

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

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

DEC 08 2000

THE COORDINATOR

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

DEP CASE NO. PA 84-20F
OGC CASE NO. 98-2428

**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 September 21, 1998, Palm Beach County Solid Waste Authority (SWA) filed a request to modify PSD Permit PSD-FL-108(D), and on September 21, 1998, SWA filed a request to modify the conditions of certification pursuant to Section 403.516(1), Florida Statutes. The SWA requested that the PSD permit and the conditions be modified to allow an upgrade of the blower motors for each landfill gas flare (emissions units 003 and 004) from a permitted flow rate of 900 scfm to a permitted flow rate of 1800 scfm. The Department also proposes to modify the Conditions of Certification to update rule references and agency name changes.

On August 11, 2000, copies of the proposed modifications were made available for public review and all parties to the original proceeding were furnished copies of the Notice of Intent to Issue Proposed Modification of Power Plant Certification along with a copy of the Proposed Final Order. On August 25, 2000, a Notice of Intent to Issue Proposed Modification of Power Plant Certification was published in the Florida Administrative Weekly. The notices specified that all parties to the original certification proceeding have 45 days from the issuance of the notice by mail to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response constitutes a waiver of objection to the requested

modification. The notices further specified that any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of the public notice to object in writing. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement cannot be subsequently reached, then pursuant to §403.516(1)(c), F.S., the applicant or the Department may file a petition for modification seeking approval for those portions of the request for modification to which written objections were timely filed. No written objections to the proposed modifications have been received by the Department. Accordingly, in the absence of any timely objection,

IT IS ORDERED:

The proposed changes to the Palm Beach County Resource Recovery Facility Conditions of 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:

I. CHANGE IN DISCHARGE

No change.

II. NONCOMPLIANCE NOTIFICATION

If, for any reason, the Permittee (defined as the Applicant, Palm Beach County Solid Waste Authority or assigns) does not comply with or will be unable to comply with any limitation specified in this certification, the Permittee shall notify the Southeast Florida District Office of the Department of Environmental ~~Regulation~~ Protection (Southeast District Office) and the Palm Beach County Health Department (PBCHD) by telephone within a working day that said noncompliance occurs and shall confirm this in writing within seventy-two (72) hours of becoming aware of such conditions, and shall supply the following information:

A. through B. — No change.

III. FACILITIES OPERATION

No change.

IV. ADVERSE IMPACT

No change.

V. RIGHT OF ENTRY

The Permittee shall allow during operational hours the Secretary of the Florida Department of Environmental Regulation Protection and/or authorized representatives, upon the presentation of credentials:

A. through D. — No change.

VI. REVOCATION OR SUSPENSION

No change.

VII. CIVIL AND CRIMINAL LIABILITY

No change.

VIII. PROPERTY RIGHTS

No change.

IX. SEVERABILITY

No change.

recovery site (except for the landfill areas and Jog Road) prior to commencement of work on the facility.

2. Burning

Open burning in connection with land clearing shall be in accordance with Chapter ~~17-5~~ 62-256, F.A.C., and Uniform Fire Code Section 33.101 Addendum. No additional permits shall be required, but prior to each act of burning, the Division of Forestry shall be contacted to determine if satisfactory conditions exist for burning. Open burning shall not occur if the Division of Forestry or Palm Beach County Fire and Rescue Department has issued a ban on burning due to fire hazard conditions.

3. No change.

4. Solid Wastes

Solid wastes resulting from construction shall be disposed of in accordance with the applicable regulations of Chapter ~~17-7~~ 62-701, F.A.C.

5. - 7. No change.

8. Conservation Easement

Before the commencement of any construction herein authorized, the Permittee shall file and have recorded, in the same manner as any other instrument affecting the title to real property, a conservation easement pursuant to Section 704.06, Florida Statutes, in the office of the Clerk of the Circuit Court, Palm Beach County, for the designated conservation area identified in the mitigation plan, west of Jog Road and the Resource Recovery Facility west to the Water Catchment Area excluding operational areas.

