florida Statutes, is approved and adopted.

DONE and ORDERED this 12 day of April, 1988, in Tallahassee, Florida, pursuant to the vote of the Governor and Cabinet, sitting as the Siting Board, at a duly noticed and constituted Cabinet meeting on April 12, 1988.

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to S120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

[Signature] Clerk Date *4-25-88*

FOR THE GOVERNOR & CABINET
SITTING AS THE SITING BOARD

[Signature]
THE HONORABLE ROBERT MARTINEZ
Governor of the State of
Florida

BY:

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing FINAL ORDER was served by
United States mail this 25th day of April, 1988, on the
following parties of Record:

William J. Kendrick
Hearing Officer
Division of Administrative
Hearings
Oakland Building
2009 Apalachee Parkway
Tallahassee, FL 32399-1550

J. Alan Cox, Esquire
Maclean, Amato, Arien, et al.
105 West Fifth Avenue
Tallahassee, FL 32301

Bonnie Davis, Esquire
Florida Public Service Commission
Fletcher Building
101 E. Gaines Street
Tallahassee, FL 32301

Susan F. Delegal, Esquire
Office of General Counsel
Governmental Center, Suite 423
115 South Andrews Avenue
Ft. Lauderdale, FL 33301

David Dee, Esquire
Carlton, Fields, et al.
Post Office Drawer 190
Tallahassee, FL 32302

Peter Cunningham, Esquire
Hopping, Boyd, Green & Sams
P.O. Box 6526
Tallahassee, FL 32301

Timothy A. Smith, Esquire
1401 Brickell Avenue, PH-1
Miami, FL 33131

C. Lawrence Kessey, Esquire
Dept. of Community Affairs
2571 Executive Center
Circle, East
Tallahassee, FL 32301

Elizabeth Ross, Esquire
S. Florida Water Management
District

P.O. Box V
W. Palm Beach, FL 33402

Steve Tribble, Clerk
Florida Public Service
Commission

101 E. Gaines Street
Tallahassee, FL 32301

Karen A. Brodeen

KAREN A. BRODEEN
Assistant General Counsel

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904)488-9730

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

In Re: NORTH BROWARD COUNTY)
RESOURCE RECOVERY PROJECT)
POWER PLANT SITING CERTIFICATION)
APPLICATION P.A. 86-22)

DOAH CASE NO. 86-0074
OGC FILE NO. 86-0816

AGREEMENT TO MODIFY SITE CERTIFICATION

Pursuant to and in accordance with Section 403.516(1) (b), Florida Statutes, and Florida Administrative Code Rule 17-17.211(4), the parties to the original site certification proceedings in the above-styled case hereby STIPULATE AND AGREE as follows:

1. By a Final Order dated March 9, 1987, the Governor and Cabinet, sitting as the Siting Board, granted certification to Broward County and North Broward County Resource Recovery Project, Inc. (hereinafter "Applicants") for the construction and operation of a resource recovery facility ("the facility") in Broward County, Florida.
2. The general configuration and site layout for the facility as contemplated during the certification proceedings was depicted in a plot plan included in the Application for Power Plant Site Certification (Figure 2.1.3.1., a copy of which is attached as Exhibit I.A.). The facility as originally proposed did not include an acid gas scrubbing system and the initial plot plan did not designate space for such equipment.
3. One of the conditions of the certification issued to the Applicants for the facility requires that it "be designed to allow installation of an acid gas scrubbing system if such a system should become required by regulation". (See Condition XIV.A.2.b.) In addition, the Prevention of Significant Deterioration permit for the facility issued by the U. S. Environmental Protection Agency will effectively require installation and operation of an acid gas scrubbing system.

