

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In Re: Palm Beach County Resource)
Recovery Facility)
Modification of Conditions)
of Certification PA 84-20)
Palm Beach County, Florida)
_____)

DER CASE NO. PA 84-20C

OGC CASE NO. 94-2824

DEP 95-1306

FINAL ORDER MODIFYING
CONDITIONS OF CERTIFICATION

On July 29, 1986, the Governor and Cabinet, sitting as the Siting Board, issued a final order approving certification for the Palm Beach County Solid Waste Authority's Palm Beach County Resource Recovery Facility. That certification order approved the construction and operation of a 75 MW, municipal waste-fired facility and associated facilities located in Palm Beach County, Florida.

On August 9, 1995 and October 2, 1995, Palm Beach County Solid Waste Authority (PBCSWA) filed a request to amend the conditions of certification pursuant to Section 403.516(1)(b), Florida Statutes. PBCSWA requested that the conditions be modified to approve the relocation of a radio broadcast tower within the site boundary.

Copies of PBCSWA's proposed modification were made available for public review in September, 1995. On September 22, 1995, a Proposed Modification of power plant certification was published in the Florida Administrative Weekly. As of November 19, 1995, all 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 modifications objects in writing within 30 days after issuance of the public notice. No timely 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 Palm Beach County Solid Waste Authority's Resource Recovery Facility as described in the August 9, 1995, and October 2, 1995, requests for modification are APPROVED. Pursuant to Section 403.516(1)(b), F.S., the conditions of certification for the Palm Beach County Resource Recovery Facility 2 are MODIFIED as follows:

Condition XIII.A. 15. Radio Tower Relocation

The radio tower shall be relocated as shown on the application materials submitted on August 9, and October 2, 1995 in accordance with the following:

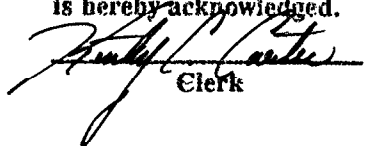
- a. The fill placed the borrow pit shall be clean fill.
- b. Turbidity Curtains shall be placed as shown in the drawings submitted with the application and shall remain in place until the site is stabilized.
- c. The side slopes of the tower pad and borrow pit shall be seeded and mulched within 48 hours of final grading.

Any party to this Notice has the right to seek judicial review of the Order Pursuant to Section 120.68, Florida Statutes, by the filing of Notice 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, 3900 Commonwealth Boulevard, 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 that the Final Order is filed with the Department of Environmental Protection.

DONE AND ENTERED this 18th day of Dec., 1995 in Tallahassee,
Florida.

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


Clerk Date 12-19-95

**STATE OF FLORIDA, DEPARTMENT
OF ENVIRONMENTAL PROTECTION**


VIRGINIA B. WETHERELL
SECRETARY
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was sent by U.S. Mail to the following this
19th Day of December, 1995.

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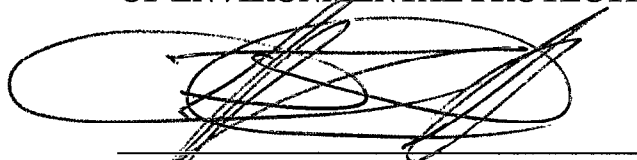
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STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



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