



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

MARJORY STONEMAN DOUGLAS BUILDING
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TALLAHASSEE, FLORIDA 32399-3000

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SECRETARY

December 11, 2012

Sent by Electronic Mail – Document Access Verification Requested

Marc C. Bruner, Ph.D
Solid Waste Authority of Palm Beach County
7501 North Jog Road
West Palm Beach, Florida 33412

Re: Palm Beach County Renewable Energy Park
Biosolids Pelletization Facility
DEP Case Number PA84-20N
OGC Case Number 11-0487

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Bruner:

The Florida Siting Board issued a Site Certification to the Solid Waste Authority of Palm Beach County for the construction and operation of the Palm Beach County Renewable Energy Park Units 1 and 2 (PBCREP) on July 29, 1986 and September 1, 2011, respectively. The Department of Environmental Protection (Department) has modified the Conditions of Certification (Conditions) for PBCREP by Final Order on thirteen other occasions. Pursuant to Section 403.516(1)(c), Florida Statutes (F.S.), the Department has initiated a modification to PBCREP's Conditions to incorporate operating requirements for the existing biosolids pelletization facility, and to update various conditions for the purposes of clarification and consistency with recent rule and general condition language updates.

On October 26, 2012, all parties to the certification proceeding were provided notice of the Department's intent to modify the Conditions for PBCREP, along with a draft copy of the proposed Order Modifying the Conditions of Certification. On October 29, 2012, notice of the Department's intent to modify the Conditions for PBCREP 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 by mail to such party's last address of record 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.

The Department will issue an order modifying the Conditions for this facility if no written objections are received by the Department.

These timeframes have expired and no objections to the modification have been received by the Department. Therefore, the Conditions for PBCREP are hereby modified as follows (words ~~stricken~~ are deletions; words underlined are additions):

SECTION A: GENERAL CONDITIONS

I. SCOPE

A. Pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-518, Florida Statutes (F.S.), this certification is issued to the Solid Waste Authority of Palm Beach County (SWA) as owner/operator and Licensee of the Palm Beach County Renewable Energy Park (Park). Subject to the requirements contained in these Conditions of Certification (Conditions) ~~previously issued to the SWA, the SWA~~ will operate the ~~an~~ existing 62MW (design capacity) electrical power plant (Renewable Energy Facility #1), which is nominally designed to burn approximately 1,800 tons per day (tpd) of refuse-derived fuel and generate approximately 62 megawatts (MW) of electricity; and This certification (PA 84-20A2) authorizes the SWA to construct and operate a new 100 MW (nominal) resource recovery facility consisting of three 1,000 tpd mass-burn municipal waste combustors and an electrical steam turbine generator (Renewable Energy Facility #2), subject to the Conditions contained herein. Renewable Energy Facility #1 and #2 are located in the 1,320 acre Park (Site), which is located in Palm Beach County, Florida. The UTM coordinates for the Site are: Zone 17; 585.300 km East; 2.962 km North. The Department does not intend, solely by the incorporation of these General and Specific Conditions into the existing Conditions for the Park, to require the retrofitting of any existing certified facilities.

B-C. No Change

D. Within 60 days after completion of construction of ~~the proposed electrical power plant (Renewable Energy Facility #2), as defined by 403.503(14), F.S.,~~ but excluding off-site linear and non-linear associated facilities, the Licensee shall provide to the Department in pdf format: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the Site, as defined by Section 403.503(28), F.S., and an aerial photograph delineating the boundaries of the Site. The survey and aerial photograph shall be identified as the site delineation and attached hereto as part of Attachment A.

The Licensee shall notify the Department of any change to the site boundary depicted in the site delineation in Attachment A. The notification shall be accompanied by an updated land survey (or legal description) and aerial photograph delineating the new boundaries of the site for review by the Department. Absent the above description/delineation of the site, the Department will consider the perimeter fence line of the property on which the electrical power plant's generating facility and onsite support facilities are located to be the boundaries of the Site.

