



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

BOB MARTINEZ CENTER
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD, JR.
SECRETARY

July 9, 2013

Sent by Electronic Mail – Document Access Verification Requested

Scott McIlvaine
Plant Manager
Wheelabrator South Broward Inc.
4400 South State Road 7
Ft. Lauderdale, FL 33314

RE: South Broward Resource Recovery Facility
Modification to Conditions of Certification
DEP Case Number PA 85-21H
OGC Case Number 13-0874

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. McIlvaine:

On June 3, 1986, the Florida Siting Board issued a Site Certification to Wheelabrator South Broward, Inc. (Wheelabrator) for the construction and operation of South Broward Resource Recovery Facility (SBRRF) in Broward County. The Department of Environmental Protection (Department) has modified the Conditions of Certification (Conditions) for SBRRF by Final Order on seven other occasions.

The Department has reviewed Wheelabrator's petition dated August 27, 2012 for a modification to SBRRF's Conditions pursuant to Section 403.516(1)(c), Florida Statutes (F.S.), to update the Conditions of Certification (Conditions) for the South Broward Resource Recovery Facility (SBRRF). Wheelabrator is requesting the removal of requirements for the ash landfill that are no longer consistent with current regulations, the incorporation of language to address a groundwater monitoring plan requirement, and the removal of conditions that are requirements within the federal air operation permit. Additionally on February 28, 2013, Wheelabrator requested the addition of a leachate treatment system to the facility's existing leachate collection system.

On May 20, 2013, all parties to the certification proceeding were provided notice of the Department's intent to modify the Conditions for SBRRF. On May 22, 2013, notice of the Department's intent to modify the Conditions for SBRRF was also published in the Florida Administrative Register (FAR).

Pursuant to Section 403.516, 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 in which to file a written objection to the modification. Pursuant to Section 403.516, F.S., and Rule 62-17.211, F.A.C., 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 FAR to object in writing. Failure to act within the time frame constitutes a waiver of the right to become a party.

July 2, 2012

These timeframes have expired and no objections to the modification have been received by the Department. Therefore, the Conditions for SBRRF are modified as described in the Department's Notice of Intent to Modify the Conditions of Certification dated May 20, 2013, which can be downloaded from the following file transfer protocol (ftp) site:

http://publicfiles.dep.state.fl.us/Siting/Outgoing/South_Broward_RRF/Modifications/Mod_H/

The final version of the modified Conditions (including attachments) can be viewed and obtained from the following website: <http://www.dep.state.fl.us/siting/certification.htm>

Copies of the Conditions and/or attachments may also be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 2600 Blair Stone Road, M.S. 5500, Tallahassee, Florida 32399-2400, (850) 717-9000.

Any party to the this Order has a right to seek judicial review of it pursuant to Section 120.68, F.S. 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 30 days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Sincerely,



Cindy Mulkey
Administrator,
Siting Coordination Office

CC by email:

Jill Creech, District Director, FDEP: jill.creech@dep.state.fl.us

Paul Wierzbicki, District Liaison, FDEP: Paul.Wierzbicki@dep.state.fl.us

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

7-9-13
Date

Service List: *Sent by Electronic Mail – Received Receipt Requested*

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