



Florida Department of Environmental Protection

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Tallahassee, Florida 32399-3000

Rick Scott
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Jennifer Carroll
Lt. Governor

Herschel T. Vinyard
Secretary

November 28, 2012

Sent by Electronic Mail – Document Access Verification Requested

Jim Epsilantis
Plant Manager
Wheelabrator North Broward Inc.
4400 South State Road 7
Ft. Lauderdale, FL 33314

RE: North Broward Resource Recovery Facility (PA 86-22)
Modification to Conditions of Certification
DEP Case Number PA 86-22K
OGC Case Number 12-1215

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Epsilantis:

On March 3, 1987, the Florida Siting Board issued a Site Certification to Wheelabrator North Broward, Inc. (Wheelabrator) for the construction and operation of the North Broward Resource Recovery Facility (NBRRF) in Broward County. The Department of Environmental Protection (Department) has modified the Conditions of Certification (Conditions) for NBRRF by Final Order on ten other occasions.

Pursuant to Section 403.516(1)(c), Florida Statutes, (F.S.), the Department has initiated a modification to NBRRF's Conditions to remove all references and conditions associated with repealed rule 62-702, F.A. C., and to include updates to the general conditions incorporated in a recent modification.

On October 12, 2012, all parties to the certification proceeding were provided notice by mail of the Department's intent to modify the Conditions for NBRRF, along with a draft copy of the proposed order modifying the Conditions. On October 24, 2012, notice of the Department's intent to modify NBRRF's Conditions was also published in the Florida Administrative Register (FAR).

Pursuant to Section 403.516, 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. Pursuant Section 403.516, F.S., and Rule 62-17.211, Florida Administrative Code (F.A.C.), 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 FAW to object in writing. Failure to act within the 30 day time frame constitutes a waiver of the right to become a party. The Department will issue an order modifying the Conditions for this facility if no written objections are received by the Department.

These timeframes have expired and no objections to the modification have been received by the Department. Therefore, the Conditions for NBRRF are hereby modified as follows (shown in strikethrough/underline notation):

Modifications to remove all references and conditions associated with repealed rule 62-702, F.A. C.:

SECTION A – GENERAL CONDITIONS

I. No changes

II. APPLICABLE DEPARTMENT RULES

The construction, ~~and~~ operation and maintenance of the certified facility shall be in accordance with all applicable non-procedural provisions of Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.), including, but not limited to, the non-procedural applicable portions of the following regulations, except to the extent a variance, exception, exemption or other relief is granted in the final order of certification or in a subsequent modification to the Conditions or as otherwise provided under the Act:

~~Florida Statutes:~~

~~Chapter 120 (Administrative Procedure Act)~~
~~Chapter 163 (Intergovernmental Programs)~~
~~Chapter 252 (Emergency Management)~~
~~Chapter 253 (State Lands)~~
~~Chapter 258 (State Parks & Preserves)~~
~~Chapter 267 (Historical Resources)~~
~~Chapter 373 (Water Resources)~~
~~Chapter 376 (Pollutant Discharge Prevention and Removal)~~
~~Chapter 379 (Fish and Wildlife Conservation)~~
~~Chapter 380 (Land & Water Management)~~
~~Chapter 403 (Environmental Control)~~
~~Chapter 487 (Pesticide Regulation and Safety)~~
~~Chapter 556 (Underground Facility Damage Prevention and Safety)~~

Florida Administrative Codes:

~~5I-2 (Open Burning)~~
18-2 (Management of Uplands Vested in the Board of Trustees)
18-14 (Administrative Fines for Damaging State Lands)
18-20 (Aquatic Preserves)
18-21 (Sovereign Submerged Lands Management)
~~62-4 (Permits)~~
~~62-17 (Electrical Power Plant Siting)~~
~~62-25 (Regulation of Stormwater Discharge)~~
~~62-40 (Water Resource Implementation Rule)~~