E-G. No Change

II. APPLICABLE RULES AND STATUTES

The construction, operation and maintenance of the certified facilities shall be in accordance with all applicable non-procedural provisions of Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.), including, but not limited to, the applicable non-procedural portions of the following regulations, except to the extent a variance, exception, exemption or other relief is granted in the final order of certification or in a subsequent modification to the Conditions, under any federal permit, or as otherwise provided under Chapter 403, F.S.:

Florida Statutes:

- Chapter 163 (Intergovernmental Programs)
- Chapter 252 (Emergency Management)
- Chapter 253 (State Lands)
- Chapter 258 (State Parks & Preserves)
- Chapter 267 (Historical Resources)
- Chapter 373 (Water Resources)
- Chapter 376 (Pollutant Discharge Prevention and Removal)
- Chapter 379 (Fish and Wildlife Conservation)
- Chapter 380 (Land & Water Management)
- Chapter 403 (Environmental Control)
- Chapter 487 (Pesticide Regulation and Safety)
- Chapter 556 (Underground Facility Damage Prevention and Safety)

Florida Administrative Codes:

- 5I-2 (Open Burning)
- 18-2 (Management of Uplands Vested in the Board of Trustees)
- 18-14 (Administrative Fines for Damaging State Lands)
- 18-20 (Aquatic Preserves)
- 18-21 (Sovereign Submerged Lands Management)
- 62-4 (Permits)
- 62-17 (Electrical Power Plant Siting)
- 62-25 (Regulation of Stormwater Discharge)
- 62-40 (Water Resource Implementation Rule)
- 62-150 (Hazardous Substance Release Notification)
- 62-160 (Quality Assurance)
- 62-204 (Air Pollution Control-General Provisions)
- 62-210 (Stationary Sources-General Requirements)
- 62-212 (Stationary Sources-Preconstruction Review)
- 62-213 (Operation Permits for Major Sources of Air Pollution)
- 62-256 (Open Burning)
- 62-296 (Stationary Sources-Emission Standards)
- 62-297 (Stationary Sources-Emission Monitoring)
- 62-301 (Surface Waters of the State)
- 62-302 (Surface Water Quality Standards)
- 62-303 (Identification of Impaired Surface Waters)
- 62-304 (Total Maximum Daily Loads)
- 62-312 (Dredge and Fill Activities)

62-330 (Environmental Resource Permitting)
62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
62-341 (Noticed General Environmental Resource Permits)
62-343 (Environmental Resource Permit Procedures)
62-345 (Uniform Mitigation Assessment Method)
62-520 (Groundwater Classes, Standards and Exemptions)
62-522 (Groundwater Permitting and Monitoring Requirements)
62-528 (Underground Injection Control)
62-531 (Water Well Contractor Licensing Requirements)
62-532 (Water Well Permitting and Construction Requirements)
62-550 (Drinking Water Standards, Monitoring and Reporting)
62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems)
62-560 (Requirements for Public Water Systems That Are Out of Compliance)
62-600 (Domestic Wastewater Facilities)
62-601 (Domestic Wastewater Treatment Plant Monitoring)
62-604 (Collection Systems and Transmission Facilities)
62-610 (Reuse of Reclaimed Water and Land Application)
62-620 (Wastewater Facility and Activities Permitting)
62-621 (Generic Permits)
62-640 (Biosolids)
62-650 (Water Quality Based Effluent Limitations)
62-660 (Industrial Wastewater Facilities)
62-699 (Treatment Plant Classification and Staffing)
62-701 (Solid Waste Management Facilities)
~~62-702 (Solid Waste Combustor Ash Management)~~ *[Repealed]*
62-709 (Criteria for the Production and Use of Compost made from Solid Waste)
62-710 (Used Oil Management)
62-730 (Hazardous Waste)
62-737 (Management of Spent Mercury-Containing Lamps and Devices Destined for Recycling)
62-740 (Petroleum Contact Water)
62-761 (Underground Storage Tank Systems)
62-762 (Aboveground Storage Tank Systems)
62-769 (Florida Petroleum Liability and Restoration Insurance Program)
62-770 (Petroleum Contamination Site Clean-Up Criteria)
62-780 (Contaminated Site Clean-Up Criteria)
62-814 (Electric and Magnetic Fields)
64E-6 (Standards for Onsite Sewage Treatment and Disposal Systems)
40E-4 (Environmental Resource Permits)
40E-40 (General Environmental Resource Standard Permits)
40E-41 (Surface water Management Basin and Related Criteria)
Basis of Review for ERP Applications