The Permittee shall pay all recording fees. The conservation easement shall be in favor of the Department of Environmental ~~Regulation~~ Protection and shall restrict any activity including dredging and filling of land, cutting, eradicating or pruning of endemic vegetation beyond the scope of the approved mitigation plan indicated in Section 4.2 of the application and Condition XX. A draft conservation easement and a certified survey with a legal description shall be submitted to the ~~Bureau of Permitting in Tallahassee~~ Southeast District office for review and approval before it is filed (by the County) with the Clerk of the Circuit Court. Palm Beach County.

9. -10. No change.

11. Monitoring :

The following surface water monitoring program shall be implemented during construction for:

Parameter: Dissolved oxygen, temperature (C°), pH, total and fecal coliform bacteria, salmonella, iron, lead, copper, mercury, cadmium, zinc, silver and turbidity.

Frequency: Quarterly throughout the year except that the samples shall be collected monthly for April, June, August and September. Sampling shall begin at least 30 days prior to initial construction for background levels. All samples shall be taken for a 24 hour period, at 4 hour intervals beginning one hour before sunrise.

Sampling Locations: At the discharge to the EPB-10 canal.

Analyses: Water quality analyses should be performed at detection levels commensurate with water quality criteria for Class III waters (F.A.C. rule 62-302.530 ~~17-3-121~~). Samples shall be collected in accordance with Standard Methods for Examination of Water and Wastewater and analyzed by a DHRS certified laboratory.

If a violation occurs for any sampled parameter, the Permittee shall, after notifying Department, institute corrective action to abate the violation if it is the result of activities of the Permittee. Corrective action may include further monitoring to determine the extent and degree of violation. Any modifications shall be coordinated with the Southeast District Office. Department approval shall be obtained prior to any action constituting a modification of this permit.

All monitoring reports shall be submitted to the ~~DEP DER Bureau of Permitting, Tallahassee,~~ Southeast District Office, PBCHD and the SFWMD under a cover letter containing the following information: (1) certification number; (2) handling, storage and methods of analysis of the samples; (3) a map indicating the sampling locations; and (4) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data. Monitoring reports shall also include the following information for each sample that is taken:

- (1) time of day samples taken;
- (2) depth of water body;
- (3) depth of sample;
- (4) antecedent weather conditions;
- (5) tidal stage and direction of flow; and
- (6) wind direction and velocity.
- (7) status of flow from site stormwater discharge structure. (flowing or not flowing)

Monitoring reports shall be submitted to the Southeast District, PBCHD and SWFMD within 2 weeks of completion of analysis for each sampling period.

12. - 15. No change.

B. - C. No change.

XIV. OPERATION

A. Air

The operation of the Resource Recovery Facility shall be in accordance with all applicable provisions of Chapter ~~17-2, 17-5, and 17-7~~ 62-204, 62-210, 62-256, 62-296, 62-701, and 62-704, Florida Administrative Code. In addition to the foregoing, the Permittee shall comply with the following specific conditions of certification:

1. Emission Limitations upon operation of Units 1 and 2

a. - d. No change.

e. Compliance with the limitations for particulates, sulfur oxides, nitrogen oxides, carbon monoxide, fluoride, HCl, VOC, mercury, dioxins and furans, and lead shall be determined in accordance with Florida Administrative Code Rule ~~17-2.700~~ 62-296, ~~DER~~ DEP Methods 1,2, 3, and 40 CFR 60, Appendix A, Methods 5, 6 or 6C, 7, 8, (modified with prefilter), 10, 12, 13A or 13B (or modified method 5 for fluorides), and 18, 19, 23, 26, and 101A or other methods as approved by the ~~DER~~ DEP. The stack test for each unit shall be performed at $\pm 10\%$ of the maximum heat input rate of 360.0×10^6 Btu per hour or the maximum charging rate of 58,333 pounds of MSW per hour. Compliance with the beryllium emission limitation shall be determined in accordance with 40 CFR 61, Method 103 or 104, Appendix B. Particulate testing shall include one run during representative soot blowing which shall be averaged proportionally to normal daily operations. Visible emission testing shall be conducted simultaneously with soot blowing and non-soot blowing runs.

