

Appendix 10.2.1

Comprehensive Plan Consistency and Land Use and Zoning

Land Use and Zoning History

In 1984 at the time the initial PPSA application was being prepared, the Energy Park site was in unincorporated Palm Beach County and had a County land use designation of Conservation/Very Low or Low Residential and zoning designation of Agricultural Residential. The Authority petitioned the Board of County Commissioners, Petition No. 84-134, for a Special Exception to allow a Public and Private Utility Service and Accessory Buildings and Structures including an On-Site Sewage Treatment Facility. This petition was granted October 1, 1984, via Resolution No. R-85-51. See Volume II, Appendix 10.3.

During review of the initial PPSA application, a Hearing Officer conducted a formal hearing pursuant to Section 403.508(1), F.S., and found that use of the Project Site for the proposed power plant, auxiliary facilities and transmission lines was consistent with the applicable land use plans and zoning ordinances. The Siting Board subsequently issued a Final Order adopting the Hearing Officer's finding and conclusions. The Hearing Officer's recommended order and Siting Board Final Order are contained in Volume II, Appendix 10.4.

The City of West Palm Beach annexed 1,171 acres of the Energy Park, the entire Energy Park except for approximately the 157-acres North Lake area, on May 31, 1988, via Ordinance No. 2184-88. The land use and zoning designation on the annexed 1,171 acres was not changed at that time. Ordinance No. 2190-88, adopted by the City of West Palm Beach on October 17, 1988, changed the land use designation on the annexed area to Special Impact Zone/Community Service (SIZ/CS). The remaining 157 acres North Lake area of the Energy Park was annexed into the City of West Palm Beach on May 8, 1989, via Ordinance 2273-89. Again, the land use and zoning designation on the 157 acres was not changed at that time of the annexation. This area was given a land use designation of Dotted Zone/Community Service (DZ/CS) on January 22, 1990 via Ordinance No. 2281-89. This land use designation was later reclassified to Special Impact Zone/Community Service (SIZ/CS).

On May 30, 1989, the City adopted Resolution No. R-94-89 approving a Class A Special Use Permit to allow a Heavy Utility Use and construction of a resource recovery and landfill facility on the 1,253 acres of the Energy Park located west of the Florida's Turnpike. The area was rezoned by the City from County Agricultural Residential to City Community Service (CS) on April 16, 1990, via Ordinance 2378-90.

The Proposed Project site, therefore, has a land use designation of Special Impact Zone/Community Service (SIZ/CS) and a zoning designation of Community Service (CS) with a Special Use Permit to allow a Heavy Utility Use and construction of a resource recovery and landfill facility.

The 74 acres of the Energy Park east of the Florida's Turnpike and south of 45th Street, site of the Authority's Recovered Materials Processing Facility, was changed to land use designation, Special Impact Zone/Industrial (SIZ/I) and the zoning designation was changed to Industrial.

City of West Palm Beach Comprehensive Plan

The City of West Palm Beach's (City) Comprehensive Plan was adopted in 1981. The City adopted the Evaluation and Appraisal Report (EAR) to amend its Comprehensive Plan on March 26, 2007 via Resolution No. 121-07. As a result, the City amended and adopted its Comprehensive Plan based on the EAR recommendations on December 15, 2008 via Ordinance 4179-08.

The City of West Palm Beach Comprehensive Plan consists of thirteen elements. Applicable sections of the Comprehensive Plan pertaining to the Palm Beach County Renewable Energy Park include the Future Land Use Element, the Solid-Waste Sub-Element contained within its Utilities Element and Intergovernmental Coordination Element.

The following demonstrates consistency with the Future Land Use Element of the City's Comprehensive Plan:

Goal 1: The City shall promote appropriate land uses and development patterns consistent with sustainable community/smart growth principles, and shall implement strategies that maximize natural, socioeconomic and governmental resources while preserving, promoting and improving the health, safety and welfare of its residents and visitors.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Goal of the City's Future Land Use Element. The Property's future land use designation of Special Impact Zone (SIZ) with underlying Community Services (CS) category is an example of the City promoting appropriate land uses and development patterns consistent with sustainable community principles. The Property's designation as SIZ/CS is a result of the change in land use approved by the City Commission on January 22, 1990 from the County designation of Conservation/Very Low – Low Residential to Dotted Zone/Community Service (DZ/CS) via Ordinance No. 2281-89. The current and proposed activities occurring at the Palm Beach Renewable Energy Park via its land use designation promote sustainability through waste reduction alternative uses. For example, the existing renewable energy facility, also known as the Palm Beach Renewable Energy Facility No. 1, provides resource recovery. The proposed Palm Beach Renewable Energy Facility No. 2 will expand the SWA's ability to convert waste to energy from solid waste.

The SIZ future land use designation implements the City's strategy to maximize waste resource recovery and will further the goal by constructing the waste to energy facility

referred to as the Palm Beach Renewable Energy Facility No. 2. The expansion promotes and improves the health, safety and welfare of the City's residents and visitors by converting solid waste into energy. The expansion will position the City to become the renewable-energy-from-waste capital in the country. Therefore, the project is consistent with this Policy.

Policy 1.7.4: The City shall utilize the Special Impact Zone (SIZ) notation on the Future Land Use Map to ensure heightened site plan review and compatibility analysis to reduce potential land-use incompatibilities.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Policy. The Power Plant Siting Act (PPSA) in Florida Statutes 403.501-.518 is the State's process for licensing large power plants. All local and state permits or approvals are pre-empted. Although the PPSA exempts the Palm Beach County Renewable Energy Park from local permitting, the SWA has coordinated with the City to keep it informed of the proposed Waste to Energy Facility. This, in combination with the fact that the Property has already been developed with the Palm Beach Renewable Energy Park, led the City and SWA to agree that site plan review for the Palm Beach Renewable Energy Facility No. 2 expansion will occur contemporaneously with the Florida Department of Environmental Protection (DEP) application. Therefore, the project is consistent with this Policy.

The Property is adjacent to the west of the City of West Palm Beach Grassy Water Preserve/Water Catchment Area that is designated with the City of West Palm Beach Conservation future land use category. A conservation area of approximately 300 acres has been set aside along the Property's western boundary and serves as a natural buffer to the Grassy Waters Preserve/Water Catchment Area. The Property adjacent to and South and East of the Ironhorse Country Club that is designated with a City of West Palm Beach Single Family future land use category. To the west, Jog Road separates and buffers the Property from Ironhorse. To the north, preservation area and natural areas, and low impact uses including the SWA Administration Building, address compatibility with the adjacent community. A portion of the Property's eastern northern perimeter is adjacent to a property with the Residential Low future land use category within the City of Palm Beach Gardens jurisdiction future land use category. The Property is also separated and buffered from that property by the Beeline Highway.