III. No Change

IV. DEFINITIONS

Unless otherwise indicated herein, the meaning of terms used herein shall be governed by the applicable definitions contained in Chapters 373 and 403, F.S., and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used 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 or, in the alternative by the use of the commonly accepted meaning as determined by the Department. As used herein, the following shall apply:

A-D. No Change

E. “DECADEO” means the Florida Department of ~~Community Affairs~~ Economic Opportunity and any successor agency.

F-T. No Change

~~V. TRANSFERABILITY OF DEFINITIONS~~

~~Definitions in other Chapters of the Department's rules may be used to clarify the meaning of terms used in these Conditions unless transfer of such definition would defeat the purpose or alter the intended effect of the provisions of these Conditions.~~

~~[Rule 62-4.021, F.A.C.]~~

VI. FEDERAL PERMITS~~DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS~~

This Certification is not a waiver of any other Department approval that may be required under federally delegated or approved programs. The provisions of the following federal permits shall be Conditions of this Certification to the extent the provisions of those permits apply to the certified facility(ies). The Licensee shall comply with the applicable provisions and limitations set forth in the permits listed below, and as those provisions may be modified, amended, or renewed in the future by the Department. The Department may consider a violation of any of these permits as a violation of this license.

~~This license is not a waiver of any other Department approval that may be required for other aspects of the certified facility under federally delegated or approved programs. The Department may consider a violation of any of these federal permits as a violation of this license.~~

A. Air

All Air Construction Permits and Title V Air Operation Permits in force for the certified parts of facility ID 0990234 are incorporated by reference herein as part of these Conditions. The Air Construction Permits and Title V Air Operation Permits can be found at this web link using the facility ID number listed above:
<http://appprod.dep.state.fl.us/air/emission/apds/default.asp>.

~~The provisions of the following paragraphs shall be conditions of this certification. The Licensee shall comply with the substantive provisions and limitations set forth in the Air Construction Permits and Title V Air Operation Permit for the Park as part of these~~

~~Conditions, and as those provisions may be modified, amended, or renewed in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions.~~

~~1. Air Construction Permit(s)~~

~~Air Construction Permits PSD-FL-108A, PSD-FL-108B, PSD-FL-108C, 0990234-002-AC (PSD-FL-108D), 0990234-006-AC (PSD-FL-108F), 0990234-008-AC, 0990234-011-AC, 0990234-012-AC, 0990234-014-AC, 0990234-015-AC (PSD-FL-108H), and 0990234-018-AC (PSD-FL-108H) for Renewable Energy Facility #1, and Air Construction Permit 0990234-017-AC (PSD-FL-413) for Renewable Energy Facility #2, are incorporated by reference herein as part of these Conditions and attached as Appendix I.~~

~~[Chapter 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C.]~~

~~2. Title V Permit~~

~~Title V Air Operation Permit 0990234-016-AV is incorporated by reference herein as part of these Conditions and attached as Appendix II. After commencement of operations of Renewable Energy Facility #2, the updated Title V Operation Permit will be attached and incorporated herein upon issuance.~~

~~[Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C.]~~

B. No Change

VHVI. DESIGN AND PERFORMANCE CRITERIA

Certification, including these Conditions, is predicated upon preliminary designs, concepts, and performance criteria described in the site certification application (SCA) or in testimony and exhibits in support of certification. Final engineering design will be consistent and in substantial compliance with the preliminary information described in the SCA or as explained at the certification hearing (if any). Conformance to those criteria, unless specifically modified in accordance with Sections 403.516, F.S., and Rule 62-17.211, F.A.C., is binding upon the Licensee in the design, construction, operation and maintenance of the certified facilities.

[Section 403.511(2)(a), 403.516, F.S.; Rules 62-4.160(2) and 62-17.211, F.A.C.]