2. No change.

3. Air Monitoring Program

a. The Permittee shall install and operate continuously monitoring devices for flue gas oxygen, SO₂, NO_x, CO, and opacity. The monitoring devices shall meet the applicable requirements Of Chapter ~~17-2, Section 17-2.710~~ 62-296.405(1)(f), F.A.C., and 40 CFR 60.45, and

40 CFR 60.13, including certification of each device in accordance with 40 CFR 60, Appendix B, Performance Specifications, and 40 CFR 60.7 (a)(5). Recertification shall be conducted annually from initial certification. Data on monitoring equipment specifications, manufacturer, type, calibration and maintenance needs, and its proposed location after the economizer or in the air pollution control equipment shall be provide to the Department for approval prior to installation.

b. The Permittee shall provide sampling ports in the air pollution control equipment outlet duct or stack and shall provide access to the sampling ports in accordance with Section ~~17-2-700~~ 62-297.310(6), F.A.C.. Drawings of testing facilities including sampling port locations as required by Section ~~17-2-700~~ 62-297.310(6) shall be submitted to the Department for approval at least 120 days prior to construction of the sampling ports and stack.

c. No change.

4. Reporting

a. No change.

b. Emissions monitoring shall be reported to the Southeast District Office and PBCHD on a quarterly basis in accordance with Section ~~17-2-710~~ 62-297.310(8), F.A.C., and 40 CFR, Part 60, Subsection 60.7.

c. Notice of anticipated and actual start-up dates of each incinerator boiler shall be submitted to the ~~DER~~ DEP Southeast District Office and PBCHD.

5. Unconfined Emissions

Proper dust control techniques such as water sprays or chemical wetting agents or other containment method shall be used to control visible unconfined (Fugitive) emissions to the outside air no more than 10% opacity as determined by ~~DER-DEP~~ Method 9 for unconfined resource

recovery processes. Proper techniques shall also be used to control such emissions to prevent them from crossing the property line to no more than three (3) minutes (cumulative) in any fifteen (15) minute period as determined by 40 CFR 60, Appendix A, Method 22, with observations being made along the property line. Visible emissions shall not include uncombined water vapor or engine exhausts.

6. Landfill Gas Collection and Flare System

a. ~~This source shall be allowed to operate continuously (i.e., 8760 hours per year).~~

b. ~~The utility flare system shall be designed, manufactured, and operated according to U.S. Environmental Protection Agency criteria as specified in 40 CFR 60.18, in order to ensure high efficiency combustion of landfill gas at the 97% level of destruction of total hydrocarbons with a flame temperature of at or above 1400° F.~~

c. ~~There shall be no visible emissions from any individual flare, except for periods not to exceed a total of five minutes during any two consecutive hours at which visible emissions can be up to 20 percent opacity.~~

d. ~~For inventory purposes, the pollutant emission rates from each of the flare systems are:~~

EMISSION RATE

Pollutant	Emission Factors	Pounds/Hour	Tons/Year
NO _x	0.07 lb/million Btu	1.67	7.33
VOC	36 lb/millions ft ³	1.94	8.51
SO ₂	0.002 lb/scf	1.67	1.33
PM ₁₀	1.69 E-05 lb/scf	0.91	3.99
CO	0.37 lb/million Btu	9.10	39.87

~~e. This source shall meet the applicable requirements of 40 CFR Subpart WWW, NSPS for Municipal Solid Waste Landfills upon adoption by the Florida Department of Environmental Protection; 40 CFR 60.18, General Control Device Requirements; Chapters 62-209 through 297 and 62-4, F.A.C.~~

~~f. Compliance with the visible emissions shall be determined using EPA Method 22 and shall be for the duration of 2 hours. Such tests shall be conducted within 60 days of completion of construction and initial startup operation, and annually thereafter. The required visible emissions test report shall also contain the gas flow rate from the extraction wells and the flare temperature data.~~

~~g. Sulfur content of the input gas to any flare shall not exceed 0.65 pounds per hour.~~

~~h. An analysis shall be performed to determine the sulfur content of input gas to the flare, by the American Society for Testing and Materials (ASTM) test method D 1072-92, prior to any flare startup. Additional tests shall be performed on a yearly basis and results included as part of the facility's annual operation report.~~

~~i. Pursuant to Rule 62-296.320(2), F.A.C., objectionable odors caused by these sources are prohibited.~~

~~j. Total volumetric flow to any flare in the system shall be limited to 900 scfm. Total volumetric flow to the aggregate of the two flares shall be limited to 1800 scfm.~~