FOR THE SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

William T. Smith, Jr.
Special Exec. Agent
WMAFL
Date 1/12/88

Date

FOR THE STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

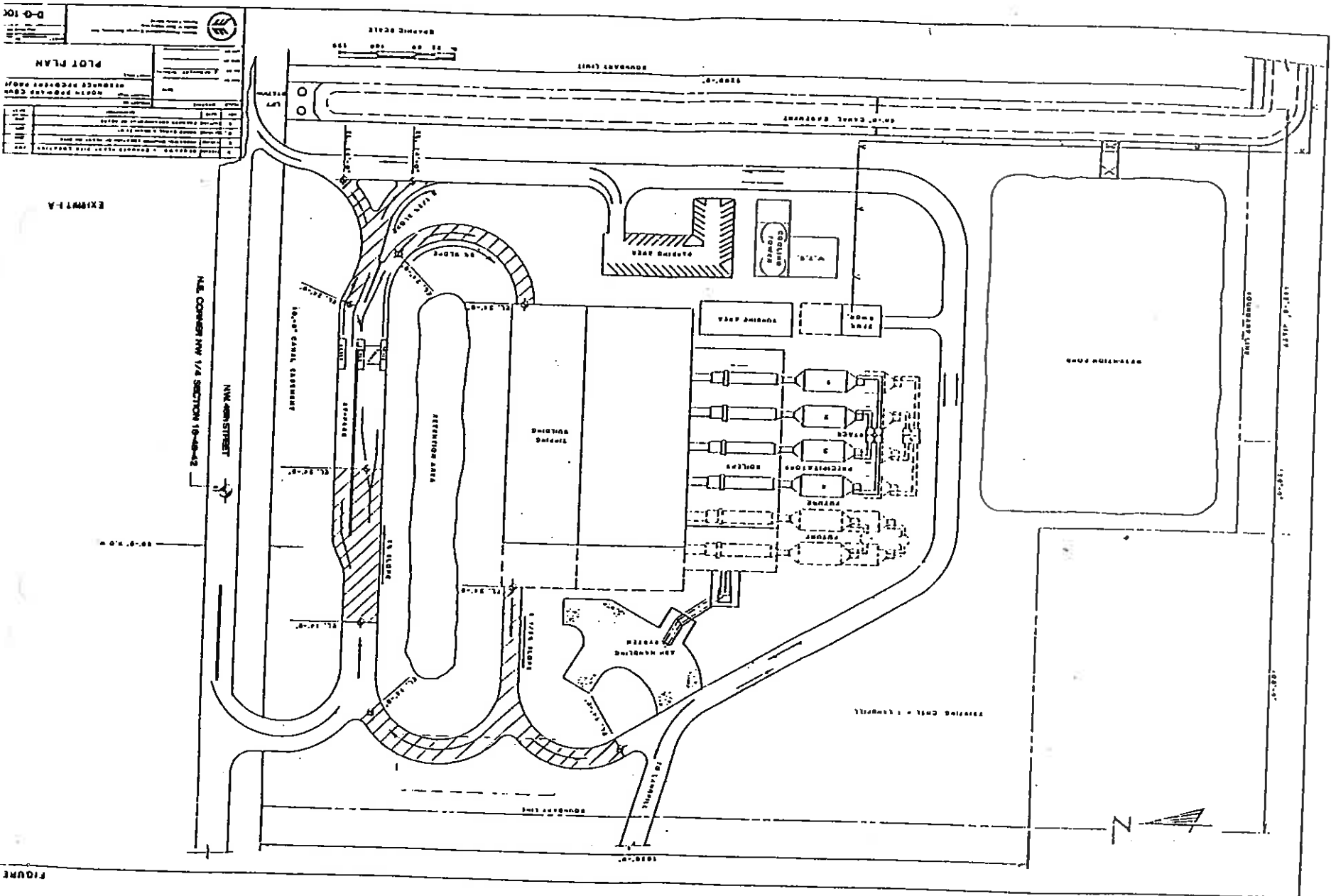
James Keagy
Date 1/29/88

Date

FOR THE STATE OF FLORIDA