VII. No Change

VIII. REPLACEMENT FOR RESTORATION OF SYSTEM INTEGRITY AND EMERGENCY CONDITIONS

The Department will use its enforcement discretion when evaluating violations that result from operating the Certified Facility under emergency conditions. During and after the emergency conditions, the Licensee must use due diligence to bring the facility back into compliance as soon as possible. In addition, the Licensee must use its best efforts and best management practices to minimize adverse environmental impacts. The Licensee shall notify the SCO and the appropriate DEP District Office when the emergency condition has ended. Furthermore, the Licensee must include all monitoring data, which would otherwise be required under normal operating circumstances, recorded during emergency conditions when submitting reports as required by these conditions. Any exceedances and/or violations recorded during

emergency conditions shall be reported as such, but the Department acknowledges that it intends to use its enforcement discretion during this timeframe. This acknowledgement by the Department does not constitute a waiver or variance from any requirements of any federal permit. Relief from any federal agency must be separately sought.

[Section 403.511, F.S.]

IX. CONSTRUCTION PRACTICES

A. *Local Building Codes*

Subject to the Conditions set forth herein, this certification constitutes the sole license of the state and any agency as to the approval of the location of the site and any associated facility and the construction and operation of any certified facility. The licensee is not required to obtain building permits for certified facilities. However, this certification shall not affect in any way the right of any local government to charge appropriate fees or require that construction of installations used by the electric utility that are not an integral part of a generating plant, substation, or control center (such as office buildings, warehouses, garages, machine shops, and recreational buildings) be in compliance with applicable building construction codes. Such fees and compliance with such construction codes are outside the scope of this certification.

~~This license shall not affect in any way the right of local governments to charge appropriate fees or require that construction be in compliance with applicable building construction codes.~~

[Section 403.511(4), F.S.]

B. *Open Burning*

Prior to open burning in connection with land clearing, the Licensee shall seek authorization from the Florida Forest Service in accordance with the requirements of Chapters 62-256 and 5I-2, F.A.C.

~~Any open burning in connection with initial land clearing shall be in accordance with the non-procedural requirements of Chapters 62-256 and 5I-2, F.A.C. Prior to any burning of construction-generated material, such as land clearing debris that is allowed to be burned in accordance with Chapter 62-256, F.A.C., the Licensee shall seek approval from the applicable DEP District Office, whose approval may be granted in conjunction with the approval of the Division of Forestry. Burning shall not occur if not approved by the Department or if the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions. A copy of any submittal by the Licensee relating to open burning shall be submitted to the affected county in which open burning will take place, as requested or required by that County, for informational purposes.~~

[Chapters 5I-2 and 62-256, F.A.C.]

C-D. No Change

E. *Existing Underground Utilities*

The Licensee must follow all applicable portions of the Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S. The Licensee shall provide the affected

local government and the Siting Office with copies of valid tickets obtained from Sunshine State One Call of Florida upon request. Tickets shall be retained by the Licensee and available upon request until the underground work has been completed.

[Chapter 556, F.S.]

F. No Change

G. **Existing Wells**

Any existing wells in the path of construction that will be impacted and that will no longer be used shall be abandoned by a licensed well contractor. All abandoned wells shall be filled and sealed in accordance with subsection 62-532.500(5), F.A.C., or with the rules of the authorizing agency, or consistent with these Conditions.~~62-532.500(4), and rule 62-532.410, F.A.C., or with the rules of the authorizing agency.~~

[Rule 62-532.400 and subsection 62-532.500(5), F.A.C.]

H-I. No Change

X. No Change

XI. DISPUTE RESOLUTION

A. General

If a situation arises in which mutual agreement between either the Department and the Licensee, or the Department and an agency with substantive regulatory jurisdiction over a matter cannot be reached, the Department can act as a facilitator in an attempt to resolve the issue. If the dispute is not resolved in this initial informal meeting, Licensee may request a second informal meeting in which both Licensee and the agency with substantive regulatory jurisdiction over the matter at issue can participate in an attempt to resolve the issue. If, after such meetings, a mutual agreement cannot be reached between the parties, then the matter shall be referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S. The Licensee or the Department may request DOAH to establish an expedited schedule for the processing of such a dispute. Any filing with DOAH shall state with particularity the specific project and geographic location to which the dispute relates. Work unrelated to the specific project and in areas other than the location to which the dispute relates will not be affected by the dispute.

B. Modifications

If written objections are filed regarding a modification, and the objections address only a portion of a requested modification, then the department shall issue a Final Order approving the portion of the modification to which no objections were filed, unless that portion of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed.

