



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
4400 PGA BOULEVARD, SUITE 500
PALM BEACH GARDENS, FL 33410

JUN 24 2010

Palm Beach Gardens Regulatory Office
SAJ-1985-01054 (IP-LCK)

Solid Waste Authority of Palm Beach County
Attn: Mark Hammond Executive Director
7501 North Job Road
West Palm Beach, FL 33412

Dear Mr. Hammond:

The U.S. Army Corps of Engineers (Corps) has completed the review and evaluation of your Department of the Army permit application, number SAJ-1985-01054(IP-LCK). Our regulations require that you have an opportunity to review the terms and conditions prior to final signature by the Department of the Army. Enclosed is an unsigned Department of the Army permit instrument (permit).

Please read carefully the Special Conditions beginning on page 2 of the permit. These were developed to apply specifically to your project. Water Quality Certification is also required prior to issuance of a permit. The Corps has received a copy of the Florida Department of Environmental Protection Siting Coordination Office (Department) (FDEP) stating that the applicant's Conditions of Certification (COC) will not require a modification to the COC, provided that the Solid Waste Authority continues to comply with all terms and conditions of the existing COC for the Facility number: PA 84-20.

Instructions for Objecting to Permit Terms and Conditions: This letter contains an initial proffered permit for your proposed project. If you object to certain terms and conditions contained within the permit, you may request that the permit be modified. Enclosed you will find a Notification of Administrative Appeal Options and Process fact sheet and Request for Appeal (RFA) form. If you choose to object to certain terms and conditions of the permit, you must follow the directions provided in Section 1, Part A and submit the completed RFA form to the letterhead address.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria under 33 CFR Part 331.5, and that it has been received by the District office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the letterhead address within 60 days from the date of this letter.

Instructions for Accepting Terms and Conditions and Finalizing Your Permit: It is not necessary to submit an RFA form to the District office, if you do not object to the decision in this letter. In this case, the permit must be signed by the applicant in the space provided on the signature page of the permit. In the case of corporations, acceptance must be by an officer of that corporation authorized to sign on behalf of the corporation. The party responsible for assuring the work is done in accordance with the permit terms and conditions must sign the permit. Please type or print the name and title of the person signing below the signature and the date signed.

SIGN AND RETURN THE PERMIT, IN ITS ENTIRETY, TO THE LETTERHEAD ADDRESS, ALONG WITH A CHECK OR MONEY ORDER FOR \$100 MADE PAYABLE TO THE FINANCE AND ACCOUNTING OFFICER, JACKSONVILLE DISTRICT.

The permit will be signed by the District Engineer and returned to you. It is important to note that the permit is not valid until the District Engineer signs it.

The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit the following link and complete our automated Customer Service Survey:

<http://per2.nwp.usace.army.mil/survey.html>.

Your input is appreciated - favorable or otherwise. Please be aware this web address is case sensitive and should be entered as it appears above.

If you have any questions concerning this application, you may contact Linda C. Knoeck in writing at the letterhead address, by electronic mail at Linda.C.Knoeck@usace.army.mil, or by telephone at 561-472-3527.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Kinard", with a horizontal line drawn through the middle of the signature.

Donald W. Kinard
Chief, Regulatory Division

Enclosures

Copy Furnished

Earthshine Environmental, Inc.
Tamara L. Stankunas, P.G.
19046 Bruce B. Downs Blvd., #237
Tampa, FL 33647

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant:		File Number: SAJ-1985-01054	Date:
Attached is:		See Section below	
☒	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
☐	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
☐	PERMIT DENIAL	C	
☐	APPROVED JURISDICTIONAL DETERMINATION	D	
☐	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/ineo/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.

- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Project Manager as noted in letter

If you only have questions regarding the appeal process you may also contact:

for process:

Stuart Santos 904-232-2018

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

DEPARTMENT OF THE ARMY PERMIT

JUN 24 2010

Permittee:

Solid Waste Authority of Palm Beach County
7501 North Job Road
West Palm Beach, FL 33412

Permit No: SAJ-1985-01054 (IP-LCK)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The applicant proposes to discharge 1,132,539 cubic yards of clean fill within the existing footprint of the South Borrow Lake to approximately 19-feet National Geodetic Vertical Datum (NGVD). The fill material will impact approximately 5.97 acres of wetland habitat (littoral shelf) and 17.06 acres of open water habitat. The work described above is to be completed in accordance with the 5 pages of drawings and 2 attachments affixed at the end of this permit instrument.

Project Location: The South Borrow Lake is located within Solid Waste Authority (SWA) Palm Beach County Renewable Energy Park formally known as the North County Resource Recovery Facility Site 7 Campus approximately one mile northwest of the intersections of 45th Street and Jog Road (PCN: 74-42-42-34-00-000-1010 West Palm Beach (Section 34, Township 42 South, Range 42 East), in Palm Beach County Florida.

Directions to site: Directions to the site are as follows: Take I-95 South and exit on 45th Street west take a right onto North Jog Road. The South Borrow Lake is approximately one mile north on North Job Road on the left.

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PERMITTEE: Solid Waste Authority of Palm Beach County
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Latitude & Longitude: Latitude: 26.7778°
Longitude: -80.1411°

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on June 24, 2020. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

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PERMITTEE: Solid Waste Authority of Palm Beach County
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6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. **Reporting Address:** All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, Post Office Box 4970 Jacksonville FL 32232-0019. The Permittee shall reference this permit number, SAJ-1985-01054(IP-LCK), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

3. **Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

4. **Mitigation Credit Purchase:** Within 30 days from the date of initiating the authorized work or 12 months from the effective date of this permit, whichever first occurs, the Permittee shall provide verification to the Corps that 3.82 federal mitigation bank credits have been purchased from the Loxahatchee Mitigation Bank (SAJ-1997-07816). The required verification shall reference this project's permit number (SAJ-1985-01054(IP-LCK)).

5. The Corps acknowledges that the littoral wetlands associated with the remaining four onsite borrow lakes; North, Middle, Southwest and Southeast (see attachment A), serve as compensatory mitigation and shall be maintained in their natural state in perpetuity. The Permittee agrees that the only future utilization of these areas will be as a purely natural area. The

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PERMITTEE: Solid Waste Authority of Palm Beach County
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Corps reserves the right to deny review of any requests for future impacts to these areas.

6. **As-Builts:** Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment B) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.

b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

7. **Eastern Indigo Snake Protection Measures:** The Permittee shall comply with U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated February 12, 2004 and provided in Attachment C of this permit."

8. **Regulatory Agency Changes:** Should any other regulatory agency require changes to the work authorized or obligated by this permit, the Permittee is advised that a modification to this

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permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Palm Beach Gardens Regulatory Office.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899
(33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

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c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170)

PERMIT NUMBER: SAJ-1985-01054(IP-LCK)

PERMITTEE: Solid Waste Authority of Palm Beach County

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accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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PERMITTEE: Solid Waste Authority of Palm Beach County

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Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

(DATE)

(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)

Alfred A. Pantano, Jr.
Colonel, U.S. Army
District Commander

(DATE)

PERMIT NUMBER: SAJ-1985-01054(IP-LCK)
PERMITTEE: Solid Waste Authority of Palm Beach County
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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFeree-SIGNATURE)

(DATE)

(NAME-PRINTED)

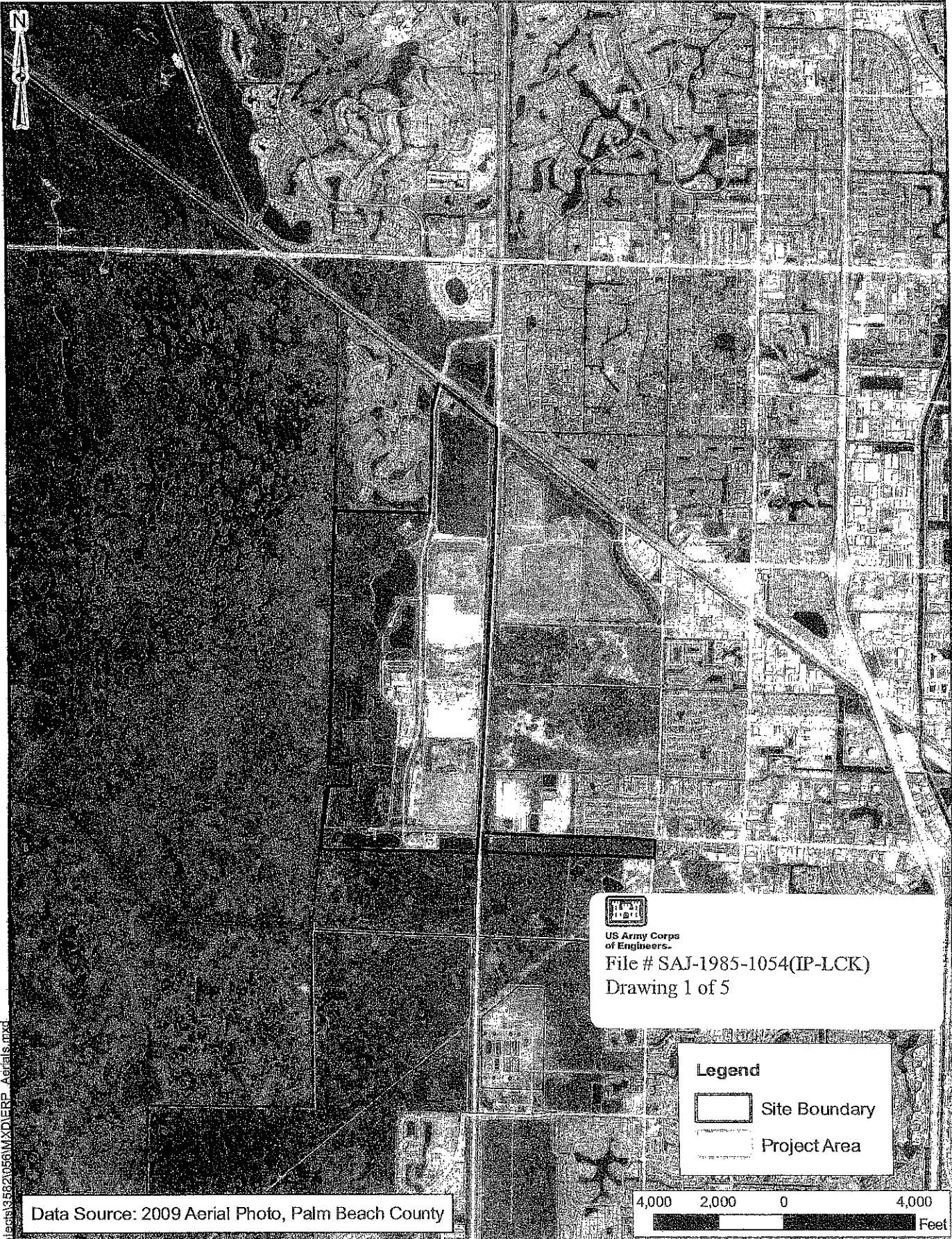
(ADDRESS)

(CITY, STATE, AND ZIP CODE)

PERMIT NUMBER: SAJ-1985-01054(IP-LCK)
PERMITTEE: Solid Waste Authority of Palm Beach County
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***Attachments to Department of the Army
Permit Number SAJ-1985-01054(IP-LCK)***