PUBLIC SERVICE COMMISSION

Steve Dadds
Date 2-26-88

Date



Figure

PLAN

PROJECT NO. _____

DATE _____

BY _____

CHECKED BY _____

APPROVED BY _____

SCALE _____

NOTES: SEE ALSO DRAWING D-0-100 FOR REVISIONS TO MATCH WITH

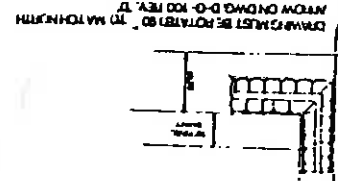
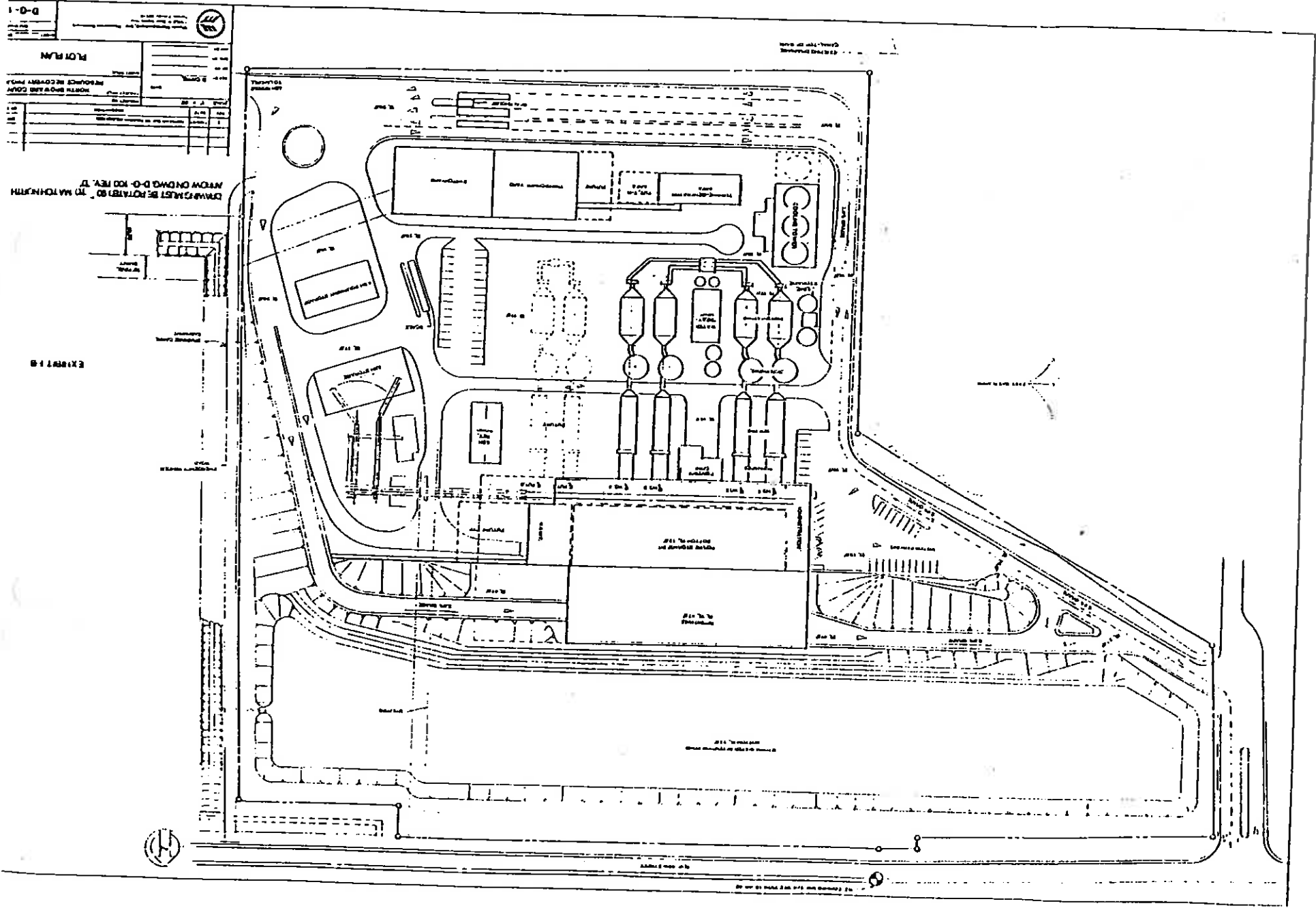