C. Post-Certification Submittals

If it is determined, after assessment of a post-certification submittal, that compliance with the Conditions will not be achieved for a particular portion of a submittal, the Department may make a separate assessment of other portions of the submittal, unless those

portions of the submittal are substantially related to or necessary to implement that portion for which it has been determined that compliance with the Conditions will not be achieved.

~~If a situation arises in which mutual agreement cannot be reached between the Licensee, the Department and another agency receiving a post-certification submittal or between the Department and the Licensee regarding compliance with the Conditions, then the matter shall be immediately referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S. The Licensee or the Department may request DOAH to establish an expedited schedule for the processing of such a dispute.~~

[Subsection 120.57, F.S., and Rule 62-17.211, F.A.C.]

XII. No Change

XIII. ENFORCEMENT

A. The terms, conditions, requirements, limitations and restrictions set forth in these Conditions are binding and enforceable pursuant to Sections 403.141, 403.161, 403.514, 403.727, and 403.859 through 403.861, F.S., as applicable. Any noncompliance by the Licensee with these Conditions constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, license termination, license revocation, or license revision. The Licensee is placed on notice that the Department may review this certification periodically and may initiate enforcement action for any violation of these Conditions. ~~Abandonment of the certified facilities will be considered grounds for enforcement action.~~

B. All records, notes, monitoring data and other information relating to the construction or operation of the certified facilities which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the certified facilities and arising under the Florida Statutes or Department rules, subject to the restrictions in Sections 403.111 and 403.73, F.S. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

[Sections 403.121, 403.131, 403.141, 403.151, 403.161, and 403.514, F.S.; subsections 62-4.160(1) and 62-4.160(9), F.A.C.]

XIV. REVOCATION OR SUSPENSION

This certification shall be final unless revised, revoked or suspended pursuant to law. This certification may be suspended or revoked pursuant to Sections 403.512, ~~403.532, and 403.9425~~, F.S., or for violations of any of these Conditions. This certification is valid only for the specific processes and operations applied for and identified in the SCA and approved in the final order of certification and indicated in the testimony and exhibits in support of certification indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department. Any enforcement action, including suspension and revocation, shall only affect the portion(s) of the certified facilities that are the cause of such action, and other portions of the certified facilities shall remain unaffected by such action.

[Sections 403.512, F.S.; subsection 62-4.160(2), F.A.C.]

XV. No Change

XVI. CIVIL AND CRIMINAL LIABILITY

Except to the extent a variance, exception, exemption or other relief is granted in the final order of certification, in a subsequent modification to these Conditions, or as otherwise provided under Chapter 403, F.S., ~~¶~~ this certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any condition of this certification, applicable rules or regulations of the Department, or any other state statutes or regulations which may apply.

[Sections 403.141, 403.161, and 403.511, F.S.]

XVII. USE OF STATE LANDS

A. The issuance of this license conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless ~~herein provided and~~ the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

B. If any portion of the certified facilities is located on sovereign submerged lands, state-owned uplands, or within an aquatic preserve, then the certified facilities must comply with the applicable portions of Chapters 18-2, 18-20, and 18-21, F.A.C., and Chapters 253 and 258, F.S. If any portion of the certified facilities is located on sovereign submerged lands, the Licensee must submit section G of the Joint Application for Environmental Resource Permits to the Department prior to construction. If any portion of the certified facilities is located on state-owned uplands, the Licensee must submit an Upland Easement Application to the Department prior to construction.

C. If a portion of the certified facilities is located on sovereign submerged lands or state-owned uplands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, then the proposed activity on such lands requires a proprietary authorization. Under such circumstances, the proposed activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take action on requests for proprietary authorization in accordance with Rules 18-2.018 or 18-21.0051, F.A.C.

D. The Licensee is hereby advised that Florida law states: “No person shall commence any excavation, construction, or other activity involving the use of sovereign or other state lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Environmental Protection under Chapter 253, F.S., until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use.” Pursuant to Chapter 18-14, F.A.C., if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.

