

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In Re: Palm Beach County Resource	)	
Recovery Facility Project Power	)	
Plant Certification Modification	)	
Request	)	OGC NO. 94-2824
No. PA 84-20	)	
Palm Beach County, Florida	)	<i>DER 94-1794</i>
	)	

FINAL ORDER
MODIFYING CONDITIONS OF CERTIFICATION

On April 29, 1994, Palm Beach County submitted a petition to the Department requesting certain modifications to the Conditions of Certification for the above referenced facility to implement the expansion of the associated landfill. The height, slope, and area of the landfill would change. Copies of PBRRF's request were distributed to all parties to the certification proceeding, and also made available for public review. On June 8th and August 9th, 1994, additional supporting details were submitted by the County. On September 9, 1994, a Notice of Proposed Modification of Power Plant Certification regarding the proposed modifications was published in the Florida Administrative Weekly. As of September 15, 1994, all of the parties to the original proceeding had received copies of the intent to modify. The notice specified that a hearing would be held if a party to the original certification hearing objects within 45 days from receipt of the proposed modification or if a person whose substantial interests will be affected by the proposed modification objects in writing within 30 days after

issuance of the public notice. On May 20, 1994, an affected person filed an objection to the landfill expansion. On July 20, 1994, the objection was withdrawn. No other written objection to the proposed modifications was received by the Department.

Accordingly, in the absence of any timely objection,

IT IS ORDERED:

The proposed changes to the conditions of certification for the Palm Beach County Resource Recovery Facility to implement the amendments to landfill location and design described in the April 29, and June 8, 1994, request for modification, are APPROVED. Pursuant to section 403.516(l)(b), Florida Statutes, the Department hereby MODIFIES the conditions of certification for the Palm Beach County Resource Recovery Facility as follows:

XIV.E. Solid/Hazardous Waste

1.Operation of the associated landfill shall be done in accordance with all applicable portions of Chapter 62-701, FAC, 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 Department for review and approval at least 90 days prior to start of construction. The final plans for this Facility shall include provisions for the isolated temporary handling of suspected hazardous, toxic or pathological wastes. No solid waste shall be placed in new lateral expansion cells after November 1, 1994, until water quality and leachate monitoring plans are approved pursuant to

ss 62-701.510, F.A.C., and such plans are implemented. The maximum height of the Class I and III landfills shall be 160 feet NGVD with side slopes not steeper than 3H:1V (three feet horizontal to one foot vertical rise) in accordance with the application amendment dated April 29, 1994.

Any party to the this Order has a right to seek judicial review of this Order pursuant to Section 120.68, Florida Statutes by the Filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, 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.

DONE AND ORDERED this 9th day of November, 1994, in Tallahassee, Florida.

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

[Signature]
Clerk

11/9/94
Date

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Virginia B. Wetherell
Virginia B. Wetherell
Secretary

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Certificate of Service

I hereby certify that a copy of the Final Order Modifying Conditions of Certification of the Palm Beach County Resources Recovery Plant, Power Plant Site Certification was sent to the following parties by United States mail on November 9th, 1994.

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