To the east, the Property is adjacent to Dyer Park, located in the jurisdiction of unincorporated Palm Beach County and which is designated with a PARK land use category. Dyer Park was formerly a closed SWA landfill and has since been converted to public recreational use siting fields, courts, trails, pavilion and play area surrounded by a restored wetland ecosystem. Dyer Park is separated from the Property by the Florida's Turnpike which serves as a buffer. County-owned Winding Waters natural area is south of Dyer Park and is designated with the City's Conservation future land use category. Florida's Turnpike separates and serves as a buffer for the Property from immediate adjacency to Winding Waters. Similarly, the Turnpike separates and buffers the Property at its southern corner, east of Florida's Turnpike and north of 45th Street from other non-

residential activity including a Costco distribution center designated as Special Impact Zone/Commercial (SIZ/C) future land use category. Lastly, the Property is adjacent to the City of West Palm Beach Water Catchment Area to the south, which has a Special Impact Zone/Conservation (SIZ/CON) land use designation.

The Property's primary future land use designation of SIZ is compatible with its surrounding land uses. The City's designation as SIZ evidences compatibility with surrounding land uses since the compatibility analysis was conducted at the time that the land use was assigned to address any potential land use incompatibilities. Accommodations such as the conservation area were required to address compatibility. Furthermore, the Property is adjacent to other properties designated as SIZ as well, which entailed additional compatibility analyses to address potential land use incompatibilities.

In all cases of adjacent land uses, it should be noted that none of the Palm Beach County Renewable Energy Park facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are adjacent to residential uses. The Proposed Facility is approximately 1 ¼ miles from the closest residence.

Therefore, the Palm Beach Renewable Energy Facility No. 2 is consistent with this Policy.

Policy 1.7.5: Development proposed for land adjacent to the City's Water Catchment Area poses special circumstances due to the importance of maintaining an adequate supply of clean potable water, the close relationship of surface and groundwaters, the prevalence of wetland areas which provide water storage and cleansing functions, and the nearness of the drawdown zone of another municipality. Accordingly, the City shall utilize the Special Impact Zone to ensure heightened site plan review and compatibility analysis to prohibit land use and environmental incompatibilities for the area bounded by Haverhill Road on the east, the City's Water Catchment Area on the west, the "M" Canal on the south, and a line parallel to and approximately 611 feet south of 45th Street on the north. Any development within this zone must comply with the following standards and requirements. [Standards and requirements addressed separately below.]

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Policy. The Palm Beach Renewable Energy Park, which is north and east of the City's Water Catchment Area, first opened in 1989 and has since incurred development and protected the adjacent conservation area all the while operating adjacent to the Water Catchment Area. A conservation area of approximately 300 acres has been set aside within the overall 1,325 acre site. This conservation area is along the Property's western boundary and serves as a natural buffer to the City's Water Catchment Area.

The development of the Palm Beach Renewable Energy Facility No. 2 will entail lengthy regulatory review among various government agencies, including the South Florida

Water Management District (SFWMD). The Power Plant Siting Act (PPSA) in Florida Statutes 403.501-.518 is the State's process for licensing large power plants. All local and state permits or approvals are pre-empted; therefore, the Petition will meet this City requirement as part of the DEP Site Certification Application for Electrical Power Plant Sites and Associates Facilities Electrical Transmission Lines (Application). As recommended in the Application, a preapplication consultation meeting with the South Florida Water Management District is scheduled to occur post April 2010. Therefore, the project is consistent with this Policy.

The proposed development at the Property complies with the following standards and requirements included as part of Policy 1.7.5:

a) The City shall require a professionally accepted and applied environmental assessment of any development proposed within the Special Impact Zone as a part of the development application process. The assessment will include an identification of the following: soils and vegetative types, groundwater and surface water elevations and flows, surface water management systems and levels of service, existing water quality standards and an aerial photography map. The environmental assessment will evaluate the impact and include design standards to prevent adverse impacts of the proposed development on surface and groundwater quality and quantity, wetlands and other sensitive environmental habitats, surface and groundwater flows and storage, drainage levels of service, and potable water supplies.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Policy requirement through the DEP Application. The PPSA is the State's process for licensing large power plants. All local and state permits or approvals are pre-empted but the project will meet this City requirement as information on the physical and biological environment that might be affected by the construction and operation and its associated structures is required as part of the DEP Application. For example, application requirements include geological, hydrological, and ecological data as well as species-environmental relationships. As recommended in the application, a preapplication consultation meeting with the South Florida Water Management District will be held post April 2010. Therefore, the project is consistent with this Policy.

b) Land uses shall not be approved in the Special Impact Zone that require the use, sale or storage of hazardous materials, wastes or other polluting materials unless requirements as set forth in subsection 5.02 (a), (b), (c), (d), (e), and (h) of the Palm Beach County Wellfield Protection Ordinance No. 88-7 for Zone 2 are met. In addition, any spill of hazardous materials, wastes or other polluting materials shall be reported immediately and by telephone to the Engineering and Public Works Director for the City. Clean-up shall commence immediately upon discovery of the spill.

The uses associated with the current facilities were first approved when the site was within the jurisdiction of unincorporated Palm Beach County by the Palm Beach County Board of County Commissioners on October 1, 1984 via Resolution No. R-85-51. As part of the adoption of the resolution, the Board of County Commissioners made the finding of fact that the proposal was consistent with the County's Comprehensive Plan and, with minor modifications to the site plan, consistent with its Zoning Code. The Resolution granted a Special Exception to allow a Public and Private Utility Service and Accessory Buildings and Structures, including an On-Site Sewage Treatment Facility, on approximately 1,253 acres. As part of the Special Exception review, the Board of County Commission would have considered the impact of the uses on adjacent properties. The Board of County Commission approved the request based on the fact that adequate protections were in place to address hazardous materials, wastes or other polluting materials. Subsequent to the County approval, the facilities were annexed into the City of West Palm Beach. As part of the annexation proceedings and the subsequent land use amendment and rezoning, the City Commission would have also considered the same protections and approved the uses, and other expansions on the site. As part of its adoptive process, the City Commission found that the subsequent land use amendments and rezoning were consistent with its Comprehensive Plan and Zoning Code. Therefore, the project is consistent with this Policy.

c) No development shall be approved in the Special Impact Zone unless the quality and quantity of the supply of groundwater and surface water inflow to the Water Catchment Area, the "M" Canal and existing potable water wellfields are maintained. The level of treatment for stormwater (especially herbicides, pesticides, heavy metals and petroleum hydrocarbons), and waste water, including sanitary sewer effluent as well as other onsite activities, must ensure that the water quality of the "M" Canal, the Water Catchment Area, and potable water wellfields are not degraded. Septic tanks shall not be permitted within the Special Impact Zone.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Policy requirement. The Palm Beach Renewable Energy Park first opened in 1989 following an extensive permit review which entailed obtaining necessary permits for stormwater and drainage. The request to expand the Waste to Energy Facility will include additional permitting with regulatory agencies, such as SFWMD, who are part of the PPSA licensing certification process. Therefore, the project is consistent with this Policy.

d) The Water Catchment Area will be protected by a buffer of natural vegetation of at least 200 feet, and the "M" Canal will be protected by a buffer zone of natural vegetation within the south 450 feet of the Parcels One, Two, and Three described in Chapter 89-479 (Laws of Florida) as amended by Chapter 90-461 (Laws of Florida).

