

Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

January 26, 2005

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Mr. Pick Talley
Director of Utilities
Pinellas County Utilities Administration
14 South Fort Harrison Avenue, 5th Floor
Clearwater, FL 33756

RE: Pinellas County Resource Recovery
Modification to Conditions of Certification
DEP Case Number PA78-11E
OGC Case Number 04-1964

ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Talley:

The Siting Board authorized the construction and operation of Pinellas County's Resource Recovery Facility on July 20, 1979 (PA78-11) for Units 1 & 2 and for Unit 3 (PA 83-18) on March 20, 1984. The Department has modified the Conditions of Certification by Final Order on 4 other occasions. The Department has issued an Administratively Corrected Title V Operation Permit that would constitute a change to the Conditions of Certification, necessitating a modification.

On or before December 17, 2004, 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 December 17, 2004, notice of the Department's intent to modify the Conditions of Certification for this facility was published on the Department's internet home page at <http://www.do.state.fl.us/> under the link or button titled "Official Notices." 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 Pinellas County Resource Recovery Facility are hereby modified as follows:

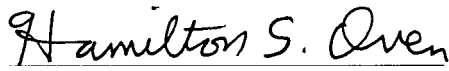
Any reference made to "permittee" shall be changed to "licensee".

XIV. OPERATION

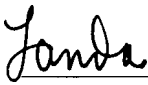
A.3.a. Two copies A copy of the results of the stack tests shall be submitted within sixty days of testing to the Florida DEP Southwest Florida District Office.

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.


Hamilton S. Oven, 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.


Clerk

1 2G 05
Date

cc:

Pinellas County Resource Recovery Facility
Order Modifying Conditions of Certification
DEP Case Number PA78-11
January 26, 2005

James Antista, Esquire
Fish and Wildlife Conservation Commission
6230 South Meridian Street
Tallahassee, FL 32399-1600

Mary Ann Helton, Esquire
Florida Public Service Commission
Gerald Gunter Building
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Tallahassee, FL 32399-0850

Martha A. Moore
Southwest Florida Water Management District
2379 Broad Street
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David Dee
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And by hand delivery to:

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