1. PERMIT DRAWINGS: 5 pages
2. FDEP CONDITIONS OF CERTIFICATION: pages 1-32
3. LOCATION MAP (REMAINING ONSITE BORROW LAKES): Attachment A
4. AS-BUILTS: Attachment B
5. EASTERN INDIGO SNAKE PROTECTION MEASURES: Attachment C




US Army Corps
of Engineers.
File # SAJ-1985-1054(IP-LCK)
Drawing 1 of 5

Legend

 Site Boundary

 Project Area



Data Source: 2009 Aerial Photo, Palm Beach County

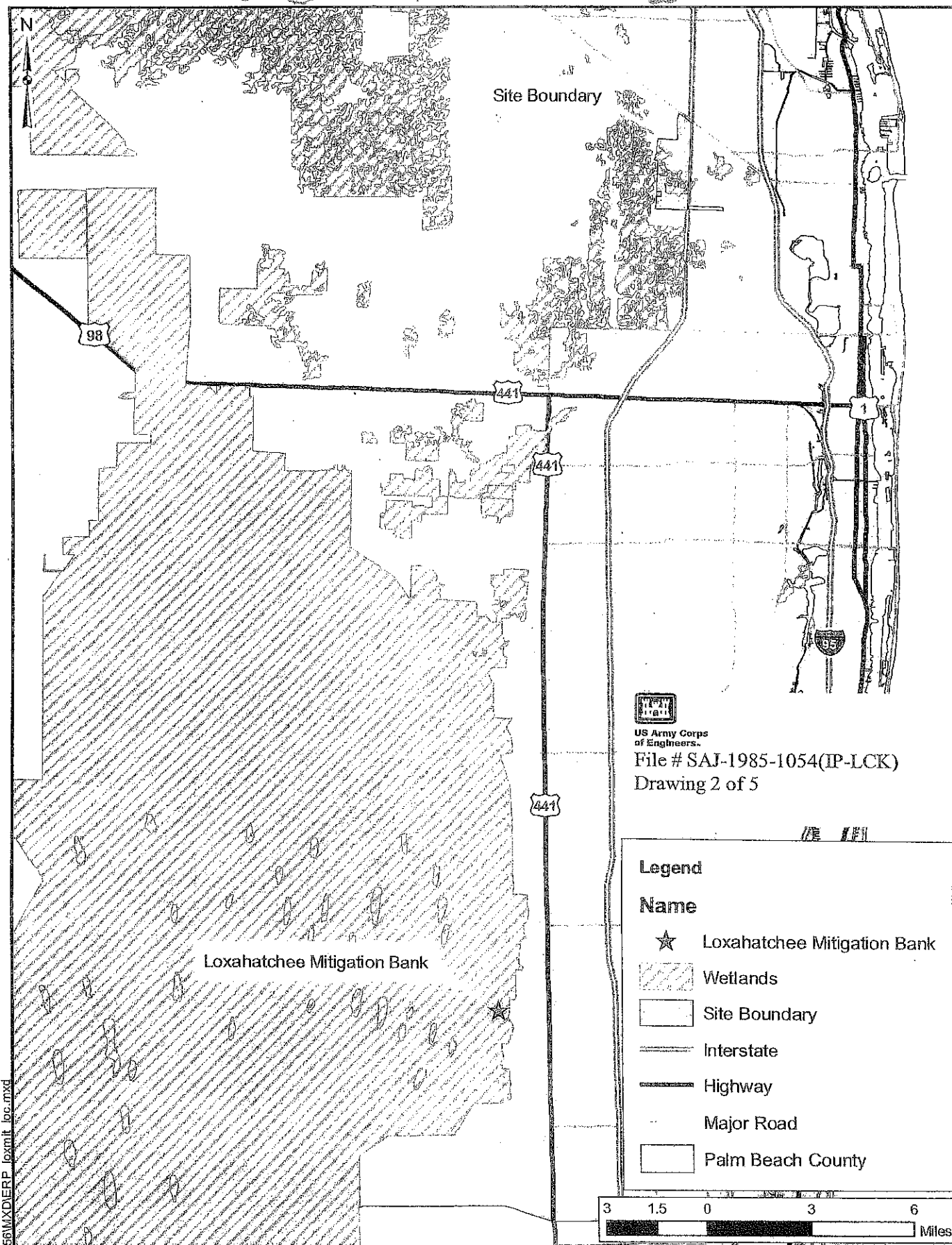


Solid Waste Authority
of Palm Beach County

USACOE Federal Dredge and Fill Permit
Aerial Map of Project Area

MALCOLM PIRNIE, INC.
June 2009
FIGURE E-2

\\palmbeach\data\Projects\3582\056MXD\ERP_Aerials.mxd



G:\Projects\1358210\561MXD\ERP_loxmit_lbc.mxd

**MALCOLM
PIRNIE**

Solid Waste Authority
of Palm Beach County

USACOE Federal Dredge and Fill Permit
Mitigation Bank Location Map

MALCOLM PIRNIE, INC.

June 2009
FIGURE C-4



Legend

NGVD Elevation (feet)

20ft Berm

16ft Designed Water Surface Level

12ft bottom Elev. of Littoral Shelf



US Army Corps
of Engineers

File # SAJ-1985-1054(IP-LCK)

Drawing 3 of 5

200 100 0 200
Feet

Reference:
Palm Beach County 2007 True Color Aerial
Depth Survey by Craven, Thompson and
Associates, Inc., 2008