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Policy

requirement. The facilities meet the requirement through buffering along the Property's west and south boundaries to protect the Water Catchment Area. A 300 acre conservation area that is a minimum of 1,500 feet in width is located along the Property's west property line and lakes a minimum of 600' in width are located along the site south property line. No changes to the conservation area are proposed as part of the Waste to Energy Facility expansion, thus no development impacts will be made to the conservation area and the project is consistent with this requirement as the buffers far exceed 200 feet in width.

e) Surface water management systems for developments in the Special Impact Zone must be designed so that hydroperiods and groundwater levels of established wetlands are maintained or enhanced.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Policy requirement. The existing resource recovery uses include an existing surface water management system that is adequate to serve the existing facilities and the proposed expansion. The proposed Waste to Energy Facility will undergo lengthy regulatory approval as part of the PPSA licensing process that encompasses the permitting, land use and zoning, and property interests of all state, regional and local agencies, including South Florida Water Management District which regulates the surface water management system. Therefore, the project is consistent with this Policy.

f) Existing wetland areas shall not be altered to decrease the fish, wildlife, and water quality and quantity values in the Special Impact Zone. Wetlands alteration is limited to degraded wetlands which are defined as having been impacted through human activities such as dredging and filling that have caused changes to the wetland hydroperiod, topography, or allowed the intrusion of non-wetland or non-native (e.g. melaleuca) plant species. As a result, the degraded wetlands do not provide fish, wildlife and water quality and quantity values equal to or greater than would be provided if these wetlands were restored on an acre for acre basis as determined by professionally accepted and applied methodologies. There shall be no discharge of surface water off-site which exceeds the historic flow of surface waters from the Special Impact Zone. No development in the Special Impact Zone shall decrease the pre-development flow and quality of water to wetlands within the Special Impact Zone. Any loss of wetland values and functions shall be mitigated on a two-for-one basis so that twice as much of the same wetlands community will be created or West Palm Beach 16-FLU Comprehensive Plan Revised 12/15/08 Ord. 4179-08 restored as is lost through development. Mitigation shall be accomplished on site or within the Water Catchment Area or Special Impact Zone through restoration of degraded wetlands or through the creation of new wetlands.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, meets this Policy requirement. The Palm Beach Renewable Energy Park includes approximately 300 acres of natural conservation

area that was established during the development of the initial facilities, which was opened in 1989. This conservation area comprises what is today referred to as the SWA Greenway Trail System. The SWA conservation area includes a large wading bird rookery, including two endangered species, the Snail Kite and Wood Stork, as well as attracts many birds. The conservation area contains mostly wetlands with a few pine flatwoods. Most recently, a 6 mile trail system was constructed so that the public may traverse through the conservation area using hiking trails with chickee huts and boardwalks made from recycled plastic lumber.

Construction of the Palm Beach Renewable Energy Facility No. 2 for expansion of the Energy Park will occur outside the conservation area, thus no alterations to the existing wetlands or natural systems are proposed. Therefore, the project is consistent with this Policy.

g) Review of development proposals and land use changes shall be coordinated with Palm Beach County, the South Florida Water Management District and adjacent municipalities to insure maintenance of the Florida Department of Environmental Regulation Class 1 potable water designations for the Water Catchment Area and to ensure the protection of other municipal wellfields.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, meet this Policy requirement. The PPSA is a centralized licensing process that includes all state, regional and local agencies, such as SFWMD regulatory review. As recommended in the application, a preapplication consultation meeting with the South Florida Water Management District will be held post April 2010. Therefore, the project is consistent with this Policy.

Objective 1.14: The City shall develop and implement green and sustainability strategies.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Objective. Newly adopted as part of the City's recent Comprehensive Plan amendments that were a result of its Evaluation and Appraisal Report, this Objective requires development and implementation of green and sustainable strategies. This request is consistent with, and furthers, this Objective. The request to expand the resource recovery that occurs in the Energy Park is in itself development and implementation of green and sustainable strategies desired within the City. The expansion, in combination with the SWA's refurbishment and continued operation of its existing Palm Beach Renewable Energy Facility No. 1, will facilitate the City's ability to be consistent with and meet this Objective.

Policy 1.14.2: The City shall continue to seek ways and opportunities to implement green and sustainable initiatives regarding, but not limited to, carbon footprint reduction, water conservation and reuse, recycling, waste and energy reduction, reuse of resources, greater operational efficiency, land use and

transportation practices, multi-pollutant prevention, and environmental improvements.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Policy. The proposed Waste to Energy Facility is an opportunity to expand a green and sustainable initiative of converting waste to energy, thereby reducing waste and increasing energy produced from renewable resources. The expansion is a waste management strategy to reduce the amount of trash that would be deposited in the landfill and increase the amount of renewable energy generated in the City and available to the general electrical grid. A benefit of the Waste to Energy Facility is that it extends the life of the landfill. Another benefit of converting waste to energy is the environmental improvement, such as improving air quality by replacing typical fossil fuel power plants. According to the EPA, Waste to Energy Facilities are more favorable than landfills for reducing greenhouse gas emissions. The EPA recognizes energy from waste as a clean, reliable and renewable energy source. Therefore, the project is consistent with this Policy.

The following demonstrates consistency with the City's Solid-Waste Sub-Element contained within its Utilities Element:

Policy 1.1.1: The following collection and disposal level-of-service standards are hereby adopted for determining the availability of Proposed Facility capacity and the demand generated by development:

Collection

The City shall adhere to the Franchise Agreement of the Solid Waste Authority by providing a minimum level of service for residential garbage collection of twice per week, bulk trash collection of once per week, vegetation collection of once per week, and recyclable collection of once per week.

Disposal

The City shall ensure delivery of solid waste material collected to the Solid Waste Authority (SWA) North County Landfill and shall continue to seek annual certification from the SWA that it has sufficient disposal capacity to accommodate the solid waste generated for both the five (5) year and ten (10) year planning periods. The SWA certification letter shall constitute compliance with the City's Solid Waste LOS standard.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Policy. The expansion of the resource recovery via the proposed expansion to the Energy Park will ensure additional solid-waste capacity is available to the City. The Proposed Facility will extend the life of the existing landfill by reducing the amount of trash that would typically be deposited in the landfill by converting it into renewable energy. The purpose of this request is to attain PPSA licensing certification which will constitute continued

compliance with the City's solid waste level of service standard and consistency with this Policy.

Objective 1.2: The City shall continue to coordinate with the Palm Beach County Solid Waste Authority regarding the management of existing landfill sites, the selection of future landfill sites, and in developing alternative methods of disposing of solid and hazardous wastes.