E. The terms, conditions, and provisions of any required lease or easement issued by the State shall be met. Any construction activity associated with the certified facilities shall

not commence on sovereign submerged lands or state owned uplands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required lease or easement documents have been executed ~~to the satisfaction of the Department.~~

[Chapters 253 and 258, and Section 403.511, F.S.; Chapter 3.1.1. of the B.O.R.; Chapters 18-2, 18-14, 18-21, 62-340, and subsections 62-343.900(1) and 62-4.160(4), F.A.C.; Upland Easement Application and Section G of the Environmental Resource Permit Application Form.]

XVIII-XIX. No Change

XX. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. Purpose of Submittals

Conditions which provide for the post-certification submittal of information to DEP or other agencies by the Licensee are for the purpose of facilitating the agencies' monitoring of the effects arising from the location of the certified facilities and the construction and maintenance of the certified facilities. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with these Conditions, without further agency action. A submittal of information or determination of compliance pursuant to a post-certification submittal under this Condition does not provide a point of entry for a third party.

B-D. No Change

E. Determination of Compliance

DEP shall give written notification within 90 days, to the Licensee and the other agency/ies to which the post-certification information was submitted of DEP's determination whether there is demonstration of compliance with the Conditions. If it is determined that compliance with the Conditions has not been provided, the Licensee shall be notified with particularity of the deficiencies and possible corrective measures suggested. Failure to notify Licensee in writing within 90 days of receipt of a complete post-certification submittal shall constitute a determination of compliance. A post-certification compliance review may be the basis for initiating modifications to the relevant Condition or to other related Conditions.

F. No Change

G. Revisions to Design Previously Reviewed for Compliance

If revisions to site-specific designs occur after submittal, the Licensee shall submit revised plans prior to construction for review in accordance with the post-certification process specified in this Condition.

H. No Change

XXI. No Change

XXII. POST CERTIFICATION AMENDMENTS

If, subsequent to certification, a Licensee proposes any material change to the SCA and revisions or amendments thereto, as certified, the Licensee shall submit a written request for amendment and a description of the proposed change to the SCA to the Department. Within 30

days after the receipt of a complete request for an amendment, the Department shall determine whether the proposed change to the SCA requires a modification to the Conditions.

A. If the Department concludes that the change would not require a modification to the Conditions, the Department shall provide written notification of the approval of the proposed amendment to the Licensee, all agencies, and all other parties to the certification.

B. If the Department concludes that the change would require a modification to the Conditions, the Department shall provide written notification to the Licensee that the proposed change to the SCA requires a request for modification pursuant to Sections 403.516 and 403.5317, F.S.

[Sections 403.5113 and 403.516, F.S.]

XXIII. MODIFICATION OF CERTIFICATION

A. Pursuant to Sections 403.516(1)(a), ~~403.5315(1), 403.9418(1)(a), 120.569(2)(n),~~ F.S., and Rule 62-17.211, F.A.C., the Siting Board hereby delegates the authority to the Department to modify any Condition which would not otherwise require approval by the Siting Board, after notice and receipt of no objection by a party to the certification within 45 days after notice by mail to the party's last address of record, and if no other person whose substantial interests will be affected by the modification objects in writing within 30 days of public notice; ~~after notice and receipt of no objection by a party or other substantially affected person, any Condition of Certification which would not otherwise require approval by the Siting Board. In addition, the Department is delegated the authority to modify Conditions as follows:~~

~~The certification shall be modified to conform to subsequent DEP-issued amendments, modifications, or renewals of any separately issued Prevention of Significant Deterioration (PSD) permit, Title V Air Operation permit, Underground Injection Control (UIC) permit, or National Pollutant Discharge Elimination System (NPDES) permit for the certified facilities. In the event of a conflict, the more stringent of the requirements of such permits or of these Conditions shall be controlling.~~

B. The Department may modify Conditions, in accordance with Section 403.516(1)(b), F.S., which are inconsistent with the terms of any subsequent and separately DEP-issued permits, permit amendments, permit modifications, or permit renewals under a federally delegated or federally approved permit program. Such modification may be made without further notice if the matter has been previously noticed under the requirements for any federally delegated or approved permit program.

C. Any anticipated facility expansions, production increases, or process modifications which may result in a new, different or increased discharge or emission of pollutants, change in fuel, or expansion in generating capacity must be reported by submission of an appropriate request for an amendment, modification, or certification.

