



Florida Department of Environmental Protection

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2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

August 24, 2007

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Mark L. McLean, Assistant Director
Environmental Programs
Solid Waste Authority of Palm Beach County
7501 North Jog Road
West Palm Beach, Florida 33412

RE: Palm Beach County Resource Recovery Facility
Modification to Conditions of Certification
DEP Case Number PA 84-20H
OGC Case Number 07-1171

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. McLean:

The Siting Board authorized the construction and operation of the Palm Beach County Resource Recovery Facility on July 29, 1986 (PA84-20). The Department of Environmental Protection (Department) has modified the Conditions of Certification by Final Order on seven other occasions.

The Department issued final construction permit No. 0990234-009-AC and final Title V Permit No. 0990234-010-AV on July 28, 2006. Both permits were publicly noticed on January 13, 2006. Pursuant to Rule 62-17.211(4), Florida Administrative Code (F.A.C.) the Department proposes to modify the Conditions of Certification for this facility to conform them to the Title V Air Operation and Air Construction Permits. Pursuant to 403.516 (1) (b)., Florida Statutes ("F.S."), the Department may modify specific Conditions of a site Certification which are inconsistent with the terms of any federally delegated or approved permit. Such modification(s) may be made without further notice if the matter has been previously noticed under the requirements for any federally delegated or approved permit program.

Additionally, on July 11, 2007, the Department initiated a modification to the Conditions of Certification. Pursuant to 403.516 (1) (c), Florida Statutes ("F.S."), the Department may initiate a modification of the terms and conditions of a site Certification upon its own initiative. On or before July 9, 2007, all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification. Additionally, on July 20, 2007 notice of the Department's intent to modify the Conditions of Certification for this facility was published on the Florida Administrative Weekly (FAW). Pursuant to Section 403.516, Florida Statutes ("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; that 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 Florida Administrative Weekly to object in writing; that failure to act within the time frame constitutes a waiver of the right to become a party; and that the Department will issue an Order Modifying the Conditions of Certification for this facility if no written objections are received by the Department.

No objections to the modification have been received by the Department. The Conditions of Certification for the North County Resource Recovery Facility are hereby modified as follows:

XVI. WATER MANAGEMENT DISTRICT - SITE SPECIFIC STANDARDS

V. Prior to the commencement of construction of the truck wash facility, the Licensee shall submit a Water Conservation Plan, as required by Chapter 40E-2, F.A.C., in effect at that time, for review and approval by SFWMD staff. The plan shall, at a minimum, incorporate the following components:

1. An audit of the amount of water needed in the Licensee's operational processes. The following measures shall be implemented within one year of audit completion if found to be cost effective in the audit:
 - a. Implementation of a leak detection and repair program;
 - b. Implementation of a recovery/recycling or other program providing for technological, procedural or programmatic improvements to the Licensee's facilities; and
 - c. Use of processes to decrease water consumption.
2. Development and implementation of an employee awareness program concerning water conservation.
3. Procedures and time-frames for implementation shall be included in the conservation plan.

XIV. OPERATION

A. Air

The construction and operation of the Palm Beach County Resource Recovery Facility shall be in accordance with all applicable provisions of Chapters 62-210 through 62-297, F.A.C.

Title V Air Operation Permit 0990234-010-AV, Air Construction Permits 0990234-008-AC and 0990234-009-AC, and PSD permit PSD-FL-108 (including subsequent modifications) are incorporated by reference herein as part of this Certification and attached as Appendix A through Appendix G.

The provisions of the above shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth in Title V Air Operation Permit Number 0990234-010-AV, Air Construction Permits 0990234-008-AC and 0990234-009-AC, and PSD permit PSD-FL-108 as part of these Conditions of Certification, and as those provisions may be modified, amended, or renewed in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

- ~~1. Prevention of Significant Deterioration Permit Number PSD-FL-108F, Air Construction Permit Numbers 0990234-006-AC and 0990234-008-AC, which are attached as Attachment A, Attachment B and Attachment C, respectively, are incorporated by reference herein as part of this Certification. The provisions of Prevention of Significant Deterioration Permit Number PSD-FL-108F, Air Construction Permit Numbers 0990234-006-AC and 0990234-008-AC shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth Prevention of Significant Deterioration Permit Number PSD-FL-108F, Air Construction Permit Numbers 0990234-006-AC and 0990234-008-AC as part of these Conditions of Certification, and as those provisions may be modified in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.~~
- ~~2. Title V Air Operation Permit Number 0990234-004-AV, which is attached as Attachment D, is incorporated by reference herein as part of this Certification. The provisions of Title V Air Operation Permit Number 0990234-004-AV shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth in Title V Air Operation Permit Number 0990234-004-AV as part of these Conditions of Certification, and as those provisions may be modified in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.~~

- ~~3. The operation of the Resource Recovery Facility shall be in accordance with all applicable provisions of Chapter 62-204, 62-210, 62-256, 62-296, 62-701, and 62-704, Florida Administrative Code.~~

Any party to the this Order has a right to seek judicial review of it pursuant to Section 120.68, Florida Statutes 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 thirty days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Executed in Tallahassee, Florida.

A handwritten signature in blue ink that reads "Michael P. Halpin, P.E.".

Michael P. Halpin, P.E.
Administrator,
Siting Coordination Office

FILING AND ACKNOWLEDGMENT

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

Linda Karkow 8-24-07
Clerk Date

CC by certified mail or email (return receipt requested):

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