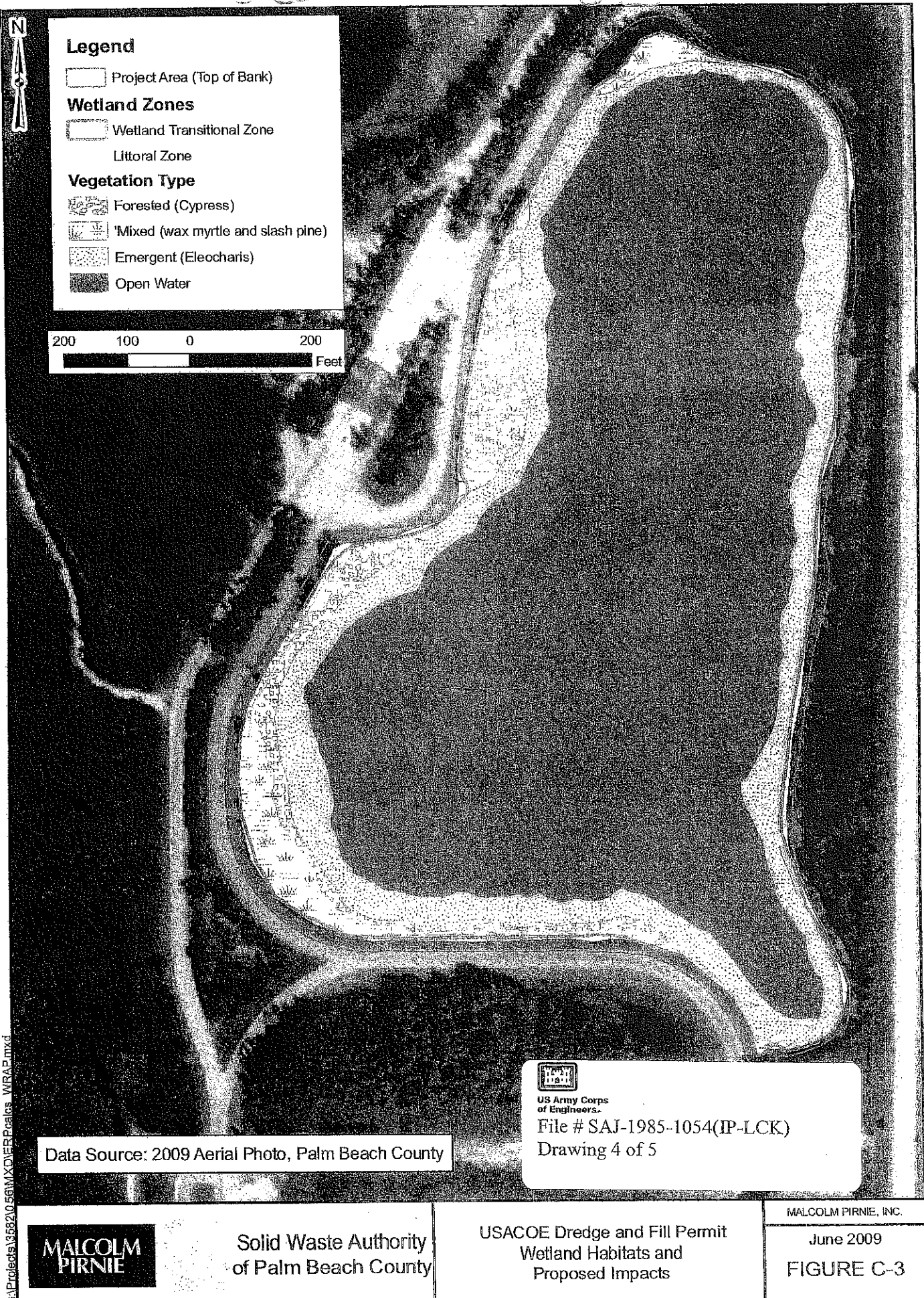
**MALCOLM
PIRNIE**

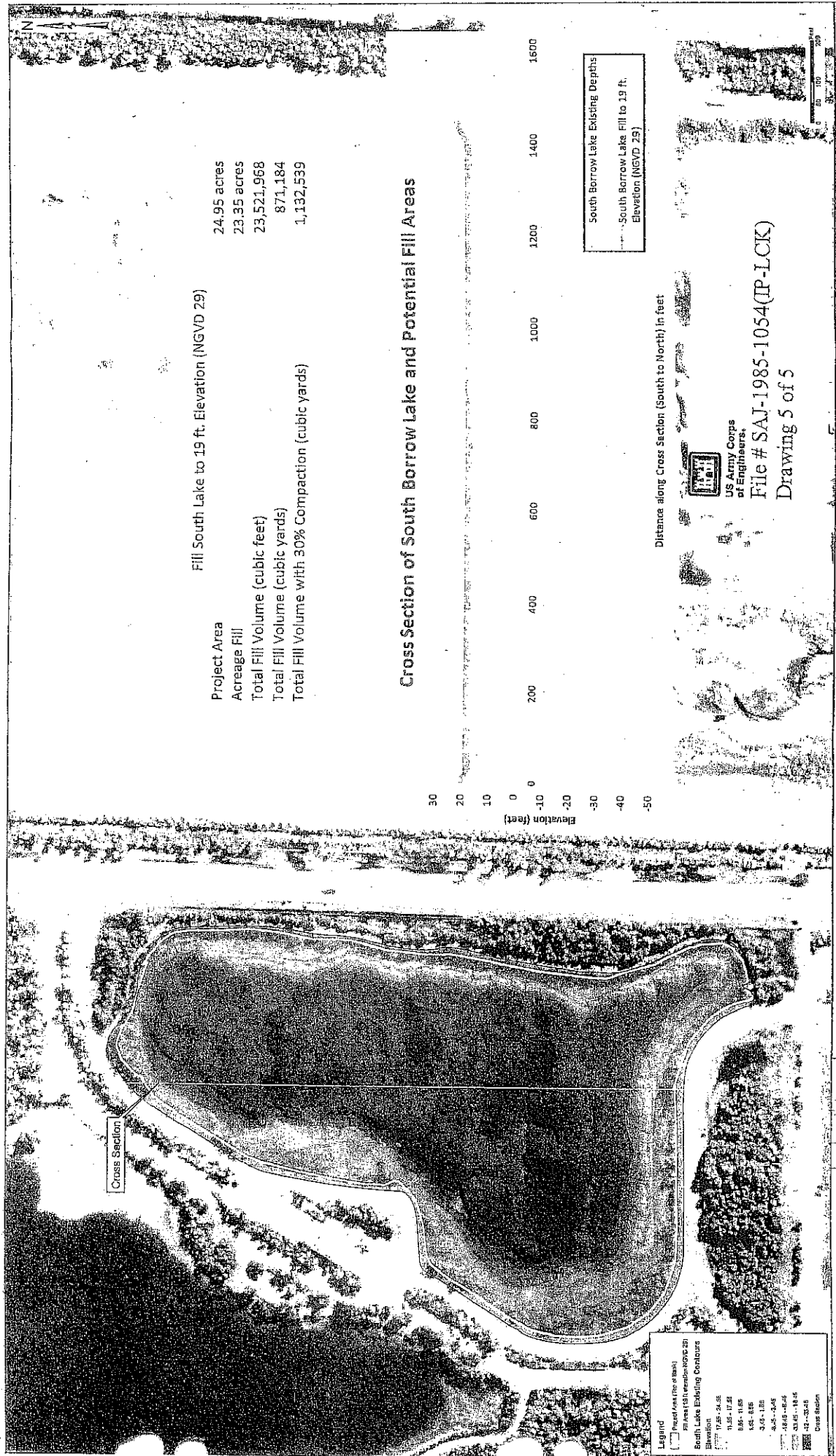
Solid Waste Authority
Palm Beach County

South Lake
Littoral Zone Map

MALCOLM PIRNIE, INC.

February 2009
FIGURE 5





**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

**Palm Beach County
Resource Recovery Facility**

PA 84-20L

Modified February 16, 2010

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List of Attachments

Attachment A: Wetlands Exhibit

List of Appendices

Appendix I: Air Construction Permits –

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PSD-FL-108B
PSD-FL-108C
0990234-002-AC
0990234-006-AC
0990234-008-AC
0990234-009-AC
0990234-012-AC
0990234-015-AC

Appendix II: Air Operation (Title V) Permit –

0990234-013-AV

I. CHANGE IN DISCHARGE

All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge of any regulated pollutant not identified in the application, or more frequent than, or at a level in excess of that authorized herein, shall constitute a violation of the certification. Any anticipated facility expansions beyond the certified initial nameplate capacity of 2,000 TPD, production increases, or process modifications which may result in new, different, or increased discharge of pollutants, change in type of fuel as described in XIV.B., or expansion in steam generating capacity must be reported by submission of a supplemental application pursuant to Chapter 403, Florida Statutes.

II. NONCOMPLIANCE NOTIFICATION

If, for any reason, the Permittee (defined as the Applicant, Palm Beach County Solid Waste Authority or assigns) does not comply with or will be unable to comply with any limitation specified in this certification, the Permittee shall notify the Southeast Florida District Office of the Department of Environmental Protection (Southeast District Office) and the Palm Beach County Health Department (PBCHD) by telephone within a working day that said noncompliance occurs and shall confirm this in writing within seventy-two (72) hours of becoming aware of such conditions, and shall supply the following information:

- A. A description of the discharge and cause of noncompliance; and
- B. The period of noncompliance including exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying event.

III. FACILITIES OPERATION

The Permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the Permittee to achieve compliance with the terms and conditions of this certification. Stoppages of landfill operations induced by weather conditions shall be allowed until the weather permits operations to resume. In the event of a malfunction of a resource recovery boiler's pollution control system that unit's furnace emissions must be shifted to the extent feasible to the remaining unit having a properly functioning pollution control system. In the event of a prolonged [thirty (30) days or more] equipment malfunction or shutdown of air pollution control equipment, operation could be permitted to continue to take place under a consent order, only if the Permittee demonstrates that such operation will be in compliance with all applicable ambient air quality standards and PSD increments, solid waste rules, domestic waste rules and industrial waste rules. Additionally, during such malfunction or shutdown, the source shall comply with all other requirements of this certification and all applicable state and federal emission standards not affected by the malfunction or shutdown which is the subject of the consent order. Administrative action will not be initiated in the event of such a malfunction for 25 days following a malfunction unless there is an imminent health threat. However, if at thirty (30) days following a malfunction compliance has not been achieved by the source, an order for Corrective Action may be immediately imposed upon the Applicant, subject to

the provisions of Chapter 120 of the Florida Statutes. Operational stoppage exceeding two hours for air pollution control systems or four hours for other systems or operational malfunctions as noted below exceeding two hours for air pollution control systems or four hours for other systems and as defined in the operational contingency plans as specified in Condition XVII are to be reported as specified in Condition II. Identified operational malfunctions which do not stop operation but do compromise the integrity the operation shall be reported to the Southeast District Office as specified in Condition II.

IV. ADVERSE IMPACT

The Permittee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

V. RIGHT OF ENTRY

The Permittee shall allow during operational hours the Secretary of the Florida Department of Environmental Protection and/or authorized representatives, upon the presentation of credentials:

A. To enter upon the Permittee's premises where an effluent source is located or in which records are required to be kept under the terms and conditions of this certification, and

B. To have access during normal business hours (Mon.-Fri., 9:00 A.M. to 5:00 P.M.) to any records required to be kept under the conditions of this certification for examination and copying, and

C. To inspect and test any monitoring equipment or monitoring method required in this certification and to sample any discharge or pollutants, and

D. To assess any damage to the environment or violation of ambient standards.

VI. REVOCATION OR SUSPENSION

This certification may be suspended or revoked for violations of any of its conditions pursuant to Section 403.512, Florida Statutes.

VII. CIVIL AND CRIMINAL LIABILITY

This certification does, not relieve the Permittee from civil or criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the Department or Chapter 403, Florida Statutes, or regulations thereunder.

Subject to Section 403 511, Florida Statutes, this certification shall not preclude the institution of any legal action or relieve the Permittee from any responsibilities or penalties established pursuant to any other applicable State Statutes, or regulations.

VIII. PROPERTY RIGHTS

The issuance of this certification does not convey any property rights in either real or personal property, nor any exclusive privileges, nor does it authorize any injury to

public or private property or any invasion of personal rights nor any infringement of Federal, State or local laws or regulations.

IX. SEVERABILITY

The provisions of this certification are severable, and if any provision of this certification or the application of any provision of this certification to any circumstances, is held invalid, the application of such provisions to other circumstances and the remainder of the certification shall not be affected thereby.

X. DEFINITIONS

The meaning of terms used herein shall be governed by the definitions contained in Chapter 403, Florida Statutes, and any regulations adopted pursuant thereto. In the event of any dispute over the meaning of a term in these conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation. Words or phrases used herein dealing with conditions of the South Florida Water Management District (SFWMD) shall be defined by reference to Chapter 373, Florida Statutes or applicable rules of the SFWMD. Contaminated water shall include leachate and runoff that have been in contact with ash or solid waste.

XI. REVIEW OF SITE CERTIFICATION

The certification shall be final unless revised, revoked or suspended pursuant to law. At least every five years from the date of issuance of certification the Department shall review all monitoring data that has been submitted to it during the preceding five-year period for the purpose of determining the extent of the Permittee's compliance with the conditions of this certification and the environmental impact of this facility. The Department shall submit the results of its review and recommendations to the Permittee. Such review will be repeated at least every five years thereafter.

XII. MODIFICATION OF CONDITIONS

A. Pursuant to Subsection 403.516(1), Florida Statutes, the Siting Board hereby delegates to the Secretary of the Department of Environmental Protection, who further delegates to the Siting Coordination Office, the authority to modify, after notice and opportunity for hearing, any condition of this certification which would not otherwise require approval from the Siting Board.

B. This certification shall be automatically modified to conform to any subsequent amendments, modifications, or renewals made by the Department under a federally delegated or approved program to any separately issued Prevention of Significant Deterioration (PSD) permit, Title V air permit, or National Pollutant Discharge Elimination System (NPDES) permit for the certified facility. The Permittee shall send each party to the original certification proceedings (at the party's last known address as shown in the record of such proceeding) notice of requests for modifications or renewals of the above listed permits if the request involves a relief mechanism (e.g., mixing zone, variance, etc.) from standards, a relaxation of conditions included in the permit due to state permitting requirements, or the inclusion of less restrictive air emission limitations

in the air permits. The Department shall notify all parties to the certification proceeding of any intent to modify conditions under this section prior to taking final agency action.

C. All other modifications to these conditions shall be made in accordance with Section 403.516, Florida Statutes.

XIII. CONSTRUCTION

The facility shall be constructed, at a minimum, pursuant to the design standards presented in the application and the standards or plans and drawings submitted and signed by an engineer registered in the state of Florida. The Applicant shall present upon request, specific facility plans, as developed, for review by the Southeast District Office, South Florida Water Management District and PBCHD prior to construction pursuant to the portions of the plans then being submitted. Specific Southeast District Office approval of plans will be required based upon a determination of consistency with approved design concepts, regulations and these Conditions prior to initiating construction of the: leachate collection system, air pollution control equipment, wastewater treatment and disposal systems, composting operations, domestic waste and septage handling and treatment systems, stormwater runoff system, landfill closure plans and hazardous, toxic or pathological handling facilities or areas. Review and action by the Southeast District Office or SFWMD on said plans shall be accomplished in no longer than ninety (90) days from the date of a complete submittal of such plans and any action may be subject to review pursuant to Chapter 120, Florida Statutes. Approvals shall not be unreasonably withheld.