~~k. Proper devices shall be installed at all wellheads and at the flare station for 1) gas flow volume and gas pressure measurements, 2) gas composition analysis, 3) gas temperature and flame temperature recording and flow control prior to the collection and disposal of the active landfill gases. Such devices shall be properly calibrated and maintained at all times according to manufacturers' written instructions. The checking and record keeping requirements~~

~~specified in 40 CFR 60 Subpart WWW, NSPS for Municipal Solid Waste Landfills shall be followed.~~

~~l. The net heating value of the input gas shall be 200 Btu/scf or greater. Compliance with this parameter shall be determined by methodology specified in paragraph (f) of 40 CFR 60.18. Samples shall be taken and results reported annually.~~

~~m. Actual exit velocity of each flare shall be calculated and reported on an annual basis using methods specified in paragraph (f) of 40 CFR 60.18.~~

~~n. The Southeast District office shall be given at least 15 days written notice prior to compliance testing.~~

~~o. Prior to placing the flare in service, the pilot gas for the flare shall be fired by propane at 25 scfh (standard cubic feet per hour). The pilot light is not required when the flame is sustained by the gas alone.~~

a. These emissions units may operate continuously, i.e., 8,760 hours/year. [Rule 62-210.200, F.A.C., Definitions-potential to emit (PTE)]

b. The owner or operator shall comply with the applicable requirements of 40 CFR 60 Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills. [Rule 62-204.800(7)(b), F.A.C., and 40 CFR 60 Subpart WWW]

c. The owner or operator shall not allow more than 1800 scfm of landfill gas to be directed to each flare. The actual flow rate shall be determined for each flare on a monthly average basis by dividing the measured flow by the hours that each flare was operated each month. Compliance with this limitation shall be by measuring landfill gas flows to each flare and recording flows with a totalizing meter. Records of the totalizing meter values shall be recorded in an operators log monthly, or whenever the meter is reset for any purpose, whichever is more frequent. The owner or operator shall maintain a strip chart recorder to record the flow rate to each flare as a backup

device in the event that the totalizer meter is not functioning. The strip chart recorder shall also be used in conjunction with an operator's log to document the hours each month that each flare was operated. [Rule 62-4.070(3), F.A.C., and request of the applicant]

d. Pursuant to 40 CFR 60.18, General Control Device Requirements, the owner or operator shall comply with the following requirements for flares.

(1) (a) Flares shall be designed for and operated with no visible emissions as determined by the methods specified in condition XIV.A.6.d.4, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.

(b) Flares shall be operated with a flame present at all times, as determined by the methods specified in condition XIV.A.6.d.4.

(c) Flares shall be used only with the net heating value of the gas being combusted being 7.45 MJ/scm (200 Btu/scf) or greater if the flare is non-assisted. The net heating value of the gas being combusted shall be determined by the methods specified in condition XIV.A.6.d.4.

(d) Nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in condition XIV.A.6.d.4.(d), less than the velocity, V_{max} , as determined by the method specified in condition XIV.A.6.d.4.(e), and less than 122 m/sec (400 ft/sec) are allowed.

(2) Owners or operators of flares used to comply with the provisions of this subpart shall monitor these control devices to ensure that they are operated and maintained in conformance with their designs. Applicable subparts will provide provisions stating how owners or operators of flares shall monitor these control devices.

(3) Flares used to comply with provisions of this subpart shall be

operated at all times when emissions may be vented to them.

(4) (a) Reference Method 22 shall be used to determine the compliance of flares with the visible emission provisions of this subpart. The observation period is 2 hours and shall be used according to Method 22.

(b) The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.

(c) The net heating value of the gas being combusted in a flare shall be calculated using the following equation:

$$H_T = K \sum_i (C_i H_i); \quad i = 1, 2, \dots, n$$

where:

H_T = Net heating value of the sample, MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20°C;

K = Constant, 1.740×10^{-7} (1/ppm) (g mole/scm) (MJ/kcal) where the standard temperature for (g mole/scm) is 20°C;

C_i = Concentration of sample component I in ppm on a wet basis, as measured for organics by Reference Method 18 and measured for hydrogen and carbon monoxide by ASTM D1946-77 (Incorporated by reference as specified in 40 CFR 60.17); and

H_i = Net heat of combustion of sample component I, kcal/ g mole at 25°C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382-76 (incorporated by reference as specified in 40 CFR 60.17) if published values are not available or cannot be calculated.