This Objective is a City mandate to coordinate with the SWA regarding solid waste management. The Solid Waste Authority of Palm Beach County is the governmental agency responsible for providing an economical and environmentally conscious integrated solid waste management system to all residents and businesses within Palm Beach County, FL and all municipalities as mandated by the Florida Legislature in the "Palm Beach County Solid Waste Act" enacted on May 25, 2001. Specifically, the Act required:

Section 2. Declaration of legislative intent.—In order to enhance the beauty and quality of our environment, conserve our natural resources, prevent the spread of disease and creation of nuisances, protect the public health, safety, and welfare, and provide a coordinated resource recovery and waste management program for Palm Beach County, it is necessary to form a countywide authority for the management of solid waste to meet the expanding problems related to the processing and disposal of solid waste within Palm Beach County and to:

- (1) Provide for the safe and sanitary processing and disposal of solid waste.*
- (2) Provide a coordinated countywide program for the management of hazardous waste and control of solid waste processing and disposal in cooperation with federal, state, and local agencies responsible for the prevention, control, or abatement of air, water, and land pollution.*
- (3) Require the municipalities and the county to plan for and develop an adequate solid waste collection system.*

The City and SWA furthered their relationship when the Palm Beach Renewable Energy Park was annexed into the City and subsequently the City issued development permits for continued development of the Property within the City's jurisdiction. Development necessitated a change in land use and zoning from the County to City designated categories. Another manner in which the City and SWA have coordinated with one another to implement this Objective is through the execution of interlocal agreements. For example, the City adopted on December 5, 2005 Resolution No. 464-05 authorizing the execution of an interlocal agreement in which the City supplies bulk water service for the SWA's biosolids processing facility located at the Palm Beach Renewable Energy Park.

The SWA's Integrated Solid Waste Management Plan, which will be discussed in more detail below, includes Policy Statements and Goals pertaining to operations and responsibilities to serve the residents, businesses and municipalities. Policy Statements

and Goals, such as collection services and combustion, tie the City and SWA to one another in meeting this Objective. Thus, the proposed Palm Beach Renewable Energy Facility No. 2 is a result of the SWA's ongoing coordination with the City in developing an alternative method of disposing of solid waste in order to address the City's solid waste disposal needs. The relationship also helps fulfill the SWA's operations and responsibilities described in its management plan. The Proposed Facility, as alternative method of solid waste disposal, affects the life of the existing landfill by increasing its longevity and preserving capacity. Without the proposed project, the SWA's current waste management strategy limits the existing landfill capacity to 2024 despite the existing Palm Beach Renewable Energy Facility No. 1 operating at maximum capacity. Refuse would then be sent to the landfill. The Palm Beach Renewable Energy Facility No. 2 is the anticipated waste management strategy that with construction of the Proposed Facility in 2015 would reduce the amount of waste deposited in the landfill and increase the amount of renewable energy generated at the Palm Beach Renewable Energy Park. The Proposed Facility would extend the life of the existing landfill by approximately seven years and preserve capacity.

The City will continue to implement this Objective through the PPSA licensing certification process as the jurisdiction in which the project is proposed. The PPSA process assures that the issues normally subject to regulatory approval or other authorizations are addressed.

Policy 1.3.2: The City shall control urban sprawl by adhering to the concurrency requirements and level of service standards outlined within this comprehensive plan, including those for solid waste facilities.

This Policy is a City mandate for all developments to require that provisions for public services be in place concurrent with development and to comply with the State-wide Concurrency Management directive. This request will increase the level of service for solid waste facilities that are available to the City such that future development within the municipal limits will meet this Policy. Specifically, the Waste to Energy Facility expansion will provide additional infrastructure and capacity to increase the solid waste level of service standard.

Policy 1.3.3: The City shall provide additional infrastructure and/or facilities for solid waste collection and transport as it deems necessary to accommodate projected needs.

This Policy requires that the City provide infrastructure and facilities to accommodate collection and transport of solid waste. This request will assist the City in meeting this Policy. Specifically, the expansion of resource recovery via the proposed Waste to Energy Facility by the SWA will provide the additional infrastructure to meet the current and future solid waste disposal demands in the City while at the same time converting waste to energy, which will extend the life of the existing landfill. The City of West Palm Beach currently directly transports solid waste to the Palm Beach County Renewable Energy Park for deposit. The infrastructure improvements proposed by the

SWA will allow the City to continue this practice and comply with the provisions of this Policy.

The following demonstrates consistency with the City's Intergovernmental Coordination Element in the Comprehensive Plan:

Goal 1: The City of West Palm Beach shall coordinate with governmental entities and private utilities to preserve the quality of life, coordinate development activities, and provide for the efficient use of resources.

This Goal is a City mandate to coordinate with governmental entities, such as the SWA, to preserve the quality of life, coordinate development activities, and provide for the efficient use of resources. Examples of intergovernmental coordination between these two entities are evidenced in the June 7, 2004 adoption of Resolution No. 304-04 authorizing the execution of an Interlocal Agreement for municipal recycling; and, December 5, 2005 adoption of Resolution No. 464-05 authorizing the execution of an Interlocal Agreement in which the City supplies bulk water service for the SWA's biosolids processing facility located at the Palm Beach Renewable Energy Park.

The proposed Palm Beach Renewable Energy Facility No. 2 furthers the City mandate to coordinate with the SWA to preserve the quality of life, coordinate development activity, and provide for the efficient use of resources. The new project, in combination with the existing Palm Beach Renewable Energy Facility No. 1, will process 5,000 tons of waste daily, which will generate renewable energy to power the equivalent of 86,000 households. For comparison, this would be enough energy for at least every household in the City. The increased conversion amount of waste to energy preserves the quality of life for residents since it is less waste entering the landfill and more energy available to the general electrical grid, which reduces reliance on fossil fuels.

The Proposed Facility provides for the efficient use of resources by converting solid waste into renewable energy. With the refurbishment and continued operation of the existing facility and construction of the Proposed Facility by 2015, it is anticipated that the City will be one of the forefront municipalities promoting renewable energy from waste in the country.

Although the City's development process is pre-empted by the PPSA, the SWA has met with and will continue to coordinate with the City to keep it informed of the proposed Palm Beach Renewable Energy Facility No. 2. This, in combination with the fact that the Property has already been developed with the Palm Beach Renewable Energy Park, led the City and SWA to agree that site plan review for the Proposed Facility will occur contemporaneously with the DEP application.

Therefore, the Palm Beach Renewable Energy Facility No. 2 is consistent with this Goal.

Policy 1.1.3: The City shall continue to coordinate with and participate in the proceedings of: the Interlocal Plan Amendment Review Committee (IPARC);

Metropolitan Planning Organization (MPO) of Palm Beach County; Treasure Coast Regional Planning Council (TCRPC); South Florida Water Management District (SFWMD); adjacent and service area jurisdictions; and other organizations to foster intergovernmental coordination, especially for planning and service delivery matters.