A. Control Measures

1. Stormwater Runoff

a) To control runoff during construction which may reach and thereby pollute Waters of the State, necessary measures shall be utilized to settle, filter, treat or absorb silt-containing or pollutant-laden stormwater to ensure against spillage or discharge of excavated material that may cause turbidity in excess of 29 Nephelometric Turbidity Units above background in Waters of the State. Control measures may consist of sediment traps, barriers, berms, and vegetation plantings. Exposed or disturbed soil shall be protected and stabilized as soon as possible to minimize silt and sediment-laden runoff. The pH of the runoff shall be kept within the range of 6.0 to 8.5. The Permittee shall comply with Florida Administrative Code Chapters 62-302 and 40E-4. The Permittee shall complete the forms required by 40E-4 and submit those forms and the required information to the SFWMD and Southeast District Office for approval no later than 90 days prior to start of construction, including design drawings indicating flow drainage plans during facility construction and operation. To prevent the discharge of turbid water (greater than 29 NTU's above background) from the site during construction, a temporary berm with 3H:1V side slopes and an elevation sufficient to contain the 25 year, 3 day storm event shall be constructed around the resource recovery site (except for the landfill areas and Jog Road) prior to commencement of work on the facility.

b) The new recovered materials processing facility (new RMPF) will be constructed as described in the 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) Any delineation of the extent of a wetland or other surface water submitted as part of the application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this

license or a formal determination under section 373.421(2), F.S., provides otherwise.
[Chapter 40E-4.381]

f) The surface water management system for the new RMPF shall be constructed in accordance with the signed and sealed drawings included in Appendix D of the Petition for Modification dated November 2007 and updated drawings dated 12/31/07 on file with the Siting and DEP Southeast District Offices. Retention Pond 1 and Pond 2 bottom shall be @ 16.70 feet NGVD and top of bank elevation shall be at 19.0 feet NGVD. Outfall structures shall be equipped with pollutant retardant baffles. The discharge control structures shall consist of control structure CS-A and CS-B as described below: [Chapter 40 E-4, 40 E-40, and SFWMD Basis of Review]

Structure	Description (inches)	Crest Elevation (ft. NGVD)	Discharge Culvert
CS-A	Weir: 1-24"(span) by 19.44"(rise) 3-inch circular bleeder	17.28 15.7 (invert)	2 - 24-inch RCP
CS-B	Weir: 1-36"(span) by 19.44"(rise) 3-inch circular bleeder	16.98 15.7 (invert)	2 - 24-inch RCP

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]

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

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. Burning

Open burning in connection with land clearing shall be in accordance with Chapter 62-256, F.A.C., and Uniform Fire Code Section 33.101 Addendum. No additional permits shall be required, but prior to each act of burning, the Division of Forestry shall be contacted to determine if satisfactory conditions exist for burning. Open burning shall not occur if the Division of Forestry or Palm Beach County Fire and Rescue Department has issued a ban on burning due to fire hazard conditions.

3. Sanitary Wastes

Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of the appropriate local health agency.

4. Solid Wastes

Solid wastes resulting from construction shall be disposed of in accordance with the applicable regulations of Chapter 62-701, F.A.C.

The licensee is hereby granted permission to construct and operate a Solid Waste Resource Recovery and Materials Recycling Facility (SWRRMRF) in accordance with the letter, documents and plans submitted on August 9, 1990. The operations of the associated facility shall be pursuant to all applicable portions of Chapter 17-701, F.A.C. This SWRRMRF shall be relocated when the future landfill footprint expansion is necessitated pursuant to the future landfill phasing plans, phases IV and final, Job No. 22-046.10, SHW #875-0987D, Sheets 4 of 5 and 5 of 5, dated September 29, 1987, prepared by Post, Buckley, Schuh and Jernigan, Inc.

5. Noise

Construction noise shall not exceed either local noise ordinance specifications, or those noise standards imposed by zoning.

6. Dust

The Permittee shall employ proper dust-control techniques to minimize unconfined emissions.

7. Transmission Lines

The directly associated transmission lines from the Resource Recovery Facility electric generators to the existing Florida Power and Light Company transmission system shall be cleared, maintained and prepared without the use of herbicides. Construction of a substation on the certified site east of the Turnpike shall

not be allowed without a supplemental application and demonstration of compliance with sections 403.508(1) and (2), F.S.

8. Conservation Easement

Before the commencement of any construction herein authorized, the Permittee shall file and have recorded, in the same manner as any other instrument affecting the title to real property, a conservation easement pursuant to Section 704.06, Florida Statutes, in the office of the Clerk of the Circuit Court, Palm Beach County, for the designated conservation area identified in the mitigation plan, west of Jog Road and the Resource Recovery Facility west to the Water Catchment Area excluding operational areas.

The Permittee shall pay all recording fees. The conservation easement shall be in favor of the Department of Environmental Protection and shall restrict any activity including dredging and filling of land, cutting, eradicating or pruning of endemic vegetation beyond the scope of the approved mitigation plan indicated in Section 4.2 of the application and Condition XX. A draft conservation easement and a certified survey with a legal description shall be submitted to the Southeast District office for review and approval before it is filed (by the County) with the Clerk of the Circuit Court, Palm Beach County.

9. Written Notice

Written notice from the Department indicating that Condition No. XIII.A.8. has been satisfied shall be obtained by the Permittee prior to the beginning of any construction. All mitigation in the shell pit area shall be in accordance with the time schedule outlined in the mitigation plan approved per Condition XX.

10. Time Limitations

If the proposed construction of the resource recovery facility, within the jurisdiction area, has not been completed within 5 years of the date of certification, a permit application shall be resubmitted to the Department for evaluation and shall be accompanied by the appropriate fee.

11. Monitoring

The following surface water monitoring program shall be implemented during construction for:

Parameter: Dissolved oxygen, temperature (C□), pH, total and fecal coliform bacteria, salmonella, iron, lead, copper, mercury, cadmium, zinc, silver and turbidity.

Frequency: Quarterly throughout the year except that the samples shall be collected monthly for April, June, August and September. Sampling shall begin at least 30 days prior to initial construction for background levels. All samples shall be taken for a 24 hour period, at 4 hour intervals beginning one hour before sunrise.

Sampling Locations: At the discharge to the EPB-10 canal.

Analyses: Water quality analyses should be performed at detection levels commensurate with water quality criteria for Class III waters (F.A.C. rule 62-302.530). Samples shall be collected in accordance with Standard Methods for Examination of Water and Wastewater and analyzed by a DHRS certified laboratory.

If a violation occurs for any sampled parameter, the Permittee shall, after notifying Department, institute corrective action to abate the violation if it is the result of activities of the Permittee. Corrective action may include further monitoring to determine the extent and degree of violation. Any modifications shall be coordinated with the Southeast District Office. Department approval shall be obtained prior to any action constituting a modification of this permit.

All monitoring reports shall be submitted to the DEP Southeast District Office, PBCHD and the SFWMD under a cover letter containing the following information: (1) certification number; (2) handling, storage and methods of analysis of the samples; (3) a map indicating the sampling locations; and (4) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data. Monitoring reports shall also include the following information for each sample that is taken:

- (1) time of day samples taken;
- (2) depth of water body;
- (3) depth of sample;
- (4) antecedent weather conditions;
- (5) tidal stage and direction of flow; and
- (6) wind direction and velocity.
- (7) status of flow from site stormwater discharge structure. (flowing or not flowing)

Monitoring reports shall be submitted to the Southeast District, PBCHD and SFWMD within 2 weeks of completion of analysis for each sampling period.

12. Protection of Vegetation

The Permittee shall develop the construction site and shall develop the mitigation areas so as to retain endangered and threatened plants, or replant these plants in another suitable environment. Any endangered or threatened plants should be staked in the field or relocated, as appropriate, prior to commencement of any construction or site preparation activities.

13. Dewatering Operations

There shall be no dewatering operations during construction without approval of SFWMD pursuant to XVI.E. Such approval may be obtained by submitting an application to SFWMD at least 90 days prior to start of dewatering operations. Any discharge of water from dewatering operations shall not violate water quality standards.

14. Borrow Material

Prior to excavation of any borrow material from the northeastern portion of the site for use on this project, a hydrogeological assessment of the effects of the existing excavation as well as continued excavation in this area shall be provided to the Department and the SFWMD. No further excavation shall take place until the Department and the SFWMD concur in writing that the location, depth, method of mining, etc., of the excavation will not pose a further threat to groundwater quality in the area.

15. Radio Tower Relocation

The radio tower shall be relocated as shown on the application materials submitted on August 9 and October 2, 1995, in accordance with the following:

- a. The fill placed in the borrow pit shall be clean fill.
- b. Turbidity curtains shall be placed as shown in the drawings submitted with the application and shall remain in place until the site is stabilized.
- c. The side slopes of the tower pad and borrow pit shall be seeded and mulched within 48 hours of final grading.

16. Wetlands:

These conditions do not authorize dredging or filling in wetlands. 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 A) 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 A). 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. Gopher Tortoise Protection

Prior to any site preparation or construction activities on the site, the licensee shall obtain the appropriate authorization from the Florida Fish and Wildlife Conservation Commission regarding protection/relocation of gopher tortoises on the site (as necessary) pursuant to Rules 68A-27.002 and 68A-27.004 (F.A.C.). A copy of the authorization should be forwarded to the DEP SED Office within 30 days of issuance. [Rules 68A-27.002 and 68A-27.004, F.A.C.]

B. Environmental Control Program

An environmental control program shall be established under the supervision of a qualified individual to assure that all construction activities conform to applicable environmental regulations and the applicable conditions of certification.

If harmful effects or irreversible environmental damage not anticipated by the application or the evidence presented at the certification hearing are detected during construction, the Permittee shall notify the Southeast District Office as required by Condition II.

C. Reporting

1. Notice of commence of construction shall be submitted to the Southeast District Office, PBCHD and SFWMD within 15 days of initiation. Starting three (3) months after construction commences, a quarterly construction status report shall be submitted to the Southeast District Office. The report shall be a short narrative describing the progress of construction,

2. Upon or immediately prior to completion of construction of the resource recovery facility or a phase thereof and upon or immediately prior to completion of all necessary preparation for the operation of each landfill cell, the Southeast District Office, PBCHD and SFWMD will be notified of a date on which a site or facility inspection should be performed in accordance with Condition V, and the inspection shall be performed within fourteen (14) days of the date of notification by Permittee.

XIV. OPERATION

A. Air

The construction and operation of the Palm Beach County Resource Recovery Facility shall be in accordance with all applicable provisions of Chapters 62-210 through 62-297, F.A.C., and the Air Construction and Title V Operation Permits, including their subsequent modifications, amendments, or renewals. The Air Construction Permits are incorporated by reference herein as part of this Certification and attached as Appendix I. The current Title V Air Operation Permit (0990234-013-AV) is incorporated by reference herein as part of this Certification and attached as Appendix II.

The provisions of the above shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

B. Fuel

The Resource Recovery Facility shall utilize refuse such as garbage and trash (as defined in Chapter 62-701.200(9), F.A.C.) and natural gas recovered from landfills as its fuel. Use of alternate fuels except for distillate fuel oil or natural gas in start-up burners would necessitate modification to these Conditions of Certification. Refuse as fuel shall not include "hazardous waste" as defined in Chapter 62-730.030, F.A.C. The alternate fuel shall not contain more than 0.3% sulfur and not be used more than required during boiler startup or shutdown.

C. Wastewater Disposal

1. Plans drawings and specifications for leachate collection systems, pumps, lift stations, sewage collection systems, sewage treatment systems, wastewater treatment systems, deep injection wells, and wastewater collection systems shall be furnished to the Southeast District Office, PBCHD and the SFWMD for approval at least 90 days prior to start of construction for the particular of such component. All items submitted pertaining to the injection wells shall be directly distributed to the Technical Advisory Committee (TAC) for approval.

2. The deep injection well shall be designed and operated in conformance with Chapter 62-528, F.A.C., and all other applicable rules.

3. The injection well system specifications and plans shall be submitted to the Technical Advisory Committee (TAC) at the Southeast Florida District Office for review and approval prior to beginning the bidding process.

4. The surge protection system design calculations and operational features shall be submitted to all members of the department's Technical Advisory Committee (TAC) for approval prior to construction of the deep well injection system.

5. The successful bidder to construct the injection well system shall submit engineering details and drawings of the packer assembly to the TAC for approval prior to construction of the injection well system.