EXHIBIT 1-B



WASTE MANAGEMENT INC.
'PLAT NO. ONE'

N.W. 48TH STREET (MILTON ROAD)

NE CORNER NW 1/4 SECTION 16-4B-42

— NORTH HAVARD COUNTY
RESOURCE RECOVERY FACILITY

FBI SWITCHBOARD

POWERLINE ROAD

[illegible]

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WASTE MANAGEMENT INC.
PLAT NO. ONE

NE CORNER NW 1/4 SECTION 10-42

[illegible][illegible]

9-8 1551K3

FLORIDA'S TURNPIKE

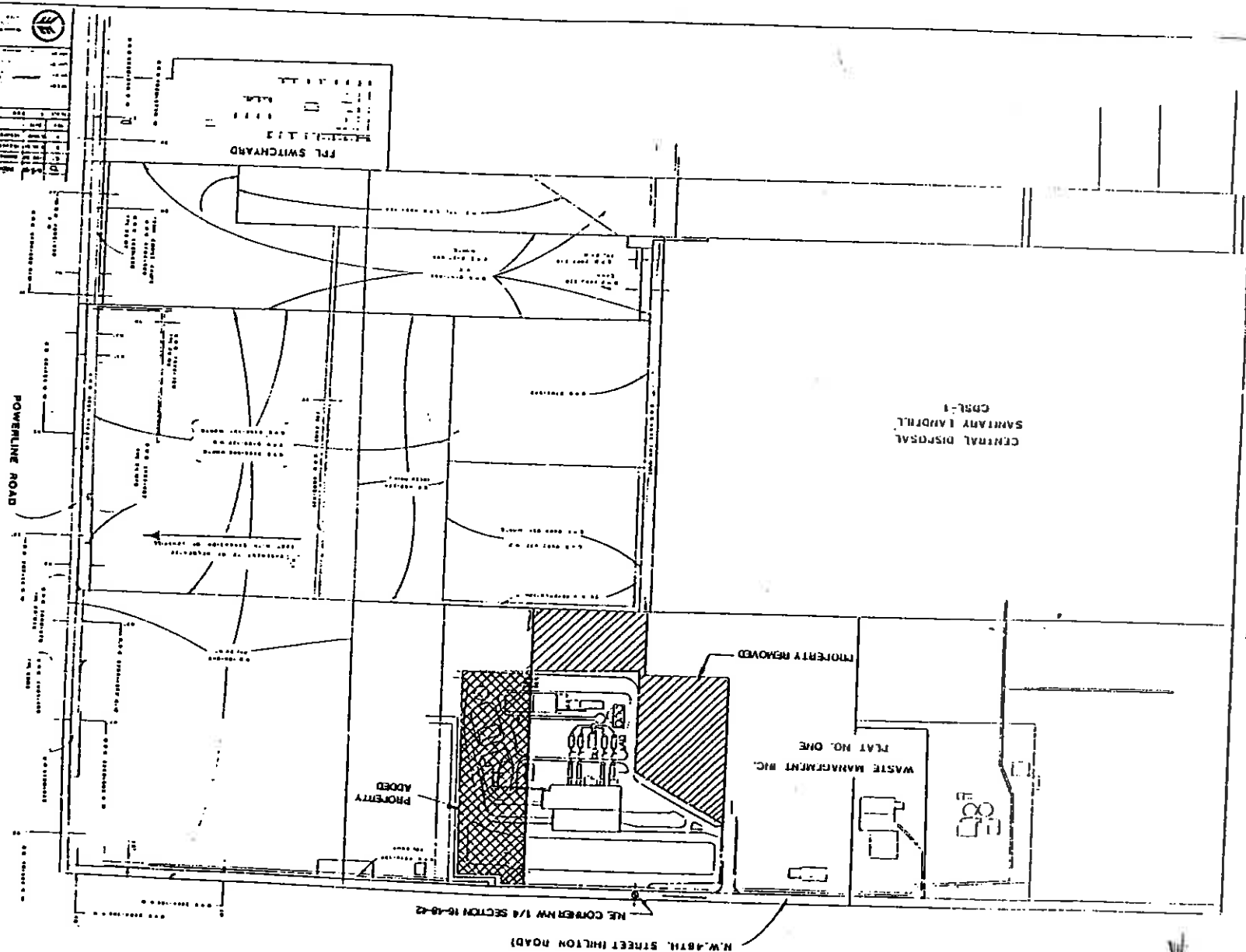


Table with 2 columns: Item, Description. The table lists various items and their descriptions, including 'WITH EASEMENT AND PROPERTY', 'ROADWAY EASEMENT', and 'EASEMENT FOR POWERLINE ROAD'.

Item	Description
1	WITH EASEMENT AND PROPERTY
2	ROADWAY EASEMENT
3	EASEMENT FOR POWERLINE ROAD
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EXHIBIT B-C



BROWARD COUNTY PLANNING COUNCIL
115 SOUTH ANDREWS AVENUE, ROOM 3-307, FORT LAUDERDALE, FLORIDA, 33301
Telephone (305) 357-6695

September 21, 1987

Mr. Robert R. Kauth, Vice President
Waste Management, Inc.
Suite 300
500 Cypress Creek Road, West
Fort Lauderdale, FL 33309

OCT 12 1987

Dear Bob:

This letter is in reply to your verbal request for assurance that the June 27, 1985 letter of interpretation by the Broward County Planning Council (attached) is still valid.

The resource recovery site has been relocated since the June 27 interpretation was given. It is now located in the unincorporated area of the county on the south side of N.W. 48th Street, west of Powerline Road and east of Florida's Turnpike at 2700 Northwest 48th Street in Pompano.

The Broward County Land Use Plan designation for this site is Industrial. A utility is a permitted use under the Industrial designation; a resource recovery facility is interpreted as a utility and as such would be a permitted use.

The new site has a zoning designation of P.U.D. (Special Complex) under the Unincorporated Area zoning district. This site was rezoned to this P.U.D. when the site was finalized. There has been a proposal by Waste Management to shift a portion of the site to the east approximately 350 feet, which is presently zoned M-4 (heavy industrial).

