

**BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

OGC CASE NO 94-2824

**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 May 29, 1997, Palm Beach County Solid Waste Authority (SWA) filed a request to modify PSD Permit PSD-FL-108C, and on May 29, 1997, SWA also filed a request to modify the conditions of certification pursuant to Section 403.516(1), Florida Statutes, and Condition XII, which delegates authority to modify conditions to the Department. The SWA requested that the PSD permit and the conditions be modified to change the required frequency of air emissions monitoring for beryllium and fluoride to once every five years, rather than every year, and to require stack sampling for mercury every year, rather than every quarter.

The Department is also implementing modification of the conditions of certification to provide for modification of the conditions of certification whenever necessary to conform to the requirements of federally delegated or required permits such as PSD permits, Title V permits or NPDES permits.

Copies of SWA's and the Department's proposed modifications were made available for public review in June, 1997. On June 25, 1997, all parties to the original proceeding were mailed copies of the intent to modify. On June 27, 1997, a Proposed Modification of Power Plant Certification was published in the Florida Administrative Weekly. The notice specified that a hearing would be held if a party to the original certification hearing objected within 45 days from receipt of the proposed notice of modification or if a person whose substantial interests were affected by the proposed modification objected in writing within 30 days after issuance of the public notice. Written objections to the proposed modifications were not 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 Conditions of Certification as described in the May 29, 1997, requests for modification and in the Department's June 27, 1997, Notice of Intent to Issue Proposed Modifications to Power Plant Certification are **APPROVED**. Pursuant to Section 403.516(1)(b), Florida Statutes, the conditions of certification for the Palm Beach County Resource Recovery Facility are **MODIFIED** as follows:

XII.A. Pursuant to Subsection 403.516(1), F.S. Florida Statutes, the Board hereby delegates the authority to the Secretary to modify any condition of this certification dealing with sampling, monitoring, reporting, specification of control equipment, boiler capacity, related time schedules, emission limitations (subject to notice and opportunity for hearing), conservation easements, or any special studies conducted, as necessary to attain the objectives of Chapter 403, Florida Statutes.

Requests for modifications of monitoring requirements shall not be unreasonably withheld by the Department.

B. This certification shall be automatically modified to conform to any subsequent amendments, modifications, or renewals made by the Department under a federally delegated or approved program to any separately issued Prevention of Significant Deterioration (PSD) permit, Title V air permit, or National Pollutant Discharge Elimination System (NPDES) permit for the certified facility. The Permittee shall send each party to the original certification proceedings (at the party's last known address as shown in the record of such proceeding) notice of requests for modifications or renewals of the above listed permits if the request involves a relief mechanism (e.g., mixing zone, variance, etc.) from standards, a relaxation of conditions included in the permit due to state permitting requirements, or the inclusion of less restrictive air emission limitations in the air permits. The Department shall notify all parties to the certification proceeding of any intent to modify conditions under this section prior to taking final agency action.

C. All other modifications to these conditions shall be made in accordance with section 403.516, Florida Statutes.

XIV.A.3.c. The Permittee shall have a sampling test of the emissions from each unit, including mercury, beryllium, and fluoride, performed by a commercial testing firm within 60 days after achieving the maximum rate at which the boilers will be operated but not later than 180 days of the issuance of this permit. start of operation of the boilers A sampling test of the emissions from each unit, including mercury, shall then be performed by a commercial testing firm annually from the

date of testing thereafter, except for beryllium and fluoride which shall be sampled every fifth year thereafter. Thirty days prior notice of the initial sampling test shall be provided to the Southeast District Office and PBCHD. Fifteen days prior notice shall ~~subsequently~~ be provided for ~~annual~~ subsequent sampling tests.

NOTICE OF RIGHTS

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 of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, M.S. 35, Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the Notice of Appeal accompanied by the applicable filing fee 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 29th day of August, 1997 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Heather Chapman
Clerk Date 8/3/98

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

CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing Final Order Modifying Conditions of

Certification was mailed to:

Karen Brodeen, Esquire
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Toni M. Leidy, Esquire
South Florida Water
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West Palm Beach, FL 33416-4680

Paul R. Golis, Esquire
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Prosperity Gardens, Suite 112
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Palm Beach Gardens, FL 33410

Joel T. Daves, III, Esquire
Burdick & Daves
Post Office Box 790
West Palm Beach, FL 33402

Roger G. Saberson, Esquire
Treasure Coast Regional Planning Council
3228 Southwest Martin Downs Boulevard
Palm City, FL 33490

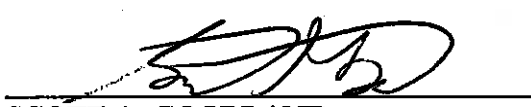
Terrell K. Arline, Esquire
926 East Park Avenue
Tallahassee, FL 32399

Michael Palecki, Esquire
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

David S. Dee, Esquire
Landers & Parsons, P.A.
Post Office Box 271
Tallahassee, FL 32302

on this 3rd day of August, 1998.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


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