6. If the successful bidder chooses to use corrosion inhibitor(s) with the fresh water-in the monitoring annulus surrounding the 8" injection tubing, this choice of inhibitors shall be submitted to the TAC for approval.

7. The 40" casing for each disposal well shall be set and cemented to the base of the surficial aquifer or to the confining beds below all producing zones used for drinking water, private or public, supplied within the area of review. If the applicant proposes to set and cement the 40" casing above the Hawthorn Formation, he shall provide site specific hydrogeological information, acceptable to the TAC, confirming that confining strata do in fact exist above the Hawthorn. These data shall be obtained by drilling a pilot hole to the top of the Hawthorn Formation prior to enlarging the hole for the 40" casing.

8. A drawing showing drilling pad dimensions and features (slopes, concrete thickness, storage tank capacities, curb height, etc.) shall be submitted to the TAC for approval prior to the drilling pad construction.

9. The applicant shall specify the disposal location-for excess mud, drill cuttings, drilling fluids, etc., for approval at the preconstruction TAC meeting. Property owner's approval will be required in addition to regulatory approval.

10. The question of the timing of the temperature logging for pilot and cased holes shall be discussed at the preconstruction TAC meeting.

11. The daily drilling log shall include at least the following:

- a. Information as to the volume (amount) of weighting materials used to control artesian flow.
- b. Description of the lithology encountered during drilling.
- c. Results of any water quality analyses.
- d. Description of any problems or unusual conditions encountered during drilling and steps that have been taken to correct them.
- e. Deviation survey results.
- f. Any other information required by the consultant.

The report shall run from Friday to Thursday and be mailed to all TAC members on the following Friday.

12. Upon the beginning of the operation and the injection well system, the applicant will begin a sampling and testing regimen of all individual wastewater streams for the accumulation of data anticipating adverse impacts on the injection zone, formation materials, formation fluids and well construction materials. Sampling and analysis shall also include the investigation of the chemical nature of fluids being injected with respect to hazardous waste characteristics. The parameters to be sampled for and the frequency of sampling shall be approved by the TAC before operation begins. Periodic review by the TAC will determine the need for continued sampling and/or need for additional or revised treatment before injection and/or need for revised estimates of the usable life of the injection system, increased frequency of mechanical integrity testing, etc.

13. Additional detail on proposed monitoring plans should address the following points:

- a. Per 62-528.425(1)(e), F.A.C., within the area of review, the type, number, and location of wells to be used to monitor any potential migration of fluids into or in the direction of USDW's, and pressure in the USDW's; the parameters to be measured and the frequency of monitoring shall be submitted to DEP prior to well construction. The applicant should discuss how these requirements are addressed.

- b. Per 62-528.425(1)(f), F.A.C., the background water quality of the injection zone and the monitoring zones shall be determined prior to injection.

14. The applicant must, per 62-528.435(9), F.A.C., submit a certificate that they have ensured through a performance bond or other appropriate means, the resources necessary to close, plug or abandon the well.

15. The cementing program shall be designed with the use of ASTM Type II Cement. Other details of the program shall be made available upon request by the TAC or any of its members.

16. It may be assumed that since the project will be generating electric power there will never be the need for any on-site source of emergency power. The contractor's design shall address the need or lack thereof for an emergency power source to maintain the continuous operation of the injection well system.

17. The application states that the injection well system will have 100% redundancy. The contractor's design shall include standby pumping capability manifolded to both wells to insure continual injection capability.

18. The Contractor shall supply to the Engineer a complete list of spare parts and special tools to be included in the O & M Manual prepared for the Operating Permit Application.

19. The Contractor shall provide or have provided the means for checking grout sample density during casing cementing.

20. Cemented casings shall not be disturbed for 24 hours after the completion of cementing.

21. The TAC chairman shall be notified at least 24 hours prior to performing any mechanical integrity testing

D. Water Discharges

1. Surface Water

Any discharges from the site stormwater system via the emergency overflow structure which result from an event LESS than a ten-year, 24-hour storm (as defined by the U.S. Weather Bureau Technical Paper No. 40, or the DOT drainage manual, or similar documents) shall meet applicable State Water Quality Standards, Chapter 62-302, F.A.C., and Chapter 40 E.2 and 40 E.4, F.A.C .

2. Monitoring Surface Water

a. Sampling of water quality in the surface water management system shall be sampled at stations labeled 1, 2, 3, 4, 5, 6, and 7 as shown on sheets 18, 19, and 20 of 25 of Appendix 10.4 of the application dated December 3, 1985, as stated below:

Location of Stations	
1.	discharge culvert at the southwest acreage of the Class I Landfill on sheet 20 of 25
2.	overflow control structure at EPB-10 west of the Class I Landfill on sheet 20 of 25
3.	box culvert at EPB-10 east of the Class I Landfill on sheet 20 of 25
4.	discharge culvert west of the Class III Landfill on sheet 19 of 25
5.	discharge culvert north west of the Class III Landfill on sheet 19 of 25
6.	return dredge line from Dyer Landfill discharging into the existing borrow lake due north

	of the Class III Landfill on sheet 18 of 25
7.	the center of the existing dredge lake one foot above the bottom.
Monitoring Type and Schedule	Parameters
1. General (Quarterly)	Total Organic Carbon, Dissolved Oxygen, pH, Turbidity, Specific Conductance, Chemical Oxygen Demand, Alkalinity, Total Suspended Solids, Ammonium N, Nitrate-N, Total Kjeldahl Nitrogen; Oil and Grease, Detergents, Total Coliform, Fecal Coliform, Fecal Streptococcus, Salmonella, Biochemical Oxygen Demand, Total Phosphorus and Chlorides
2. Metals (Semiannual)	Aluminum, Antimony, Beryllium, Cadmium, Copper, Cyanide, Iron, Lead, Mercury, Nickel, Selenium, Silver, Zinc, Arsenic and Chromium

b. Water quality reports shall be submitted within 30 days of receipt of analysis results to the Southeast District Office, PBCHD and SFWMD for distribution to the appropriate review personnel.

c. The monitoring program may be reviewed annually by the Department, and a determination made as to the necessity and extent of continuation of the program. Aspects of the program related to sampling, monitoring, reporting, and related time schedules may be modified in accordance with the provisions of condition number XII.

3. Groundwaters

All discharges to groundwaters, such as landfill leachate, shall be collected and treated as necessary, or otherwise be of high enough quality, to be able to meet the applicable Water Quality Standard of Section 62-520.400, F.A.C., within 100 feet of the landfill perimeter.

4. Groundwater Monitoring Program

a. Sampling of the shallow aquifer groundwater quality shall be conducted in at least eight well clusters and six interceptor wells in the site vicinity. At least one of these well clusters shall be up the hydrological slope from the landfill area to provide current background data. Other wells shall be located down the hydrologic slope from the landfill areas. All wells shall be surveyed by a state certified land surveyor and the locations of each well depicted on a topographical aerial map with the appropriate elevations noted for each well.

b. Operational background monitoring shall commence at least one year prior to operation of the resource recovery facility. Construction of monitoring wells and the collection of samples shall be in accordance with EPA recommended methods as contained in Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities (EPA/530/SW-611). The wells shall be deep enough to ensure that groundwater samples can be obtained with the groundwater table elevation

at its estimated lowest point and shall be protected from damage and destruction. Samples shall be analyzed in accordance with the methods described in Chapter 62-522, F.A.C. Analyses shall be performed by laboratories which are approved by the Department of Health and Rehabilitative Services to conduct analyses pursuant to Section 403.863, F.S., the State Public Water Supply Laboratory Certification Program.

c. Sampling of groundwater quality of monitoring well clusters labeled M-1, M-2, M-3, M-4, M-5, M-6, M-7, M-8, IW-1, IW-2, IW-3, IW-4, IW-5, IW-6 as shown on Figure 4.2-1 dated December 2, 1985, shall be performed quarterly for all parameters for three years and thereafter as stated below:

Monitoring Type and Schedule	Parameters
1. General (Quarterly)	pH, Specific Conductance, Temperature, Chloride, Total Organic Carbon (TOC), Sulfate, Bicarbonate, Magnesium, Organic Nitrogen, Ammonia, Nitrate, Chemical Oxygen Demand, Color, Turbidity, Total Iron, Total Dissolved Solids (TDS), Zinc, Calcium, Manganese, Total Nitrogen, Ammonium
2. Yearly (After first three years)	M.A.B.S., Organics listed in S. 17-22.104, F.A.C., Trichloroethylene, Tetrachloroethylene, Carbon Tetrachloride, Vinyl Chloride, 1,1,1-Trichloroethane, 1,2-Dichloroethane, Benzene, Ethylene Dibromide, Chlorinated Phenolic Compounds, Chlorides, Sodium, Lead, Copper, Nickel, Chromium, Cadmium, Iron, Mercury, Arsenic, Selenium, Barium, Silver, COD, Chemical Oxygen Demand, Total Coliform, Fecal Coliform, Fecal Streptococcus

d. Water quality monitoring reports shall be submitted within 30 days of receipt of analysis results to the Southeast District Office, the PBCHD and SFWMD. for distribution to the appropriate review personnel.

e. The monitoring program may be reviewed annually by the Department, and a determination made as to the necessity and extent of continuation of the program. Aspects of the program relation to sampling, monitoring, reporting, and related time schedules may be modified in accordance with the provisions of condition number XII.

f. Any existing monitoring wells (other than compliance wells required by Chapter 62 761 or 62-762, F.A.C. for release detection, and wells that are part of an approved groundwater monitoring plan) that are impacted by construction of the new RMPF and will no longer be utilized, if any, shall be properly plugged and abandoned in accordance with the requirements of Rule 62 532.500(4), F.A.C. prior to site development for the new RMPF. Compliance wells required by Chapter 62 761 or 62-762, F.A.C. for release detection, and/or wells that are part of an approved groundwater monitoring plan shall remain active. [Rules 62-532.500(4), 62-761, and 62-762, F.A.C.]

5. MRF & 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 are 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 functioning as designed. [Chapter 40 E-4, 40 E-40, and SFWMD Basis of Review]

E. Solid/Hazardous Waste

1. Operation of the associated landfill shall be done in accordance with all applicable portions of Chapter 62-701, F.A.C., including prohibitions, procedures for closing of the landfill, and final cover requirements, or, as provided in this condition (XIV.E.) in its entirety. The plans of the final landfill design shall be provided to the Department for review and approval at least 90 days prior to start of construction. The final plans for this Facility shall include provisions for the isolated temporary handling of suspected hazardous, toxic or pathological wastes. No solid wastes shall be placed in new lateral expansion cells after November 1, 1994, until water quality and leachate monitoring plans are approved pursuant to ss 62-701.510, F.A.C., and such plans are implemented. The maximum height of the Class I and III landfills shall be 160 feet NGVD with side slopes not steeper than 3H:1V (three feet horizontal to one foot vertical rise) in accordance with the application amendment dated April 29, 1994.

2. No suspected or known hazardous, toxic, or infectious wastes as defined by federal, state or local statutes, rules, regulations or ordinances shall be burned or landfilled at the site. The Permittee shall prepare and submit for approval to the South Florida District Office and PBCHD a written training program on the detection and handling of hazardous, toxic or infectious wastes.

