# FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Alexis A. Lambert
Secretary


January 9, 2025

***Sent by Electronic Mail – Document Access Verification Requested***

Douglass Whitehead, Director
Lee County Solid Waste Department
10500 Buckingham Road
Fort Myers, Florida, 33905
DWhitehead@leegov.com

RE: Lee County Solid Waste Energy Recovery Facility
Modification to Conditions of Certification
DEP Case Number PA 90-30I
OGC Case Number 24-2938

**FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION**

Dear Mr. Whitehead:

The Florida Governor and Cabinet (Siting Board) issued the Site Certification for the Lee County Solid Waste Energy Recovery Facility (SWERF) on June 19, 1992, authorizing the construction and operation of two 20 MW (nominal) mass burn combustion systems and ancillary facilities. A third mass burn combustion system was certified by the Siting Board on October 8, 2003. The Department of Environmental Protection (Department) has modified the Conditions of Certification by Final Order on eight other occasions. Pursuant to Section 403.516(1)(c), Florida Statutes (F.S.), the Department has initiated a modification to SWERF's Conditions to incorporate a uniform set of general conditions consistent with recent site certifications, and to update antiquated specific conditions that are no longer applicable or consistent with current regulations.

On November 22, 2024, all parties to the certification proceeding were provided the notice of the Department's intent to modify the Conditions for SWERF. On December 3, 2024, notice of the Department's intent to modify the Conditions for SWERF was also published in the Florida Administrative Register (FAR).

Pursuant to Section 403.516, F.S., and Rule 62-17.211, Florida Administrative Code (F.A.C.), all parties to the certification proceeding have 45 days from the issuance of notice in which to file a written objection to the modification. Pursuant to Section 403.516, F.S., and Rule 62-17.211, F.A.C., any person who is not already a party to the

certification proceeding and whose substantial interests will be affected by the requested modification has 30 days from the date of publication of the public notice in the FAR to object in writing. Failure to act within the time frame constitutes a waiver of the right to become a party.

These timeframes have expired and no objections to the modification have been received by the Department. Therefore, the Conditions for SWERF are modified as described in the Department's Notice of Intent to Modify the Conditions of Certification dated November 22, 2024, which can be viewed and downloaded from the following site: https://publicfiles.dep.state.fl.us/Siting/Outgoing/LCRRF/Modifications/Mod_I/20241122LCRRFModI_DEP_InitiatedNOI_Clerked.pdf

The final version of the modified Conditions can be viewed and downloaded from the following website: https://publicfiles.dep.state.fl.us/Siting/Outgoing/LCRRF/Modifications/Mod_I/20240109LeeCountySWERF_ModI.pdf

Copies of the Conditions and/or attachments may also be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 2600 Blair Stone Road, M.S. 3500, Tallahassee, Florida 32399-2400, (850) 717-9000.

Any party to this Order has a right to seek judicial review of it pursuant to Section 120.68, F.S. by filing a Notice of Appeal, pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000, and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fees, with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Sincerely,

Cindy Mulkey, Deputy Director
Division of Water Resource Management

CC by electronic mail:
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FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Dandra Carpenter

Digitally signed by Dandra Carpenter
Date: 2025.01.09 15:27:15 -05'00'

Clerk

01/09/2025

Date

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

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