



Florida Department of Environmental Protection

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Secretary

December 12, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Marc C. Bruner, Ph.D
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 84-20J
OGC Case Number 08-0520

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Bruner:

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 nine other occasions.

The Department has reviewed Palm Beach County Solid Waste Authority's petition dated March 20, 2008 for modification to the Conditions of Certification. The Department has also initiated additional modifications. Pursuant to 403.516 (1) (c), Florida Statutes ("F.S."), the Department may modify the terms and conditions of a site certification upon its own initiative.

On or before October 17, 2008 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.

On October 31, 2008 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 were received by the Department.

The Conditions of Certification for the Palm Beach County Resource Recovery Facility are hereby modified as follows:

I. through XII. No change.

XIII. CONSTRUCTION

No change.

A. Control Measures

1. Stormwater Runoff

a) No change.

b) The new recovered materials processing facility (new RMPF) will be constructed as described in the ~~permittee's~~ licensee's petition for modification dated November 16, 2007 and subsequent additional information submitted in support of the petition. The new operations and maintenance buildings will be constructed as described in the licensee's petition for modification dated March 20, 2008 and subsequent additional information submitted in support of the petition. Construction of the new RMPF, and the new operations and maintenance buildings shall be conducted in a manner which does not cause violations of state water quality standards. The licensee shall implement best management practices for erosion and sedimentation control to prevent violations of state water quality standards. Turbidity curtains, entrenched silt screens, hay bales or other sediment control measures shall be properly deployed and maintained throughout the construction period to prevent erosion and escape of sediments from the work area to adjacent surfaces and waters. As an initial precaution, prior to construction, sediment control measures shall be installed around the perimeter of the area to be developed, with additional devices and measures deployed in specific work areas. All areas disturbed by construction shall be stabilized and vegetated immediately after construction to prevent erosion. [Chapters 40 E-4.381, 40 E-40, and SFWMD Basis of Review]

c) At least 48 hours prior to commencement of construction of the new RMPF, and the new operations and maintenance buildings the licensee shall submit to the Department an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date. When the duration of construction will exceed one year, the licensee shall submit construction status reports to the Department on an annual basis utilizing an "Annual Status Report Form" (Form No. 62-343.900(4), F.A.C.). Status Report Forms shall be submitted the following June of each year. [Chapter 40E-4.381, and 62-343.900, F.A.C.]

d) Within 30 days after completion of construction of the stormwater management system for the new RMPF and the new operations and maintenance buildings the licensee shall submit to the Siting Office and copy the DEP SED Office a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the supplied "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.) and a copy of the "as-built" drawings. The statement of completion and certification shall be based on on-site

observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the Department that the system is ready for inspection. Additionally, if deviations from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. [Chapter 40E-4.381, and 62-343.900, F.A.C.]

e) No change.

f) No change.

g) The surface water management system for the new Operations and Maintenance Building Project shall be constructed in accordance with the signed and sealed drawings (Sheets G-1 to G-4, Sheets 1 to 4, C-1 to C-12, CD-1 to CD-6) dated September 2008 and on file with the Southeast District. The system shall consists of Retention Pond-1 and Pond-2 with bottom elevation @ 18.0 feet NGVD and top of bank elevation @ 21.5 feet NGVD, providing a storage volume of 0.27 ac-ft.. Outfall structures shall be equipped with pollutant retardant baffles. All building floors shall be set at or above 22.5 NGVD.

The discharge control structures shall consist of control structure CS-2 as described below: [Chapter 40 E-4, 40 E-40, and SFWMD Basis of Review]

<u>Structure</u>	<u>Description (inches)</u>	<u>Crest Elevation (ft. NGVD)</u>	<u>Discharge Culvert</u>
<u>CS-2</u>	<u>Weir: 1-11.5" wide 20 deg. V-Notch</u>	<u>19.10 17.0 (invert)</u>	<u>1 - 24-inch RCP. (To Jog Road Swale System)</u>

g)h) Prior to start of construction, of the new RMPF and the new operations and maintenance buildings the licensee shall prepare a Storm Water Pollution Prevention Plan and submit a copy of the National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) to use a Construction Generic Permit (CGP) for stormwater discharges (as applicable) to the DEP NPDES Stormwater Notices Center.

2. through 15. No change.

16. Wetlands:

These conditions do not authorize dredging or filling in wetlands. Wetlands shall be clearly marked on site. Wetland areas or water bodies which are outside the specific limits of construction authorized by this license shall be protected from erosion, siltation, scouring and/or dewatering. There shall be no storage of cleared vegetation, excess lumber, scrap wood, trash, garbage, and any other type of debris within wetlands.

Prior to site preparation for, or construction of, the new RMPF, the wetland jurisdiction line of the western marsh wetland and the landward boundary of the "30'

Wetland Buffer” surrounding it, as shown on the drawing “Wetlands Exhibit” (Attachment 1) shall be clearly marked on site. Marking intervals shall be close enough for visual reference between one flag and the next. It should be noted that the boundary of the wetlands east of the project area has not yet been verified by the Department. Regarding that area, the Department has determined only that the eastern project limits are not in wetlands. The licensee is advised to clearly mark onsite the “Limit of Disturbance” as shown on the referenced drawing and to avoid impacts to areas east of this line. [Chapter 40 E-4, 40 E-40, and SFWMD Basis of Review]

Once the buffer has been marked as indicated above, a clearly visible effective construction barrier (silt fence, etc.) shall be placed along the landward boundary of the buffer as shown on the “Wetlands Exhibit” drawing (Attachment 1). Construction impacts shall not occur within the 30-foot buffer area or within the wetlands. The licensee shall request an inspection and approval of the marked wetland and buffer line, and of the barrier placement location, prior to commencing any other site preparation or construction activities. [Chapter 40 E-4, 40 E-40, and SFWMD Basis of Review]

17. No change.

B. through C. No change.

XIV. OPERATION

A. through C. No change.

D. Water Discharges

1. through 4. No change.

5. New RMPF & Operations and Maintenance Building Storm Water

Systems

Perpetual operation and maintenance of the storm water system for the new RMPF and the new operations and maintenance buildings is the responsibility of the Solid Waste Authority of Palm Beach County. A maintenance schedule shall be implemented to ensure that the storm water management systems are is functioning as designed. [Chapter 40 E-4, 40 E-40, and SFWMD Basis of Review]

E. through L. No change.

XV. through XX. No change.

XXI. CITY OF WEST PALM BEACH

Prior to construction of new buildings or additions to existing buildings of 1,000 or more gross square feet at the site, SWA shall demonstrate that it complies with Section 94-35 (Site Plan Review) of the City Of West Palm Beach Code of Ordinances. [Section 94-35 (Site Plan Review) City Of West Palm Beach Code of Ordinances, and 403.511(4), F.S.]

A complete set of the Conditions of Certification (including attachments) can be viewed and downloaded from the following website:

<http://www.dep.state.fl.us/siting/Highlights/conditions.htm>. Copies of the Conditions of Certification and/or attachments may also be obtained by contacting Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Blvd, M.S. 48, Tallahassee, Florida 32399, (850) 245-2002.

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.



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.

 12/12/08
Clerk Date

CC by email (return receipt requested):

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