This Policy is a City mandate to continue coordination with adjacent and service area jurisdictions, such as the SWA, for planning and service delivery matters. The proposed Palm Beach Renewable Energy Facility No. 2 will address solid waste planning and service delivery by increasing the level of service for solid waste facilities available to the City. The new project will add infrastructure and capacity to increase the solid waste level of service standard.

Therefore, the Palm Beach Renewable Energy Facility No. 2 is consistent with this Policy.

Objective 1.3: The City shall maintain or establish coordination mechanisms to ensure that all planning and development-related activities proposed in the City's Comprehensive Plan are coordinated with the comprehensive plans for Palm Beach County, adjacent municipalities, the Port of Palm Beach, other units of local government providing services but not having regulatory authority over the use of land, and the School Board of Palm Beach County.

This Objective is a City mandate to implement and maintain coordination mechanisms to ensure planning and development-related activities proposed in its Comprehensive Plan are coordinate with other units of local government, such as the SWA, that provides services but does not have regulatory authority over the use of land. As contained within Policy 1.3.3 of the Solid-Waste Sub-Element of the City's Comprehensive Plan, the City is required to provide additional infrastructure and/or facilities for solid waste collection. This planning and development-related activity is accomplished by the SWA, which provides solid waste management services through the Palm Beach Renewable Energy Park. This Objective will be further realized through the proposed Palm Beach Renewable Energy Facility No. 2, which will provide additional infrastructure and capacity to increase the solid waste level of service standard.

Therefore, the Palm Beach Renewable Energy Facility No. 2 is consistent with this Policy.

Policy 1.3.1: The City shall make itself aware of and cooperate with all public and quasi-public agencies having a direct or indirect interest in, or impact on, the City's Comprehensive Plan.

This Policy is a City mandate to be informed and cooperate with governmental agencies, such as the SWA, that have an interest in or impact on the City's Comprehensive Plan. The Palm Beach County Renewable Energy Park has been developed within the City for a number of years and has been the impetus for cooperation between the City and SWA.

Although the PPSA exempts the Proposed Facility from local permitting by the City, the SWA has coordinated with the City to keep it informed of the Proposed Facility. These combined facts led the City and SWA to agree that site plan review for the Proposed Facility will occur concurrently with the DEP application.

As previously stated, the SWA's proposal to expand its renewable energy capabilities through the addition of Palm Beach Renewable Energy Facility No. 2 is consistent with the City's stated requirement in Policy 1.3.3 of its Solid-Waste Sub-Element in its Comprehensive Plan to add infrastructure and/or facilities for solid waste collection. The City has a direct interest in seeing to fruition the Proposed Facility, which facilitates the City satisfying Policy 1.3.3 since it will meet the City's current and future solid waste disposal demands while at the same time convert waste to energy.

Therefore, the Palm Beach Renewable Energy Facility No. 2 is consistent with this Policy.

Policy 1.3.11: The City shall execute an interlocal agreement with the Palm Beach County Solid Waste Authority to maintain the City's solid waste and hazardous waste programs and policies as described in the Solid Waste SubElement of the Infrastructure Element of this Plan.

This is a City mandate that was first met in 1994 via Resolution No. 215-94 when the City executed its first interlocal agreement with the SWA relating to the delivery of the City's solid waste to SWA facilities. Since then, subsequent interlocal agreements have been executed consistent with this Policy. For example, the June 7, 2004 adoption of Resolution No. 304-04 authorizing the execution of an interlocal agreement for the SWA to provide municipal recycling; and, December 5, 2005 adoption of Resolution No. 464-05 authorizing the execution of an interlocal agreement in which the City supplies bulk water service for the SWA's biosolids processing facility located at the Palm Beach Renewable Energy Park.

The proposed Palm Beach Renewable Energy Facility No. 2 expands and continues the SWA's ability to service the City's solid waste needs as the foundation for interlocal agreements. The new project provides the additional infrastructure and capacity to increase the solid waste level of service standard. This Policy also binds the City and SWA regarding solid waste management and disposal. The SWA's comprehensive plan, detailed below, contains mutual Policy Statements and Goals that require the SWA to provide for programs that manage solid waste generated in the County and its municipalities.

Therefore, the Palm Beach Renewable Energy Facility No. 2 is consistent with this Policy.

Objective 1.4: The City shall maintain or establish coordination mechanisms to ensure full consideration is given to the impacts of development proposed in the City's Comprehensive Plan on other governmental entities and private utilities.

This Objective is a City mandate to maintain or establish coordination mechanisms to its development impacts proposed in its Comprehensive Plan on other governmental entities. The Palm Beach Renewable Energy Park has been developed within the City and has been the impetus for coordination since its development throughout the years has enabled the City to meet its requirement to add infrastructure and/or facilities for solid waste collection. The PPSA licensing certification process is the mechanism under which the City, within whose jurisdiction the proposed Palm Beach Renewable Energy Facility No. 2 is to be certified, participates in the process to assure that issues normally subject to regulatory approval or other authorizations are addressed. Although the PPSA exempts the Proposed Facility from local permitting by the City, the SWA has coordinated with the City to keep it informed of the Proposed Facility. The City and SWA have agreed that site plan review for the Proposed Facility will occur concurrently with the DEP application.

Therefore, the Palm Beach Renewable Energy Facility No. 2 is consistent with this Policy.

Policy 1.4.1: The City shall establish or maintain formal liaison with state and federal agencies that have permitting responsibility for properties in the City.

This Policy is a City mandate to formally liaise with state and federal agencies that have permitting responsibility for properties, such as the Palm Beach Renewable Energy Park and its facilities, in the City. The PPSA is the State's centralized process constituting sole license of the approval for the construction and operation of energy infrastructure, in this case, the Palm Beach Renewable Energy Facility No. 2. The PPSA certification licensing process encompasses permitting, land use and zoning, and property interests of all state, regional and local agencies with jurisdiction over the proposed project. The City is a part of the certification licensing process to assure that issues normally subject to regulatory approval are addressed.

Therefore, the Palm Beach Renewable Energy Facility No. 2 is consistent with this Policy.

Solid Waste Authority of Palm Beach County Integrated Solid Waste Management Plan

The following demonstrates consistency with the Solid Waste Authority (SWA) of Palm Beach County Integrated Solid Waste Management Plan (ISWMP), revised August 2006. The ISWMP is the recent title change from the SWA's past comprehensive title - Comprehensive Solid Waste Management Plan, Resource Recovery and Recycling Program. The SWA first adopted its Comprehensive Plan in 1979. The title has since changed to appropriately reflect the SWA's fundamental strategy for solid waste management.

The SWA is a special district created by the Florida Legislature by Chapter 74-564, Special Acts of Florida in 1974 to provide a coordinated resource recovery and waste

management program for the County. The enabling legislation created the Authority to “form a countywide authority for the management of solid waste to meet the...problems related to the collection and disposal of solid waste...”. The adoptive act was subsequently amended by twelve special acts. The SWA’s jurisdiction includes the incorporated and unincorporated areas of the County.