As you know, zoning must be consistent with the effective Land Use Plan before development permits can be granted. Because it is the responsibility of the Broward County Building and Zoning staff to assure that the site meets the zoning requirements of the county's land development code, I suggest you contact this division for a final interpretation that all requirements are met.

If you have any questions on this matter, please contact Lori Hall in our office.

Sincerely,

Willard W. Wilson
Administrator

WWW/jm
Attachment

Exhibit III.A.



BROWARD COUNTY PLANNING COUNCIL
115 SOUTH ANDREWS AVENUE, ROOM 3-307, FORT LAUDERDALE, FLORIDA, 33301
Telephone: (305) 357-6695

June 27, 1985

The Honorable Scott I. Cowan, Chairman
Board of County Commissioners
115 S. Andrews Avenue
Fort Lauderdale, FL 33301

RE: Request for Formal Letter of Interpretation Pursuant to Section 2.09
of the Broward County Land Use Plan - Proposed Resource Recovery
Facility in the City of Pompano Beach, Florida

Dear Chairman Cowan:

In response to your request of June 18, 1985 for a formal letter of interpretation by the Broward County Planning Council pursuant to Section 2.09, Chapter IV, of the Broward County Land Use Plan, please be advised that the Planning Council has acted upon your request at its June 27, 1985 regular meeting.

In direct response to the questions, which you have raised, the Planning Council responds accordingly:

1. A utility is a permitted use under the Industrial Land Use designation of the Broward County Unincorporated Land Use Plan. A resource recovery facility would be interpreted as a utility and as such would be a permitted use.
2. The Community Facilities (C.F.-1) Zoning District of the City of Pompano Beach included and permits public parks, hospitals, civic centers, fire stations, utility structures and by special exception, solid waste disposal and transfer sites (Resource Recovery Facilities) is consistent with the Industrial Land Use designation under the Broward County Unincorporated Land Use Plan.