3. Rodent and insect control shall be provided as necessary to protect the health and safety of site employees and the public. Pesticides used to control rodents, flies, and other vectors shall be as specified by the Florida Department of Agriculture and Consumer Services.

4. Storage of putrescible waste for processing shall not exceed storage capacity of the refuse bunker or tipping floor as designed on the approved plan, or be stored on the tipping floor for more than 48 hours.

5. Ash prior to transport to the landfill shall be stored in an enclosed building on an impervious surface or other method approved by the Southeast District Office. Final disposal of the ash shall be into the lined landfill or other method approved by the Southeast District Office. Any leachate generated within the building shall be collected and disposed of by a method approved by the Southeast District Office. The Southeast District Office shall notify the SFWMD of the plans and specifications regarding the above referenced method.

6. A monthly report shall be prepared detailing the amount and type (putrescible, special wastes, boiler residue, etc.) of materials landfilled at the site, and the treatment provided (see condition XIV.E.2. above). These reports shall be furnished

to the Southeast District Office and PBCHD quarterly, commencing 120 days after the Resource Recovery Facility becomes operational and is producing residues.

7. The temporary hazardous waste storage and transfer facility shall be designed, constructed and operated in conformance with section 62-730.171, F.A.C. The design of the facility operational procedures, personnel training program, contingency plans and closure plans shall be submitted to the department, PBCHD and SFWMD for review and approval.

8. All cells or disposal areas will be constructed to promote leachate drainage to provide for effective leachate-collection; all leachate collection in active or inactive cells shall be pumped or transported to the leachate collection system for transmission to the treatment system. Leachate collected above the primary liner shall be monitored quarterly for conductivity, pH, copper, arsenic, zinc, phenols, oil and grease and total organic halogens. Results of such monitoring shall be reported to the Southeast District Office and PBCHD. Leachate collected between the primary and secondary liners shall be monitored quarterly for conductivity, chlorides, ammonia, iron, sulfur, nitrates, and zinc. Results will be reported to the Southeast District Office and PBCHD quarterly. The monitoring parameters set forth herein may be modified dependent upon the type of liners utilized and the manufacturer's recommendations to protect the integrity of the liners due to the classes of chemical constituents in the leachate which will be in contact with the liner(s). The Permittee shall provide the Southeast District Office with a certified letter from the liner manufacturer stating what classes of chemical constituents could damage the liners' integrity and include those parameters as part of the quarterly monitoring program noted above.

9. An EP toxicity analysis of the ash residue being land filled for the chemicals listed and using the prescribed method as set forth in 40 CFR s261, Appendix II, shall be conducted within 30 days after commencement of commercial operation. In addition, said ash residue shall be tested for dioxin (2, 3, 7, 8 - TCDD) content.

10. Results from said residue analysis shall be sent to the Southeast District Office and the PBCHD within 30 days of receipt. Results will be used to determine whether or not these materials constitute a "Hazardous Waste" as defined by applicable Federal or state regulations. Results of these analyses may also be used for correlation with groundwater monitoring information and in any subsequent modification of conditions.

11. If residue materials are determined to be a "Hazardous Waste", then measures shall be taken to treat or dispose of the residues pursuant to rule promulgated by Federal, State or Local authorities, as may be applicable.

12. If the nature of materials received at the facility becomes altered, either due to modification of conditions, i.e., the facility is allowed to incinerate already known hazardous wastes such as pesticides, or if groundwater monitoring reveals abnormal groundwater conditions which may be attributable to the landfilling of this residue, then a subsequent analysis may be required at that time.

13. There shall be no discharge to waters of the State of polychlorinated biphenyl compounds.

14. The Permittee shall provide the Southeast District office and the PBCHD with a set of full-sized (24"x 36") engineering drawings and supporting information, signed and sealed by an engineer registered in the State of Florida for the operational and closure phases of the landfill for review and approval at least 90 days prior to implementation of those phases. Within 90 days after completion on the closure phase of the project, the Permittee shall submit certified as-built plans signed and sealed by a Florida Registered Professional Engineer.

15. To ensure that the bottom liners are continuous throughout the cell, the liners will be installed either under the supervision of the manufacturer or by a competent experienced lining contractor according to the manufacturer's specifications. In addition, as part of quality control measures, field seams between in-place liner and newly installed liner will be tested according to ASTM specification ensure integrity between materials and certified in writing by the liner manufacturer, contractor, and engineer of record to the Southeast District Office and PBCHD. Top liners, if required, shall be installed in accordance with closure require meets of the Southeast District Office, PBCHD and SFWMD.

16. The extension of the EPB-10 canal shall be placed in properly designed and constructed reinforced concrete culverts. The landfill height above the culvert shall not exceed 40 feet.

17. No later than April 1st of each year, the licensee shall submit an Application for Recovered Materials Certification to DEP's Bureau of Solid and Hazardous Waste, Recovered Materials Certification and Reporting Program, as applicable, in accordance with 62-722.400(1), F.A.C. unless otherwise exempt from this requirement. [Rule 62-722.400(1), F.A.C.]

F. Operational Safeguards

The overall design and layout of the facilities shall be such as to mitigate potential adverse effects to humans and the environment. Security control measures shall be utilized to prevent exposure of the public to hazardous conditions. The Federal Occupational Safety and Health Standards will be complied with during construction and operation. The safety standards specified under Section 440.56, Florida Statutes, by the Florida Department of Employment Security, Division of Safety, will be complied with during operation.

G. Transmission Lines

The directly associated transmission lines from the Resource Recovery Facility electric generators to the Florida Power and Light Company transmission system shall be kept cleared without the use of herbicides.

H. Noise

Operational noises shall not exceed local noise ordinance limitations nor those noise standards imposed by zoning.

I. Potable Water System

The potable water system (wells, pipes, pumps and treatment facilities) shall be designed, constructed and operated in conformance with the applicable provisions of Chapters 62-550 and 62-555, F.A.C. Plans and specifications for these facilities shall be provided to the Southeast District Office and the Palm Beach County Health Department for review and approval 90 days prior to construction.

J. Wastewater Management for New RMPF

1. Washwater: Wash water from the new RMPF, including the washbay area, shall be pumped to a double-walled, high density polyethylene, above ground storage tank. The storage tank will be fitted with high level alarms and leak detection. The wash water shall be temporarily held in the storage tank prior to shipment to an offsite licensed treatment facility. [Applicant Request]

2. Domestic Wastewater: Domestic wastewater generated at the new RMPF shall be discharged to a domestic sewage pump station and conveyed via pipeline to the City of West Palm Beach domestic wastewater treatment plant. [Applicant Request]

K. Wetland Buffers – New RMPF

The licensee shall maintain the wetland buffer zone required by Condition XIII.A.16. Buffer areas shall be maintained free of invasive exotic plants (Florida Exotic Pest Plant Council's 2003 Category I Invasive Exotic Species, trash, and construction and fill material. [Chapter 40E-4.301]

L. Historical or Archaeological

If historical or archaeological artifacts are discovered at any time on the project site, the licensee shall immediately notify the appropriate Department office and the Department of State, Division of Historical Resources. [Chapter 40E-4.381]

XV. WATER MANAGEMENT DISTRICT CONDITIONS - GENERAL

A. The Solid Waste Authority shall prosecute the work authorized under the Certification in a manner so as to minimize any adverse impact of the works on fish, wildlife, natural environmental values, and water quality. The Solid Waste Authority/Vendor shall institute necessary measures during the construction period, including full compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

B. The operational phases of the water management system authorized under this Certification shall not become effective until a Florida registered professional engineer certifies upon completion of each phase that these facilities have been constructed in accordance with the design approved by the District. Within 30 days after completion of construction of each phase, the Authority shall submit the engineer's certification, and notify the District that the facilities are ready for inspection and approval.

C. All road centerlines shall be set or above the flood elevation generated by a three-year, twenty-four hour storm event, in accordance with Palm Beach County

criteria, as may be amended, and in accordance with the South Florida Water Management District's Rule 40.E-4., as may be amended.

D. All building floors shall be set at or above flood elevations generated by a three-day, one hundred year storm event, in accordance with Palm Beach County criteria, as may be amended, and in accordance with the South Florida Water Management District's Rule 40.E-4., as may be amended.

E. Off-site discharges during construction and development shall be made only through the discharge structures authorized by this Certification.

F. No construction authorized herein shall commence until the Permittee has agreed, in writing, by letter or resolution, that it will be responsible for the construction, operation, and perpetual maintenance of the entire surface water management system, both during operation of the facility and following the closure of the whole or any part of the facility. Responsibility for the operation and maintenance of the surface water management system shall not be assigned or delegated without prior written approval of the District.

G. This Certification is based on the applicant's submitted information to the District, which reasonably demonstrates that adverse off-site water resource related impacts will not be caused by the authorized activities. The plans, drawings, and design specifications submitted by the applicant shall be considered the minimum standards for compliance. It is also the responsibility of the Permittee to ensure that adverse offsite water resource related impacts do not occur during construction.

H. The Permittee shall secure a well construction permit prior to construction, repair, or abandonment of any wells as described in Chapter 40E-3, F.A.C.

I. In the event of a declared water shortage, water use reductions may be ordered by the SFWMD in accordance with the Water Shortage Plan, Chapter 40E-2I, F.A.C.

J. This project must be constructed in compliance with and meet all requirements set forth in Chapter 373, Florida Statutes, and Chapter 40E-2, 40E-3, and 40E-4, F.A.C.

K. Should the additional industrial supply demand for the operation of the Biosolids Pelletization Facility cause the total demand for the North County Resource Recovery Facility to exceed the Facility's allocation for withdrawal from the surficial aquifer, the demand for the Biosolids Pelletization Facility shall be provided from an alternate source other than the surficial aquifer. Should reclaimed water become available as an alternate source, the licensee shall provide an End User Feasibility Evaluation pursuant to Section 3.2.3.2 of the Water Use Basis of Review.

L. Authorized representatives of the District shall be allowed to enter the premises to inspect and observe the operation of the surface water management system and associated landfill facilities, mitigation areas, and monitoring wells in order to determine compliance with the conditions of this Certification, as provided in Condition V.

XVI. WATER MANAGEMENT DISTRICT - SITE SPECIFIC STANDARDS

A. Prior to construction of any phase of either the Solid Waste Energy Resource Recovery Facility or the ash residue/unprocessable materials landfill a complete set paving, grading, and drainage plans with supporting calculations for the 40-acre Resource Recovery Facility and Jog Road must be submitted to the South Florida Water Management District for review and written approval that the plans are in compliance with Chapters 40F-2 and 40E-4, F.A.C. Said plans shall include the following:

1. Paving, grading and drainage plans with special attention to perimeter site grading; and
2. Drainage calculations including:
 - a. Design storms used including depth, duration and distribution;
 - b. Stage-storage computations for the project and stage-discharge computations for the outfall structure(s);
 - c. Acreages and percentage of property proposed as:
 - (1) impervious surfaces (excluding water bodies)
 - (2) pervious surfaces (green areas)
 - (3) lakes, canals retention areas, etc.
 - (4) total acreage of the project
 - d. Runoff routing calculations showing discharges, elevations, and volumes detained during applicable storm events; and
 - e. Calculations required for determination of minimum building floor and road elevations.