Chapter 2001-331 approved by the Governor on May 25, 2001 amended, codified, repealed and reenacted all twelve special acts relating to the SWA as a single act. It provided the short title as the Palm Beach County Solid Waste Act. Section 6(8) of the Act included, among the SWA’s purposes and powers, the ability to construct, reconstruct, improve, maintain, equip furnish, and operate at its discretion resource recovery and waste management facilities as required to carry out its purposes and intent and meet the requirements of Chapter 403, Florida Statutes and other applicable law. Chapter 403 is within Title XXIX Public Health and refers to environmental control, e.g., resource recovery and management.

The ISWMP was developed to comply with the planning and resource recovery elements of Chapter 403 Florida Statutes and Chapter 17-7, now 62-701 of the Florida Administrative Code (FAC). Note that the ISWMP is not directly comparable with the format and structural requirements for local government comprehensive planning as identified in Chapter 9J-5 of the FAC. However, the ISWMP serves as the basis for a Solid Waste Sub-Element of the local government plan, i.e., the Solid Waste Sub-Element of the Palm Beach County Comprehensive Plan.

Policy Statement - Integrated Solid Waste Management

It shall be the Policy of the Solid Waste Authority of Palm Beach County to utilize the principles of Integrated Solid Waste Management to conserve landfill capacity, while recovering energy and material resources from the solid waste stream through a well planned and operated system using source reduction, recycling, composting, combustion and landfill.

It shall be the Policy of the Solid Waste Authority to develop an Integrated Solid Waste Management System to provide flexible, dependable and cost effective programs for managing the solid waste generated in Palm Beach County. In this regard, it is the intent of the Solid Waste Authority to provide for periodic review and revision of the Integrated Solid Waste Management Plan.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Policy Statement. The SWA’s ISWMP in and of itself is indicative of the management philosophy identified as integrated solid waste management, which foundation is to reduce the amount of waste that would ultimately be disposed of in landfills. The SWA’s proposed expansion via the new project is the increased implementation of its principle to conserve landfill capacity, while recovering energy and material resources from solid waste. The proposed Palm Beach Renewable Energy Facility No. 2 will extend the life of the landfill

due to exercising resource recovery by converting solid waste into renewable energy rather than the typical practice of disposing refuse at the landfill.

The proposed Palm Beach Renewable Energy Facility No. 2 is also consistent with this Policy as it is a dependable and cost effective program for managing solid waste generated in the County. Waste to energy facilities, such as the existing and proposed Palm Beach Renewable Energy Facilities, are regulated by the United States Environmental Protection Agency (EPA), pursuant to the Clean Air Act. The new project would also be regulated by the Florida Department of Environmental Protection (FDEP) as well as regional regulatory agencies, such as South Florida Water Management District (SFWMD). These multiple layers of government regulation and oversight require dependability and reliability to the public's health.

The proposed Palm Beach Renewable Energy Facility No. 2 demonstrates cost effectiveness by increasing the life of the landfill and preserving capacity at the Palm Beach Renewable Energy Park. The SWA's solid waste management program includes waste reduction, i.e., reducing the amount of refuse sent to landfills. The amount of waste converted to energy reduces the amount of land needed for landfilling.

Therefore, the proposed Palm Beach Renewable Energy Facility No. 2 is consistent with the Policy Statement.

Goal A: Develop a system of programs and facilities for effectively and economically managing solid waste, using source reduction, recycling, composting, combustion and landfill.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Goal. Beginning with the completion of its first comprehensive plan in 1979 and then the opening of the Palm Beach County Renewable Energy Park in 1989, the SWA has planned and developed a system of waste management including programs and facilities, such as source reduction, recycling, composting, combustion and landfills. The SWA is responsible for providing economical and environmentally conscious integrated solid waste management for and within Palm Beach County's 1.4 million residents and businesses. According to the World Economic Forum's The Green Investing: Towards a Clean Energy Infrastructure Report of January 2009, it found that the use of municipal solid waste to generate energy is increasing as waste has traditionally been deposited in landfills, a practice which is increasing in cost. The conversion of solid waste into renewable energy provides an effective and economical alternative to managing solid waste.

The proposed Palm Beach Renewable Energy Facility No. 2 is part of the SWA's system of programs and facilities for managing solid waste and providing a public service to residents and businesses. The Proposed Facility will use combustion to effectively and economically manage solid waste through resource recovery that will create and add

renewable energy to the general electrical grid. The Proposed Facility will also extend the life of the landfill and preserve capacity at the Palm Beach Renewable Energy Park.

Therefore, the proposed Palm Beach Renewable Energy Facility No. 2 is consistent with the Goal.

Goal B: Utilize the elements of source reduction, recycling and composting to reduce the amount of waste delivered for combustion or landfill.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Goal. The existing Palm Beach Renewable Energy Park No. 1 is currently operating at maximum capacity which imposes a limitation on the SWA's ability to reduce the amount of waste delivered for combustion. The SWA's ability would be expanded through the Proposed Facility, which would receive remaining refuse for combustion after recycling and composting of waste. The combustion of waste to energy reduces the amount of waste delivered to the landfill. The proposed project continues the implementation of this Goal by also reducing the refuse that would otherwise enter landfills. Increasing the amount of refuse that is converted to renewable energy also reduces the environmental impact associated with landfilling.

Therefore, the proposed Palm Beach Renewable Energy Facility No. 2 is consistent with the Goal.

Goal C: Provide for a coordinated County-wide system to assure the realization of Federal, State, regional and local government goals for solid waste management.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Goal. The SWA is the governmental agency responsible for providing an economical and environmentally conscious integrated solid waste management County-wide. The SWA provides a coordinated County-wide system to reduce the amount of waste that could ultimately be placed in landfills for disposal through a variety of solid waste management techniques – source reduction, recycling, composting, and combustion.

According to the SWA's rules of governance, its purpose is to provide a coordinated County-wide program for the management and control of hazardous waste and/or solid waste processing and disposal in cooperation with the federal, state, and local agencies responsible for the prevention, control, or abatement of air, water and land pollution, and to otherwise provide for the safe and sanitary processing and disposal of solid waste in the district over which the SWA exercises jurisdiction.

The County-wide system, including the proposed project, realizes Federal goals for solid waste management. The EPA 2006 -2011 Strategic Plan includes an Objective that, among other things, reduces adverse effects to land by ensuring proper management of

waste at facilities. Sub-objective 3.1.1 of the EPA Strategic Plan specifies, among other things, an increase in energy recovery from wastes otherwise requiring disposal. The proposed project is the expansion of SWA's ability to convert waste to energy from solid waste. It reduces the amount of refuse entering landfills, which reduces the adverse effects to land. It increases the amount of energy recovered from waste that would otherwise be disposed of in a landfill.