Sincerely,

Commissioner Marcia Beach
Chairman
Broward County Planning Council

RES:ME:rt



Building & Zoning Enforcement Division
Tarpon River Building
Room 421, 955 S. Federal Highway
Fort Lauderdale, Florida 33316
765-5078

October 9, 1987

TO: Thomas M. Henderson, Director
Resource Recovery

FROM: Shirley Maurer, Landuse Insp. III
Building & Zoning Enforcement Div. *S. Maurer*

RE: Letter from Robert Kauth dated September 25, 1987
Resource Recovery site on NW 48th St., Pompano Beach
legally described as W 349' of E 2149' of N $\frac{1}{2}$ of NE quarter
Section 16-48-42

Regarding the above and after review of the site plan, specifically as shown on Drawing No. D-G-100, location of the ash storage, equipment storage, switch yard and scales, does not pose a problem in the M-4 zoning District and would be considered as permitted uses.

If you have any further questions, please feel free to contact our office.

SM:cb

cc: Ccs Tornese, Dir. - Building & Zoning Enforcement Div.
Al Shamoun - Office of Planning
Robert Kauth - Waste Management of North America, Inc.

BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS

Scott I. Cowan Howard Craft Howard Forman Nick Englander Grossman Ed Kenneav Svivia Portie Gerald Thompson
An Equal Opportunity Employer



September 15, 1987

Mr. Thomas Henderson
Resource Recovery Office
Room 521
115 South Andrews Avenue
Ft. Lauderdale, Florida 33301

Re: Proposed Stack Relocation for North Broward County Resource
Recovery Project

Dear Tom:

I have reviewed the project site plan prepared by Waste Management, Inc. (D-G-100, dated 7/22/87) which shows the proposed relocation of the stack. Based on the site plan, the stack will be relocated approximately 150 feet to the east of its original location. This new location is actually further away from the proposed landfill site than the original design. As I understand the project, no other changes to the project are expected, particularly with respect to the buildings and structures near the stack. Because the proposed stack's location is a minimal distance away from its original location, the maximum predicted impacts due to the pollutant emissions from the stack in its proposed location are expected to remain the same as those previously produced for this project. Therefore, the results and conclusions concerning the air quality impacts of this project are not expected to materially change from the previous air quality modeling analyses and no additional impact analyses are warranted at this time.

Please call me if you have any questions or comments about this material.

Sincerely,

Edward F. Kosky

Kennard F. Kosky
Principal Engineer

cc: Mr. Ronald J. Mills, Malcolm Pirnie, Inc.

KBN ENGINEERING AND APPLIED SCIENCES, INC.

P. O. Box 14285

5700 SW 34th Street

Gainesville, FL 32604

904/375-8000

Exhibit IV

NEW YORK NY • HOLLYWOOD FL • MIAMI FL • CHARLOTTE NC • RALEIGH NC • N. KISCO NY • ALBANY NY



October 6, 1987

Mr. Thomas Henderson
Resource Recovery Office
Room 521
115 South Andrews Avenue
Ft. Lauderdale, Florida 33301

Re: Effect of proposed site location for North Broward County Resource
Recovery Project on vegetation impacts

Dear Mr. Henderson:

I have reviewed the project site plan prepared by Waste Management, Inc. (D-G-100, dated 7/22/87) which shows the proposed location of the facility. The vegetation that will be removed as a result of facility construction is sparse and the species present are typical of those found on disturbed sites in south Florida. There are no rare, unique, threatened or endangered species present, nor are there species that are indicative of significant connected wetland areas.

Because the proposed stack's location is a minimal distance away from its original location, my opinion that there will be no significant adverse impact on vegetation due to stack emissions remains unchanged.

Please call me if you have any questions or comments about this matter.

Sincerely,

Robin Hart

Robin Hart
Senior Ecologist

cc: Mr. Ronald J. Mills, Malcolm Pirnie, Inc.

KBN ENGINEERING AND APPLIED SCIENCES, INC.

P. O. Box 14286

5700 SW 34th Street

Gainesville, FL 32604

904/375-8000