62-150 (Hazardous Substance Release Notification)
62-160 (Quality Assurance)
62-204 (Air Pollution Control-General Provisions)
62-210 (Stationary Sources-General Requirements)
62-212 (Stationary Sources-Preconstruction Review)
62-213 (Operation Permits for Major Sources of Air Pollution)
62-214 (Requirements for Sources Subject to the Federal Acid Rain Program)
62-256 (Open Burning)
62-296 (Stationary Sources-Emission Standards)
62-297 (Stationary Sources-Emission Monitoring)
62-301 (Surface Waters of the State)
62-302 (Surface Water Quality Standards)
~~62-303 (Identification of Impaired Surface Waters)~~
62-304 (Total Maximum Daily Loads)
62-312 (Dredge and Fill Activities)
62-330 (Environmental Resource Permitting)
62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
62-343 (Environmental Resource Permit Procedures)
62-345 (Uniform Mitigation Assessment Method)
62-520 (Groundwater Classes and Standards)
62-528 (Underground Injection Control)
62-531 (Water Well Contractor Licensing Requirements)
62-532 (Water Well Permitting and Construction Requirements)
62-550 (Drinking Water Standards, Monitoring and Reporting)
62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems)
62-560 (Requirements for Public Water Systems That Are Out of Compliance)
62-600 (Domestic Wastewater Facilities)
62-601 (Domestic Wastewater Treatment Plant Monitoring)
62-604 (Collection Systems and Transmission Facilities)
62-610 (Reuse of Reclaimed Water and Land Application)
62-620 (Wastewater Facility and Activities Permitting)
62-621 (Generic Permits)
62-650 (Water Quality Based Effluent Limitations)
62-660 (Industrial Wastewater Facilities)
62-699 (Classification and Staffing of Water or Domestic Wastewater Treatment Plants and Water Distribution Systems) (~~Treatment Plant Classification and Staffing~~)
62-701 (Solid Waste Management Facilities)
~~62-702 (Solid Waste Combustor Ash Management)~~
62-710 (Used Oil Management)
62-730 (Hazardous Waste)
62-737 (Management of Spent Mercury-Containing Lamps and Devices Destined For Recycling)
62-740 (Petroleum Contact Water)
62-761 (Underground Storage Tank Systems)
62-762 (Aboveground Storage Tank Systems)

62-769 (Florida Petroleum Liability and Restoration Insurance Program)
62-770 (Petroleum Contamination Site Clean-Up Criteria)
62-780 (Contaminated Site Clean-Up Criteria)
62-814 (Electric and Magnetic Fields)
64E-6 (Standards for Onsite Sewage Treatment and Disposal Systems)

40E-4 (Surface Water Management)
40E-40 (General Surface Water Management Permits)
40E-41 (Surface water Management Basin and Related Criteria)
Basis of Review for ERP Applications

III. through XXXII. No changes

XXXIII. SOLID AND HAZARDOUS WASTE

A. Solid Waste

The Licensee shall comply with all applicable provisions of Chapters 62-701~~and 62-702~~, F.A.C., for any solid waste generated within the certified facility during construction and/or operation.

[Chapters 62-701~~and 62-702~~, F.A.C.]

B. through F.

XXXIV. through XXXVI. No Change

SECTION B – SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

E. Solid/Hazardous Waste

1. General No Change
2. ~~Ash Residue Management Plan~~

~~An Ash Residue Management Plan shall be submitted to the DEP Southeast District Office Solid Waste Section in accordance with 62-702.400, F.A.C. The plan shall be updated as necessary to reflect changed conditions, but shall be reviewed and updated at least every five years.~~

~~{62-702.400, F.A.C.}~~

Modifications to include updates to the general conditions incorporated in a recent modification:

Several of the existing General Conditions have been modified for clarity and to better conform to existing rules and statutes. Changes are shown in ~~strike~~through underline notation within Exhibit A.

A complete set of the Conditions (including attachments) can be viewed and downloaded from the following website:

http://publicfiles.dep.state.fl.us/Siting/Outgoing/Web/Certification/pa86_22_2012_K.pdf.

Copies of the Conditions and/or attachments may also be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 3900 Commonwealth Blvd., M.S. 48, Tallahassee, Florida 32399-3000, (850) 245-2002.

Pursuant to Section 120.68, F.S., any party to the this order has a right to seek judicial review, 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 **30 days** from the date this order is filed with the Clerk of the Department of Environmental Protection.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cindy Mulkey", with a large, sweeping flourish at the end.

Cindy Mulkey
Program Administrator
Siting Coordination Office

CC by email:

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FILING AND ACKNOWLEDGMENT

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

Essie Turner *11-28-12*
Clerk Date

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