(d) The actual exit velocity of a flare shall be determined by dividing the volumetric flowrate (in units of standard temperature and pressure), as determined

by Reference Methods 2, 2A, 2C, or 2D as appropriate; by the unobstructed (free) cross sectional area of the flare tip.

(e) The maximum permitted velocity, V_{max} , for flares complying with condition XIV.A.6.d.4 shall be determined by the following equation.

$$\text{Log}_{10} (V_{max}) = \frac{H_T + 28.8}{31.7}$$

where:

V_{max} = Maximum permitted velocity, M/sec

28.8 = Constant

31.7 = Constant

H_T = The net heating value as determined in condition XIV.A.6.d.4.

[Rule 62-204.800(7)(b), F.A.C., and 40 CFR 60.18]

e. The owner or operator shall annually determine and report the actual exit velocity of each flare using the methods specified in 40 CFR 60.18. The owner or operator shall annually analyze and report the sulfur content of the landfill gas directed to each flare using ASTM Method D1072-90, or later method. The actual exit velocity and sulfur content shall be reported to the Department as an attachment to the facility's annual operating report. [Rule 62-4.070(3), F.A.C., and requirement of previous PSD FL-108(B)]

B. Fuel

The Resource Recovery Facility shall utilize refuse such as garbage and trash (as defined in Chapter ~~17-7~~ 62-701.200(9), F.A.C.) and natural gas recovered from landfills as its fuel. Use of alternate fuels except for distillate fuel oil or natural gas in start-up burners would necessitate modification to these Conditions of Certification. Refuse as fuel shall not include "hazardous waste"

as defined in Chapter ~~17-30~~ 62-730.030, F.A.C. The alternate fuel shall not contain more than 0.3% sulfur and not be used more than required during boiler startup or shutdown.

C. Wastewater Disposal

1. No change.

2. The deep injection well shall be designed and operated in conformance with Chapter ~~17-28~~ 62-528, F.A.C., and all other applicable rules.

3.-12. No change.

13. Additional detail on proposed monitoring plans should address the following points:

a. Per ~~17-28.25(1)(d)~~ 62-528.425(1)(e), F.A.C., within the area of review, the type, number, and location of wells to be used to monitor any potential migration of fluids into or in the direction of underground sources of drinking water (USDW's), and pressure in the USDW's; the parameters to be measured and the frequency of monitoring shall be submitted to DER prior to well construction. The applicant should discuss how these requirements are addressed.

b. Per ~~17-28.25(1)(e)~~ 62-528.425(1)(f), F.A.C., the background water quality of the injection zone and the monitoring zones shall be determined prior to injection.

14. The applicant must, per ~~17-28.33(2)(e)~~ 62-528.435(9), F.A.C., submit a certificate that they have ensured through a performance bond or other appropriate means, the resources necessary to close, plug or abandon the well.

15.- 21. No change.

D. Water Discharges

1. Surface Water

Any discharges from the site stormwater system via the emergency overflow structure which result from an event LESS than a ten-year, 24-hour storm (as defined by the U.S. Weather Bureau Technical Paper No. 40, or the DOT drainage manual, or similar documents) shall meet applicable State Water Quality Standards, Chapter ~~17-3~~ 62-302, F.A.C., ~~the Standards of Chapter 17-25, F.A.C.,~~ and Chapter 40 E.2 and 40 E.4, F.A.C .

2. No change.

3. Groundwaters

All discharges to groundwaters, such as landfill leachate, shall be collected and treated as necessary, or otherwise be of high enough quality, to be able to meet the applicable Water Quality Standard of Sections ~~17-3.402 and 17-3.404~~ 62-520.400, F.A.C., within 100 feet of the landfill perimeter.