B. Any subsequent modifications to the drawings and supporting calculations submitted to the South Florida Water Management District which alters the quantity or quality of discharge of water offsite shall be pursuant to Section 403.516, F.S., and Rule 62-17, F.A.C. Such modifications shall be submitted to the District for a determination that the modifications are in compliance with Chapters 40E-2 and 40E-4, F.A.C. This includes modification of the discharge route.

C. Minimum standard 24" x 36" surface water management construction plans for the project as proposed as well as any modifications shall be submitted to this District for review and written approval 30 days prior to the commencement of construction.

D. Prior to use and/or connection with any District works, the District shall be notified and the Permittee shall obtain written approval pursuant to Chapter 40E-6.041, F.A.C.

E. Prior to lowering of water levels in excavation sites, the following conditions shall be met:

1. Withdrawal rates, and depending on the methods proposed, well construction details, well and pump capacities and locations, and the data from the groundwater monitoring network shall be provided to the District for review and written approval;

2. The impacts of the proposed withdrawals shall be assessed and provided to the District;

3. No dewatering discharge shall be allowed to drain from the property; and

4. The District concurs in writing that there will be no adverse impacts as a result of the proposed withdrawals under sections 373.223(A)-(C) of the Florida Statutes.

F. Final water use rates for process and irrigation and well locations shall be submitted to the District for review and written approval prior to well construction when a Vendor and final plant design are determined.

G. Prior to closure, detailed closure plans pursuant to Chapter 62-701, F.A.C., shall be submitted to the District for review and written approval.

H. On-site areas which are dedicated for the fire station and Turnpike Interchange are considered by this District as separate from the Certification, and therefore subject to permitting requirements, pursuant to Chapter 373, F. S.

I. Any on-site hazardous materials temporary storage and transfer facility constructed at this site pursuant to the Water Quality Assurance Act should be considered separate from the Certification process and subject to regulatory permits. The design of the building and related infrastructure should be submitted to this District for review and verification that the proposed facility has been designed to prevent any stored or transferred hazardous materials from coming in contact with the surface water management system.

J. If modification and/or realignment of Northern Palm Beach County Water Control District's Canal EPB 10 is necessary, a modification must be obtained for Surface Water Management Permit No. 50-01347-S.

K. Prior to construction of either the Solid Waste Resource Recovery Facility or the ash/residue/unprocessable materials landfills, a phasing plan for the landfills shall be submitted to the District for review and written approval, including detailed drawings and supporting calculations showing how leachate will be separated from runoff in the working area (temporary berms, diversion dikes, cover material, etc.).

L. Surface Water Management plans shall be revised to include spreader swales (or District approved equivalent) to approximate sheetflow discharge into the wetland areas. In addition, a sedimentation "trap" shall be designed, subject to District approval of calculations and discharge locations into the wetlands.

M. Discharge structures shall include a baffle, skimmer, or other mechanism suitable for preventing oil, grease, or other floatable materials from discharging to and/or from retention/detention areas.

N. Prior to landfill construction, a screw gate shall be installed on the water control structure at EPB 10, capable of restricting discharge of poor quality surface water, up to and including the 25 year, 3 day level.

O. Critical areas, including the conveyance and perimeter swales, and areas adjacent to the let down pipes or conduits shall be stabilized to prevent erosion.

P. Energy dissipators shall be used whenever let down pipes discharge into perimeter swales, or the let down pipes or conduits meet the terraces.

Q. Water quality samples shall be taken at the discharge surface water discharge structure location of the water management system into EPB 10 during periods of discharge according to the schedule below. Flow shall be measured continuously at the discharge location into EPB 10 by means of a recording flow meter. A laboratory certified by the State of Florida shall be responsible for all water quality analyses. Chain of custody documentation shall be maintained for all sampling. Reports of water quality results and discharge rates shall be submitted to this District for review and written approval on a semi-annual basis. Results of any additional stormwater quality sampling required by the Florida Department of Environmental Protection shall be provided to the District. Monitoring requirements will be evaluated by this District following two years of data collection.

Monitoring Type and Schedule	Parameters
A. General (Quarterly)	Total Organic Carbon, Dissolved Oxygen, pH, Turbidity, Specific Conductance, Chemical Oxygen Demand, Alkalinity, Total Suspended Solids, Ammonium N, Nitrate N, Total Kjeldahl Nitrogen
B. Organics (Semiannual)	Trichloroethylene, Tetrachloroethylene, Carbon Tetrachloride, Vinyl Chloride, 1,1,1,-Trichloroethane, 1,2-Dichloroethane, Benzene, Ethylene Dibromide
C. Metals (Semiannual)	Aluminum, Antimony, Beryllium, Cadmium, Copper, Cyanide, Iron, Lead, Mercury, Nickel, Selenium, Silver, and Zinc

R. Any Northern Palm Beach County Water Control District facilities which have been permitted (Surface Water Management Permit No. 5001347-S) by this District and are not yet constructed but would be affected by this project must be fully operational prior to commencement of stormwater discharge from this project. The additional 60" CMP at Florida Power and Light's transmission crossing of EPB-10, and one 12" CMP at the confluence of EPB-10 and C-17 shall be so constructed.

S. There shall be a quarterly groundwater monitoring frequency for the groundwater monitoring network. The District shall be copied on the data results of the network and any other groundwater monitoring data required by Florida Department of Environmental Protection.

T. At least 60 days prior to the commencement of construction, the District staff must have received and reviewed any pertinent additional information required to be submitted under the District's site specific standards and the conditions of certification. Written approval for the desired construction must be obtained prior to commencement of construction.

U. Sixty days prior to the commencement of construction of the transmission line, the permittee shall provide the District with the location of areas in which fill and associated facilities will be placed. Written confirmation that the fill and associated facilities will not cause adverse off-site impacts shall be received from the District prior to commencement of construction.

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

1. An audit of the amount of water needed in the Licensee's operational processes. The following measures shall be implemented within one year of audit completion if found to be cost effective in the audit:

- a. Implementation of a leak detection and repair program;

b. Implementation of a recovery/recycling or other program providing for technological, procedural or programmatic improvements to the Licensee's facilities; and

c. Use of processes to decrease water consumption.

2. Development and implementation of an employee awareness program concerning water conservation.

3. Procedures and time-frames for implementation shall be included in the conservation plan.

XVII. OPERATIONAL CONTINGENCY PLANS

A. Operating Procedures

The permittee shall develop and furnish the Southeast District a copy of written operating instructions for all aspects of the operation which are critical to keeping the facility working properly. The instructions shall also include procedures for the handling of suspected hazardous, toxic and infectious wastes.

B. Contingency Plans

The Permittee shall develop and furnish the Southeast District Office written contingency plans for the continued operation of the system in event of breakdown. Stoppages which compromise the integrity of the operations must have appropriate contingency plans. Such contingency plans should identify critical spare parts to be maintained on site.

C. Current Engineering Plans

The Permittee shall maintain a complete current set of modified engineering plans, equipment data books, catalogs and documents in order to facilitate the smooth acquisition or fabrication of spare parts or mechanical modifications.

D. Application Modifications

The permittee shall furnish appropriate modifications to drawings and plot plans submitted as part of the application, including operational procedures for isolation and containment of hazardous wastes.

XVIII. TRANSFER OR ASSIGNMENTS OF RIGHTS, DUTIES, OR OBLIGATIONS

If contractual rights are transferred under this certification, notice of such transfer or assignment shall immediately be submitted to the Department of Environmental Protection and South Florida Water Management District by the previous certification holder (Permittee) and Assignee. Included within the notice shall be the identification of the entity responsible for compliance with the certification. Any assignment or transfer shall carry with it full responsibility for the limitations and conditions of this certification.

XIX. PROPRIETARY DOCUMENTS OR INFORMATION - CONFIDENTIALITY

Proprietary or confidential data, documents or information submitted or disclosed to any agency shall be identified as such by the Permittee and shall be maintained as such pursuant to applicable Florida law.

XX. MITIGATION

A. On-Site Restoration and Mitigation.

1. Within ninety (90) days of certification issuance, the Palm Beach Solid Waste Authority shall submit an on-site restoration and mitigation plan (hereinafter "The Plan"). The purpose of the Plan and its implementation is the mitigation of the impact of the project on the site's wetlands and values associated therewith. The Plan shall indicate in a detailed manner the on-site measures and improvements necessary to accomplish all restoration and mitigation, (i) set forth in the application as amended, (ii) as required below and (iii) as may be required by the department of Environmental Protection.

2. The Plan shall include but not be limited to a specification of the commencement and completion dates of all anticipated restoration and mitigation work including a specification of all revegetation of the shell pit mining areas, creation of littoral zones around all lakes, interconnection of wetland areas, areas of wetlands to be created (including the type and extent thereof which shall be not less than 190 acres), dredge and fill volumes, elevations, methods of construction, nature and extent of required improvements to accomplish the above referenced work, and planting schedules together with methods to insure vegetative survival for each area. As part of the plan it shall also be required that (i) littoral zones will be constructed around all existing and proposed borrow lakes; (ii) where it can be done with a reasonable probability of success, cypress trees proposed for elimination shall be transplanted to areas of wetland creation or roost enhancement, and (iii) willow, cypress and other hardwood species shall be planted on the spoil windrows of the abandoned pit south of the roost area to provide future roost availability, and the existing roost shall be monitored over a seven year period.

3. The Plan shall be submitted to the Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the U.S. Fish and Wildlife Service, Treasure Coast Regional Planning Council, and other appropriate governmental authorities or agencies.

4. The Department of Environmental Protection shall review the Plan and it shall be subject to the approval of the Department of Environmental Regulation in consultation with the Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service and Treasure Coast Regional Planning Council. The Palm Beach County Solid Waste Authority in the event of disapproval of the Plan by the Department of Environmental Protection shall include such revisions therein as may be required by the Department of Environmental Protection.

5. The Palm Beach County Solid Waste Authority shall complete all restoration and mitigation work set forth in the Plan approved by the Department of

Environmental Protection in accordance with the time schedules set forth in the approved Plan.

B. Off-Site Restoration and Mitigation.

1. The off-site restoration and mitigation area is an area of approximately 3400 acres in the L-8 Marsh area of the J. W. Corbett wildlife management area designated by the Florida Fish and Wildlife Conservation Commission and shown on Exhibit A attached hereto and made part hereof (hereinafter referred to as the "preservation area").

2. The Solid Waste Authority shall perform a detailed hydrological study the scope and content of which shall be subject to approval by the Department of Environmental Protection in consultation with the Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service and Treasure Coast Regional Planning Council. The purpose of the hydrological study shall be to identify and detail those modifications and improvements that would be necessary to the preservation area in order to restore a hydroperiod to this area which approximates the natural wetland hydroperiod. The Solid Waste Authority shall pay all costs, engineering and otherwise, for such study and the study shall be completed within two years from the date that certification has been issued. The Solid Waste Authority will at its sole cost and expense make such modifications and improvements to the preservation area including but not limited to payment of all engineering and permitting fees, all costs of labor, material, equipment and physical improvements (all of the foregoing being collectively hereinafter referred to as the "improvements") as identified in the approved hydrological study to restore a hydroperiod to the preservation area which approximates the natural wetland hydroperiod for such area.

3. The hydrological study shall be submitted to the Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service and Treasure Coast Regional Planning Council and other appropriate governmental authorities or agencies.