The County-wide system, including the proposed project, realizes the State's goal regarding solid waste reduction. Chapter 403.7032(2) of the Florida Statutes states a goal to reduce the amount of recyclable solid waste disposed in waste management facilities, landfills, or incinerations facilities by a statewide average of at least 75% by 2020. The legislation also states that any solid waste used for the production of renewable energy shall count toward the long-term recycling goal. The proposed Palm Beach Renewable Energy Facility No. 2, as part of the County-wide system, will assist the SWA in realizing the State's goal since the project will increase the amount of solid waste used for the production of renewable energy by converting waste to energy.

The County-wide system, including the proposed project, realizes regional and local government goals for solid waste management. The SWA is the quasi-governmental entity that provides the structure and function to realize regional and local government solid waste management goals. The SWA provides solid waste disposal and recycling services and program to the County and its municipalities' 1.4 million residents and businesses. The proposed Palm Beach Renewable Energy Facility No. 2, as part of the County-wide system, will facilitate the SWA meeting the regional and local government goals contained within the Palm Beach County Comprehensive Plan and City of West Palm Beach Comprehensive Plan through the implementation of combusting refuse into renewable energy.

Therefore, the proposed Palm Beach Renewable Energy Facility No. 2 is consistent with this Goal.

Goal D: Provide a plan and schedule for the construction of the necessary solid waste management facilities for Palm Beach County.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Goal. The Palm Beach County Renewable Energy Park first opened in 1989. The SWA will refurbish and continue operation of Palm Beach Renewable Energy Facility No. 1 in 2010. The SWA plans to construct Palm Beach Renewable Energy Facility No. 2 by 2015 as part of the necessary County-wide solid waste management facilities to provide solid waste management services.

Therefore, the proposed Palm Beach Renewable Energy Facility No. 2 is consistent with this Goal.

Policy Statement - Combustion

It shall be the policy of the Solid Waste Authority of Palm Beach County to utilize combustion, with the recovery of energy, to manage those portions of the solid waste stream which cannot be efficiently managed through waste reduction, recycling or organics reclamation.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Policy Statement. Combustion serves two functions: (1) reduce the volume of solid waste which would be subject to final disposal in a landfill, and (2) recovery of energy. The existing Palm Beach Renewable Energy Facility No. 1 utilizes combustion, with the recovery of energy, to manage those portions of solid waste which cannot be efficiently managed through waste reduction, recycling or organics reclamation. The Palm Beach Renewable Energy Facility No. 1 is directly responsible for preventing almost 530,000 tons of waste from reaching the landfill and recovered more than 32,000 tons of ferrous metal and 4,000 tons of nonferrous metals in 2008. However, PBRE Facility No. 1 is operating at maximum capacity. The proposed PBRE Facility No. 2 will address the SWA's limitation on meeting this Policy by expanding its ability to implement the Policy as the project is anticipated to process 3,000 tons per day of solid waste generated in the County. The proposed project will also generate approximately 97.5 megawatts of renewable energy, which is sufficient to power up to 56,000 households in the County.

Therefore, the Palm Beach Renewable Energy Facility No. 2 is consistent with this Policy.

Goal A: Utilize PBRE Facility No.1 to assure that the waste reduction and energy production goals are achieved.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Goal. Palm Beach Renewable Energy Facility No. 1 has processed over 15 million tons of waste since 1989. As a result, PBRE Facility No.1 has generated over 6 million megawatt hours of electricity, which has saved nearly 20 years of landfill capacity. However, PBRE Facility No. 1 is operating at maximum capacity. This limitation effects the SWA's ability to assure that waste reduction and energy production goals are achieved.

The proposed Palm Beach Renewable Energy Facility No. 2 will address the capacity limitation at the PBRE Facility No. 1 by expanding the SWA's ability to achieve waste reduction and energy production goals in the long-term. Together, the facilities will process 5,000 tons of waste daily, which will generate renewable energy to approximately 86,000 households. The Proposed Facility is expected to recover 33,000 tons of metal and generate 95 megawatts annually. The proposed project will assure the reduction of waste entering the landfill. Moreover, the Proposed Facility will extend the life of the existing landfill by seven years and preserve future capacity.

Therefore, the Palm Beach Renewable Energy Facility No. 2 is consistent with this Policy.

Goal C: Evaluate combustion and disposal capacity on a regular basis to enable policy decisions regarding the expansion of combustion capacity to be addressed on a timely basis.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Goal. The proposed Palm Beach Renewable Energy Facility No. 2 is a result of the SWA evaluating its combustion and disposal capacity, which led to its decision to expand its combustion capacity. The proposed Palm Beach Renewable Energy Facility No. 2 is planned for construction by 2015. The new project will reduce the amount of refuse that would be deposited in the landfill and increase the generation of renewable energy. The new project will process 3,000 tons per day of solid waste and generate approximately 95 megawatts of renewable energy. The Proposed Facility will reduce the amount of waste entering the landfill by up to 85%, effectively prolonging the life of the existing landfill by seven years and preserving future capacity. The Proposed Facility is expected to recover 33,000 tons of metal and generate 97.5 megawatts of electricity annually.

Therefore, the Palm Beach Renewable Energy Facility No. 2 is consistent with this Policy.

Goal D: Assure, through annual inspections and compliance activities that the Proposed Facility operates in compliance with contract requirements and appropriate regulations.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Goal. The SWA meets this Goal through annual inspections and compliance activities for its existing facilities.

The Power Plant Siting Act (PPSA) in Florida Statutes 403.501-.518 is the State's process for licensing large power plants, such as the proposed Palm Beach Renewable Energy Facility No. 2. The PPSA is a streamlined process that coordinates multiple regulatory agencies as part of the licensing certification. Upon approval of the PPSA licensing, the proposed project will comply with any applicable contract requirements and appropriate regulations. Waste to energy facilities, such as the existing and proposed Palm Beach Renewable Energy Facilities, are regulated by the United States Environmental Protection Agency (EPA), pursuant to the Clean Air Act. The new project would also be regulated by the Florida Department of Environmental Protection (FDEP) as well as regional regulatory agencies, such as South Florida Water Management District (SFWMD).

Therefore, the Palm Beach Renewable Energy Facility No. 2 is consistent with this Policy.