4. Groundwater Monitoring Program

a. No change.

b. Operational background monitoring shall commence at least one year prior to operation of the resource recovery facility. Construction of monitoring wells and the collection of samples shall be in accordance with EPA recommended methods as contained in Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities (EPA/530/SW-611). The wells shall be deep enough to ensure that groundwater samples can be obtained with the groundwater table elevation at its estimated lowest point and shall be protected from damage and destruction. Samples shall be analyzed in accordance with the methods described in Chapter ~~17-4~~ 62-522, F.A.C. Analyses shall be performed by laboratories which are approved by the Department

of Health and Rehabilitative Services to conduct analyses pursuant to Section 403.863, F.S., the State Public Water Supply Laboratory Certification Program.

c. - e. No change.

E. Solid/Hazardous Waste

1. - 6. No change.

7. The temporary hazardous waste storage and transfer facility shall be designed, constructed and operated in conformance with section ~~17-30.171~~ 62-730.171, F.A.C. The design of the facility operational procedures, personnel training program, contingency plans and closure plans shall be submitted to the department, PBCHD and SFWMD for review and approval.

8. - 16. No change.

F. Operational Safeguards

The overall design and layout of the facilities shall be such as to mitigate potential adverse effects to humans and the environment. Security control measures shall be utilized to prevent exposure of the public to hazardous conditions. The Federal Occupational Safety and Health Standards will be complied with during construction and operation. The safety standards specified under Section 440.56, Florida Statutes, by the ~~Industrial Safety Section of the Florida Department of Commerce~~ Florida Department of Employment Security, Division of Safety will be complied with during operation.

G. - H. No change.

I. Potable Water System

The potable water system (wells, pipes, pumps and treatment facilities) shall be designed, constructed and operated in conformance with the applicable provisions of Chapters ~~17-21 and 17-22~~ 62-550 and 62-555, F.A.C. Plans and specifications for these facilities shall be provided to the Southeast District Office and the Palm Beach County Health Department for review and approval 90 days prior to construction.

XV. WATER MANAGEMENT DISTRICT CONDITIONS – GENERAL

No Change.

XVI. WATER MANAGEMENT DISTRICT – SITE SPECIFIC STANDARDS

A. No change.

B. Any subsequent modifications to the drawings and supporting calculations submitted to the South Florida Water Management District which alters the quantity or quality of discharge of water offsite shall be pursuant to Section 403.516, F.S., and Rule ~~17-17.211~~ 62-17, F.A.C. Such modifications shall be submitted to the District for a determination that the modifications are in compliance with Chapters 40E-2 and 40E-4, F.A.C. This includes modification of the discharge route.

C. - F. No change.

G. Prior to closure, detailed closure plans pursuant to Chapter ~~17-7~~ 62-701, F.A.C., shall be submitted to the District for review and written approval.

H. - P. No change.

Q. Water quality samples shall be taken at the discharge surface water discharge structure location of the water management system into EPB 10 during periods of discharge according to the schedule below. Flow shall be measured continuously at the discharge location into EPB 10 by means of a recording flow meter. A laboratory certified by the State of Florida shall be responsible for all

water quality analyses. Chain of custody documentation shall be maintained for all sampling. Reports of water quality results and discharge rates shall be submitted to this District for review and written approval on a semi-annual basis. Results of any additional stormwater quality sampling required by the Florida Department of Environmental ~~Regulation~~ Protection shall be provided to the District. Monitoring requirements will be evaluated by this District following two years of data collection.

Monitoring Type and Schedule

Parameters

A. General (Quarterly)

Total Organic Carbon, Dissolved Oxygen, pH, Turbidity, Specific Conductance, Chemical Oxygen Demand, Alkalinity, Total Suspended Solids, Ammonium N, Nitrate N. Total Kjeldahl Nitrogen

B. Organics (Semiannual)

Trichloroethylene, Tetrachloroethylene, Carbon Tetrachloride, Vinyl Chloride, 1,1,1,-Trichloroethane, 1,2-Dichloroethane, Benzene, Ethylene Dibromide

C. Metals (Semiannual)

Aluminum, Antimony, Beryllium, Cadmium, Copper, Cyanide, Iron, Lead, Mercury, Nickel, Selenium, Silver, and Zinc

R. No change.

S. There shall be a quarterly groundwater monitoring frequency for the groundwater monitoring network. The District shall be copied on the data results of the network and any other groundwater monitoring data required by Florida Department of Environmental ~~Regulation~~ Protection.

T. - U. No change.

XVII. OPERATIONAL CONTINGENCY PLANS

No change.