4. The Department of Environmental Protection shall review the hydrological study and the Proposed implementation thereof. The study and the implementation shall be subject to the approval of the Department of Environmental Protection in consultation with the Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service and Treasure Coast Regional Planning Council.

5. The Palm Beach County Solid Waste Authority in the event of disapproval of the recommendations contained in the hydrological study by the Department of Environmental Protection shall include such revisions therein as may be required by the Department of Environmental Protection.

6. In the event that the improvements required by the approved hydrological study are projected to significantly exceed \$420,000.00 plus the inflation factor as set forth below then the Palm Beach County Solid Waste Authority may apply to the Department of Environmental Protection for consideration to (i) reduce the size and scope of the mitigation and restoration project or (ii) utilize alternative methods to accomplish the required mitigation and restoration as set forth above. The fact that the

cost of the improvements in the approved hydrological study are projected to significantly exceed the amount set forth above, shall not, entitle the Palm Beach County Solid Waste Authority, as a matter of right, to reduce or modify the mitigation required herein. Whether, and the extent to which, the mitigation or restoration requirements shall be reduced or modified shall rest solely in the discretion of the Department of Environmental Protection in consultation with the Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service and Treasure Coast Regional Planning Council.

7. The Palm Beach County Solid Waste Authority shall complete all restoration and mitigation work set forth in the approved hydrological study including the implementation measures contained therein, within five years from the date of certification issuance.

8. Inflation Factor:

In paragraph B.6. the sum of \$420,000.00 is referred to. The actual number to be utilized in place of \$420,000.00 in condition B.6. shall be a sum using \$420,000.00 as a base and adding any increase in the index thereto; i.e., in the event there has been a 10% increase in the index from December 3, 1985, through the end of the time period under consideration then there shall be an increase of 10% in the sum of \$420,000.00. The Solid Waste Authority shall make no application for modification of the mitigation and restoration until after the completion of the approved hydrological study. For purposes of projecting and determining the actual amount to be utilized in condition B.6. with reference to the \$420,000.00, as to improvements to be constructed in the future, there shall be added to the \$420,000.00 the following: (i) a sum which represents the percentage increase in the index from December 3, 1985, through the date of approval of the hydrological study and (ii) a sum representing the estimated percentage increase in the index through the date a specific improvement is projected to be constructed in the approved hydrological study. The estimated percentage increase shall be the average annual increase in the index from December 3, 1985, through the date of approval of the hydrological study; i.e., if the average annual increase has been 10% and a specific improvement is to be constructed nine months after the approval of the hydrological study there shall be added [in addition to the amount referred to in (i)] to the \$420,000.00 the sum of \$31,500.00 representing three quarters of the 10% increase.

Index: The term index as utilized herein shall mean: The Engineering News-Record, Construction Cost Index, published by McGraw-Hill, Inc.

In the event that the Construction Cost Index is discontinued then the Department of Environmental Protection shall choose another index similar in nature to utilize in connection with this off-site mitigation and restoration condition.

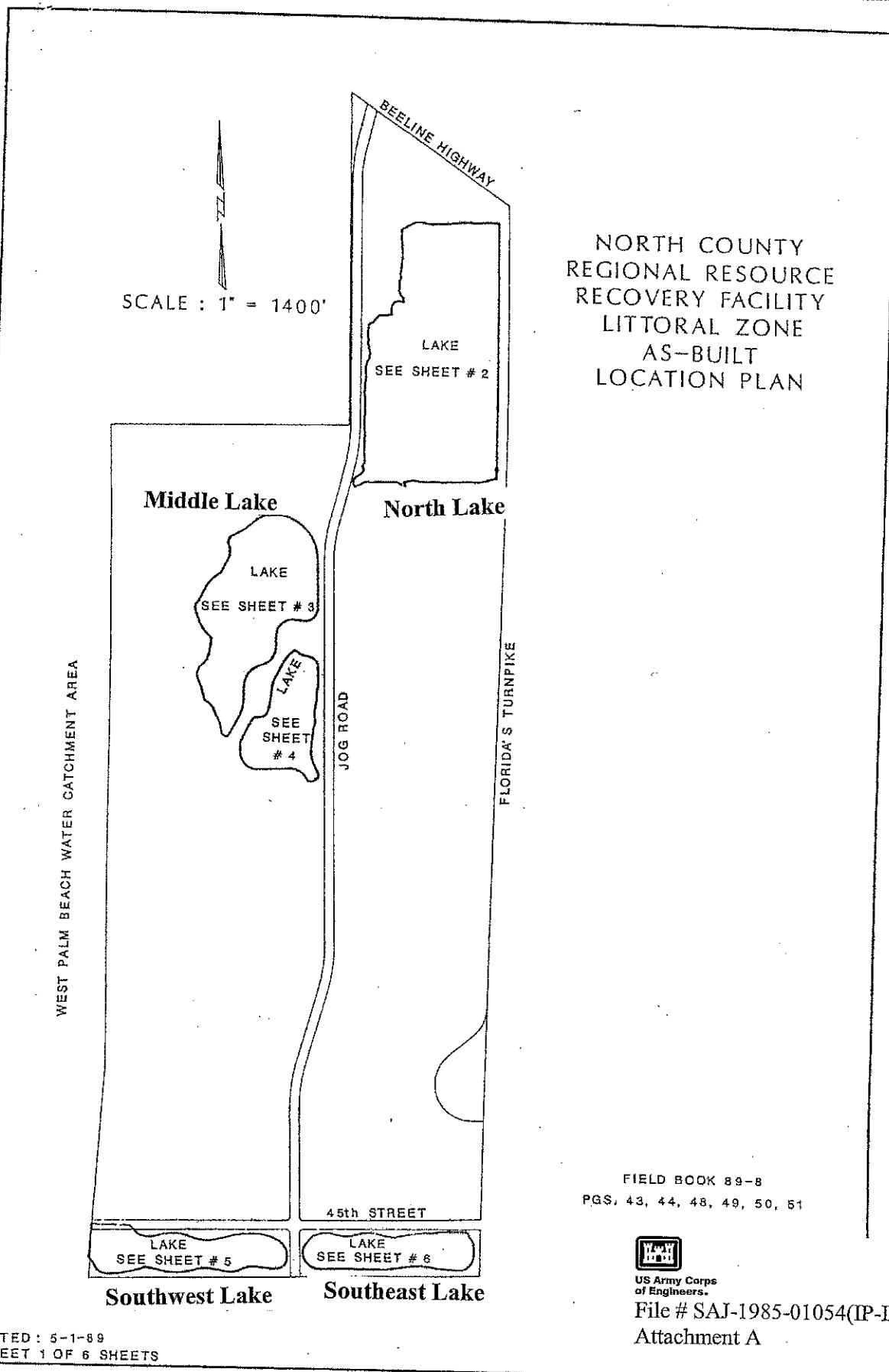
XXI. CITY OF WEST PALM BEACH

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.]

XXII. HISTORY

Issued 07/29/86; signed by Governor Graham
Modification 01/13/92; signed by Secretary Browner
Modification 11/09/94; signed by Secretary Wetherell
Modification 12/19/95; signed by Secretary Wetherell
Modification 03/27/96; signed by Secretary Wetherell
Modification 08/29/97; signed by Secretary Wetherell
Modification 12/07/2000, signed by Deputy Secretary Green
Modification 4/10/2006, signed by Siting Administrator Owen
Modification 8/27/2007; signed by Siting Administrator Halpin
Modification 04/08/2008; signed by Siting Administrator Halpin
Modification 12/12/2008; signed by Siting Administrator Halpin
Modification 02/16/2010; signed by Siting Administrator Halpin



Jeller - Weaver and Cato, inc.
Engineers ... Surveyors ... Planners

Broward County

Coral Gate Professional Plaza
5667 Coral Gate Boulevard
Margate, Florida 33063
(305) 979-0550 - Broward
(305) 940-7800 - Dade
(407) 732-2588 - Palm Beach
(305) 969-7871 - FAX

Palm Beach County

Poinciana Professional Plaza
3918 Via Poinciana, Suite 10
Lake Worth, Florida 33467
(407) 968-4110 - Palm Beach
(305) 764-7622 - Broward
(407) 641-8885 - FAX

AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineering drawings to the U.S. Army Corps of Engineers, Special Projects and Enforcement Branch, Post Office Box 4970 Jacksonville FL 32232-0019. If you have questions regarding this requirement, please contact the Special Projects and Enforcement Branch at 904-232-3131.

1. Department of the Army Permit Number: SAJ-1985-01054 (IP-LCK)

2. Permittee Information:

Name _____

Address _____

3. Project Site Identification:

Physical location/address _____

4. As-Built Certification:

I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

Signature of Engineer

Name (Please type)

(FL, PR or VI) Reg. Number

Company Name

Address

City

State

ZIP

(Affix Seal)

Date

Telephone Number



US Army Corps
of Engineers.

File # SAJ-2007-06246(MOD-LCK)
Attachment B

Deviations from the approved permit drawings and special conditions:
(attach additional pages if necessary)

STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE

1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and approval at least 30 days prior to any clearing activities. The educational materials for the plan may consist of a combination of posters, videos, pamphlets, and lectures (*e.g.*, an observer trained to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur). Informational signs should be posted throughout the construction site and along any proposed access road to contain the following information:
 - a. a description of the eastern indigo snake, its habits, and protection under Federal Law;
 - b. instructions not to injure, harm, harass or kill this species;
 - c. directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and,
 - d. telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water and then frozen.
2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the Florida Fish Wildlife Conservation Commission (FWC) for such activities, are permitted to come in contact with an eastern indigo snake.
3. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information:
 - a. any sightings of eastern indigo snakes and
 - b. other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

Revised February 12, 2004



US Army Corps
of Engineers

File # SAJ-2007-06246(MOD-LCK)
Attachment C

Excavation Guidelines

In areas where the water table is high, gopher tortoise burrows may be commonly 8 to 10 feet long and have an angle of decline of 4:1 to a depth of less than 3 feet. Where the water table is not a restriction, length has reached 67 feet with a depth of 21 feet.

A team of at least 3 experienced persons is desired for the excavation of each burrow: one to dig with shovel or machinery; one to scope and track the burrow tunnel utilizing pvc pipe or other tracer; and one to coordinate, hand-scoop and handle any occupants of the burrow (holder of FWC and/or Service permit).

Excavation may be done manually by shovel, if, for instance, burrows are shallow (high ground water table). Otherwise, excavation by backhoe is a common option. Any digging machinery must be equipped with a tooth-less bucket/digging blade for burrow excavation.

Digging should begin at the mouth of the burrow and carefully follow the tunnel path, as identified by the tracer, to the end chamber. If a backhoe is used, the bucket should remove soil by "dragging" along the path of the tunnel, rather than maximizing soil removal by "gouging". The backhoe should be positioned behind the burrow mouth and scrape along the line of the tracer. The backhoe should not dig any closer than approximately six inches to the top of the tunnel, as soil should be removed at this point by hand, progressively, as the team works together towards the end chamber. Special attention should be exercised in navigating to the end chamber, as the tunnel frequently turns 20-30 degrees at its beginning. Soil removal in the end chamber should be by hand with attention to signs of occupancy.