Policy Statement - Solid Waste System Operations

It shall be the Policy of the Solid Waste Authority to operate its solid waste management facilities to minimize their impact on adjacent and neighboring properties. It shall further be the Policy of the Solid Waste Authority to utilize screening and landscape buffers, maximizing the use of native Florida vegetation, to minimize visual impacts and noise. The Solid Waste Authority shall use operational best management practices to prevent or reduce pollution, provide for adequate water quality protection, and minimize odors which may emanate from solid waste facilities.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Policy Statement. The SWA first opened the Palm Beach County Renewable Energy Park in 1989 and has since incurred development and protected the adjacent City of West Palm Beach Water Catchment Area all the while operating next to this conservation area. The SWA has implemented its Policy of utilizing screening and landscape buffers, and maximizing the use of native Florida vegetation in order to minimize visual and sound impacts. This is proven through the SWA's approximately 300 acre conservation area set aside within the overall 1,325 acre site. This conservation area is along the Property's western boundary and serves as a natural buffer to the City's Water Catchment Area. The SWA uses operational best management practices to prevent or reduce pollution, provide for adequate water quality protection and minimize odors which may emanate from its facilities. The SWA has air, water, soil and wildlife monitoring programs. Its facility managers use pollution prevention plans to integrate best practices into daily operations. The SWA has a landfill gas collection system that collects and controls greenhouse gas emission from the landfill, which helps prevent odors.

The proposed Palm Beach Renewable Energy Facility No. 2 shall continue to implement this Policy since the Proposed Facility is not anticipated to alter or impact the on-site conservation area. The Proposed Facility will be located centrally within the Property, thus not directly impacting adjacent and neighboring properties with sight, sound or odor. It should also be noted that none of the SWA facilities, existing and proposed, are adjacent to residential uses. The new project will contain state-of-the-art emissions controls to minimize odor which may emanate. The Proposed Facility will avoid methane emissions typically incurred by landfills. According to the EPA, energy from waste facilities, such as the Palm Beach Renewable Energy Facility No. 2, are more favorable than landfills for greenhouse gas emissions. The Proposed Facility can potentially improve air quality by replacing fossil fuel power plants.

Therefore, the Palm Beach Renewable Energy Facility No. 2 is consistent with this Policy.

Goal A: Assure that the solid waste facilities are, to the extent possible, aesthetically compatible with surrounding land uses.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Goal. To the

extent possible, the SWA assures that its facilities are aesthetically compatible with surrounding land uses. None of the solid waste facilities are adjacent to residential land uses. Rather, the solid waste facilities are situated adjacent to non-residential land uses, such as Florida's Turnpike and 45th Street. The adjoining land uses to those corridors are also non-residential uses, such as Dyer Park and Winding Waters natural area.

The proposed Palm Beach Renewable Energy Facility No. 2 will be located immediately north of the existing Palm Beach Renewable Energy Facility No. 1, thus maintaining the solid waste facilities footprint of development. The Proposed Facility's location does not impact the approximately 300-acre on-site conservation area.

Therefore, the Palm Beach Renewable Energy Facility No. 2 is consistent with this Policy.

Goal B: Manage solid waste facilities to minimize potential odor, noise and traffic impacts.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Goal. The proposed project will include state-of-the-art emission controls, which assists in minimizing potential odor. Facility managers use pollution prevention plans to integrate best practices into daily operations to also minimize potential odor. The Proposed Facility, similar to PBRE Facility No. 1, will be located approximately 1 ¼ miles from the nearest residence. The Proposed Facility, similar to the PBRE Facility No. 1, will receive municipal solid waste via collection vehicles. Rather than some municipal solid waste being directed to the North County Regional Solid Waste Disposal Facility due to the PBRE Facility No. 1 operating at a maximum capacity, some collection vehicles will be directed to Palm Beach Renewable Energy Facility No. 2 where the resource recovery process begins. Thus, the noise and traffic impacts are negligible compared to the refuse directed to the North County Regional Solid Waste Disposal Facility.

Therefore, the Palm Beach Renewable Energy Facility No. 2 is consistent with this Policy.

Goal C: Develop operating plans for individual facilities as appropriate to address issues of pollution prevention, operational practices, safety procedures and facility maintenance.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Goal. The SWA has developed operating plans for its facilities as appropriate to address issues of pollution prevention, operational practices, safety procedures and facility maintenance. The SWA uses operational best management practices to prevent or reduce pollution, provide for adequate water quality protection and minimize odors which may emanate from its facilities. Its facility managers use pollution prevention plans to integrate best practices into daily operations.

The SWA will develop an operating plan for the proposed project which will meet this Policy, similar to its operating plan for its existing Palm Beach Renewable Energy Facility No. 1, which has been tried and tested.

Therefore, the Palm Beach Renewable Energy Facility No. 2 is consistent with this Policy.

Palm Beach County Comprehensive Plan

The following demonstrates consistency with the Palm Beach County's (County) Solid-Waste Sub-Element from the Comprehensive Plan, revised August 21, 2008. The County's Sub-Element is excerpted from the Solid Waste Authority's Integrated Solid Waste Management Plan which was written to comply with the requirements of Chapter 403, Florida Statutes. Although the Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are located outside of the jurisdiction of unincorporated Palm Beach County and are not directly governed by the Palm Beach County Comprehensive Plan, the Integrated Solid Waste Management Plan applies to all of the land area within Palm Beach County, whether within a municipal boundary or in the unincorporated area. As a Dependent District of Palm Beach County, the Integrated Solid Waste Management Plan is referenced in the County's Comprehensive Plan. Therefore, indirectly, certain provisions of the Palm Beach County Comprehensive Plan may be considered.

Goal 1: It is the goal of Palm Beach County to facilitate environmentally sound, solid and hazardous waste management. [9J.5.011(2)(a), F.A.C.]

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Goal. The petition to expand the SWA's resource recovery ability at the proposed Waste to Energy Facility will assist the County in facilitating environmentally sound, solid waste management due to providing a Proposed Facility that converts waste to energy. The conversion of waste to energy is an example of environmentally sound, solid waste management and is supported by the Environmental Protection Agency (EPA).

Objective 1.1 Implementation

Upon adoption of the Comprehensive Plan, all public and private activities concerning the management and disposal of solid and hazardous waste shall be consistent with the Goal, Objectives and Policies of this Element. [9J5.005(6) F.A.C.]

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Objective. The request to expand its resource recovery ability at the Proposed Facility expansion will better service the public concerning the management and disposal of solid waste. The Proposed Facility expansion is consistent with this Objective as it implements the SWA's

planning, in coordination with Palm Beach County, to provide an alternative to disposing of solid waste in to the North County Regional Solid Waste Disposal Facility. Further, the expansion will assist the County in facilitating environmentally sound, solid waste management through the Proposed Facility that will enhance resource recovery service to meet the current level of service standard and plan for future solid waste demand.

Policy 1.2-b: Palm Beach County and the Solid Waste Authority shall continue to implement programs with the purpose of further reducing waste in Palm Beach County. The Solid Waste Authority of Palm Beach County met the recycling goals of the 1988 Solid Waste Management Act, and the Authority's goal of achieving a 50% reduction in the quantity of waste landfilled by 1998.

The Palm Beach County Renewable Energy Park and its facilities, including the proposed Palm Beach Renewable Energy Facility No. 2, are consistent with this Policy. The SWA and County have ongoing coordination in implementing programs with the purpose of further reducing waste in the County. This is evidenced through this request for a Waste to Energy Facility expansion, which will reduce that which enters the landfill and converts waste to energy.