XVIII. TRANSFER OR ASSIGNMENTS OF RIGHTS, DUTIES, OR OBLIGATIONS

If contractual rights are transferred under this certification, notice of such transfer or assignment shall immediately be submitted to the Department of Environmental ~~Regulation~~ Protection and South Florida Water Management District by the previous certification holder (Permittee) and Assignee. Included within the notice shall be the identification of the entity responsible for compliance with the certification. Any assignment or transfer shall carry with it full responsibility for the limitations and conditions of this certification.

XIX. PROPRIETARY DOCUMENTS OR INFORMATION – CONFIDENTIALITY

No change.

XX. MITIGATION

A. On-Site Restoration and Mitigation

1. Within ninety (90) days of certification issuance, the Palm Beach Solid Waste Authority shall submit an on-site restoration and mitigation plan (hereinafter "The Plan"). The purpose of the Plan and its implementation ~~being~~ is the mitigation of the impact of the project on the site's wetlands and values associated therewith. The Plan shall indicate in a detailed manner the on-site measures and improvements necessary to accomplish all restoration and mitigation, (i) set forth in the application as amended, (ii) as required below and (iii) as may be required by the department of Environmental ~~Regulation~~ Protection.

2. No change.

3. The Plan shall be submitted to the Department of Environmental ~~Regulation~~ Protection, the Florida ~~Game and Fresh Water Fish~~ Fish and Wildlife Conservation Commission, the U.S. Fish and Wildlife Service, Treasure Coast Regional Planning Council, and other appropriate governmental authorities or agencies.

4. The Department of Environmental ~~Regulation~~ Protection shall review the Plan and it shall be subject to the approval of the Department of Environmental ~~Regulation~~ Protection in consultation with the Florida ~~Game and Fresh Water Fish~~ Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service and Treasure Coast Regional Planning Council. The Palm Beach County Solid Waste Authority in the event of disapproval of the Plan by the Department of Environmental ~~Regulation~~ Protection shall include such revisions therein as may be required by the Department of Environmental ~~Regulation~~ Protection.

5. The Palm Beach County Solid Waste Authority shall complete all restoration and mitigation work set forth in the Plan approved by the Department of Environmental ~~Regulation~~ Protection in accordance with the time schedules set forth in the approved Plan.

B. Off Site Restoration and Mitigation

1. The off-site restoration and mitigation area is an area of approximately 3400 acres in the L-8 Marsh area of the J. W. Corbett wildlife management area designated by the Florida ~~Game and Fresh Water Fish~~ Fish and Wildlife Conservation Commission and shown on Exhibit A attached hereto and made part hereof (hereinafter referred to as the "preservation area").

2. The Solid Waste Authority shall perform a detailed hydrological study the scope and content of which shall be subject to approval by the Department of Environmental ~~Regulation~~ Protection in consultation with the Florida ~~Game and Fresh Water Fish~~ Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service and Treasure Coast Regional Planning

Council. The purpose of the hydrological study shall be to identify and detail those modifications and improvements that would be necessary to the preservation area in order to restore a hydroperiod to this area which approximates the natural wetland hydroperiod. The Solid Waste Authority shall pay all costs, engineering and otherwise, for such study and the study shall be completed within two years from the date that certification has been issued. The Solid Waste Authority will at its sole cost and expense make such modifications and improvements to the preservation area including but not limited to payment of all engineering and permitting fees, all costs of labor, material, equipment and physical improvements (all of the foregoing being collectively hereinafter referred to as the "improvements") as identified in the approved hydrological study to restore a hydroperiod to the preservation area which approximates the natural wetland hydroperiod for such area.

3. The hydrological study shall be submitted to the Department of Environmental ~~Regulation Protection~~, the Florida ~~Game and Fresh Water Fish~~ Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service and Treasure Coast Regional Planning Council and other appropriate governmental authorities or agencies.

4. The Department of Environmental ~~Regulation Protection~~ shall review the hydrological study and the Proposed implementation thereof. The study and the implementation shall be subject to the approval of the Department of Environmental ~~Regulation Protection~~ in consultation with the Florida ~~Game and Fresh Water Fish~~ Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service and Treasure Coast Regional Planning Council.

5. The Palm Beach County Solid Waste Authority in the event of disapproval of the recommendations contained in the hydrological study by the Department of Environmental ~~Regulation Protection~~ shall include such revisions therein as may be required by the Department of Environmental ~~Regulation Protection~~.

6. In the event that the improvements required by the approved hydrological study are projected to significantly exceed \$420,000.00 plus the inflation factor as set forth below then the Palm Beach County Solid Waste Authority may apply to the Department of Environmental

~~Regulation Protection~~ for consideration to (fi) reduce the size and scope of the mitigation and restoration project or (ii) utilize alternative methods to accomplish the required mitigation and restoration as set forth above. The fact that the cost of the improvements in the approved hydrological study are projected to significantly exceed the amount set forth above, shall not, entitle the Palm Beach County Solid Waste Authority, as a matter of right, to reduce or modify the mitigation required herein. Whether, and the extent to which, the mitigation or restoration requirements shall be reduced or modified shall rest solely in the discretion of the Department of Environmental ~~Regulation Protection~~ in consultation with the Florida ~~Game and Fresh Water Fish~~ Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service and Treasure Coast Regional Planning Council.

7. No change.

8. Inflation Factor:

In paragraph B(6) the sum of \$420,000.00 is referred to. The actual number to be utilized in place of \$420,000.00 in condition B(6) shall be a sum using \$420,000.00 as a base and adding any increase in the index thereto; i.e., in the event there has been a 10% increase in the index from December 3, 1985, through the end of the time period under consideration then there shall be an increase of 10% in the sum of \$420,000.00. The Solid Waste Authority shall make no application for modification of the mitigation and restoration until after the completion of the approved hydrological study. For purposes of projecting and determining the actual amount to be utilized in condition B(6) with reference to the \$420,000.00, as to improvements to be constructed in the future, there shall be added to the \$420,000.00 the following: (i) a sum which represents the percentage increase in the index from December 3, 1985, through the date of approval of the hydrological study and (ii) a sum representing the estimated percentage increase in the index through the date a specific improvement is projected to be constructed in the approved hydrological study. The estimated percentage increase shall be the average annual increase in the index from December 3, 1985, through the date of approval of the hydrological study; i.e., if the average annual increase has been 10% and a specific , improvement is to be constructed nine months after the approval of the hydrological study

there shall be added [in addition to the amount referred to in (i)] to the \$420,000.00 the sum of \$31,500.00 representing three quarters of the 10% increase.

Index: The term index as utilized herein shall mean: The Engineering News-Record, Construction Cost Index, published by McGraw-Hill, Inc.

In the event that the Construction Cost Index is discontinued then the Department of Environmental Regulation Protection shall choose another index similar in nature to utilize in connection with this off-site mitigation and restoration condition.

NOTICE OF RIGHTS

Any party adversely affected by this Final Order 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 7th day of December 2000, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



KIRBY B. GREEN, III

Deputy Secretary

Douglas Building

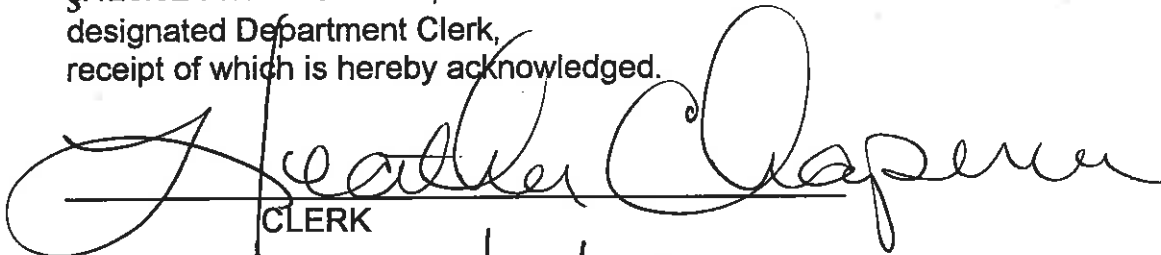
3900 Commonwealth Boulevard

Tallahassee, Florida 32399-3000

Telephone: (850) 488-7131

FILING AND ACKNOWLEDGMENT:

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


CLERK

12/7/00
DATE

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the foregoing Final Order Modifying Conditions of Certification was sent by U.S. Mail to the following this 7th day of December, 2000:

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STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



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