~~D.~~ Any anticipated facility change that results in a change to the site delineation or the delineation of the certified area, attached hereto as part of Attachment A, must be accompanied by a map or aerial photo showing the proposed new boundaries of the Site and/or certified area. The Department may consider any such change to be a modification to the Conditions. Within 60 days after completion of construction of the approved facility change, the

Licensee shall provide the information required by Section A. General Conditions, Condition I. Scope, paragraphs D, E, or F as appropriate.

~~ED.~~ In accordance with Section 403.516(1)(c), F.S., the Licensee may file a petition for modification with the Department, or the Department may initiate the modification upon its own initiative.

~~[Sections 120.569(2)(n), 403.511(5)(a), and 403.516, F.S.; Rule 62-17.211 and Chapter 62-343, F.A.C.]~~

XXIV-XXVIII. No Change

~~[Rule 62-160, F.A.C.]~~

XXIX. ENVIRONMENTAL RESOURCES

Licensee previously certified and constructed Renewable Energy Facility #1. Requirements of this Section A, Condition XXIX. Environmental Resources have been satisfied for that facility. Licensee's application for Renewable Energy Facility #2 has been reviewed and approved. Some of the requirements of this Section A, Condition XXIX. Environmental Resources have been satisfied for Renewable Energy Facility #2.

A. General

1. Submittals for Construction Activities

a. Unless such information has already been provided to DEP as part of the SCA or during the certification proceedings, prior to the commencement of construction of new facilities and/or associated facilities the Licensee shall provide to the appropriate DEP District's Environmental Resource Permitting Section(s) for review, all information necessary for a complete *Joint Application for Environmental Resource Permit (ERP)*, DEP Forms 62-343.900(1).

This form may: a) have been submitted concurrently with a SCA; b) be submitted as an amendment request or a petition for modification; or c) be submitted as a post-certification submittal following approval of a project through certification, modification or amendment. Such ERP applications, once received, shall be reviewed in accordance with the standards and criteria for issuance of an ERP, including all the provisions related to reduction and elimination of impacts, conditions for issuance, additional conditions for issuance, and mitigation contained in Chapters 62-330, 62-341, 62-343, and 62-346, F.A.C., as applicable, unless otherwise stated in these Conditions.

Those forms submitted as part of a site certification, an amendment, or modification, shall be processed concurrently with, and under the respective certification, amendment, or modification procedures. Those forms submitted as a post-certification submittal (after project approval and prior to construction) shall be processed in accordance with Section A, Condition XX. Procedures for Post-Certification Submittals.

No construction shall commence until the appropriate notification from the Department has been received, or in the case of post-certification submittals the time period for notification by the Department has expired. Department has determined that there is a demonstration of compliance with these Conditions. For post-certification submittal reviews, the

Department's determination is governed by Section A, Condition XX. Procedures for Post-Certification Submittals.

b. ~~The Licensee shall submit a survey of wetland and surface water areas as delineated in accordance with Chapter 62-340, F.A.C., and verified by appropriate agency staff for Department approval. Concurrent with submittal of the DEP form required in Condition A.1.a. above, the Licensee shall submit, as applicable, a survey of wetland and surface water areas as delineated in accordance with Chapter 62-340, F.A.C., and verified by appropriate agency staff for Department approval. Available DEP-approved wetland and surface water delineations within the boundaries of a certified Site or a portion thereof may be used and reproduced for this delineation submittal and verification.~~

[Chapter 62-340, F.A.C.]

[Section 373.416, F.S.; subsections 62-312, 62-343.070(2) and 62-346.070(2), paragraph 62-343.090(2)(b), and Forms 62-343.900(1) and 62-346.900(1), F.A.C.]

2. Construction, operation and maintenance of the proposed project (including any access roads and structures constructed within wetlands and other surface waters, and/or associated facilities) shall satisfy any applicable non-procedural requirements in the Department rules.

[Section 373.414, F.S.]

3. Any delineation of the extent of a wetland or other surface water submitted as part of the DEP ERP Application Form required by Condition A.1. above, including plans or other supporting documentation, shall not be considered binding on the Department unless a specific Condition of this license or a formal wetlands jurisdictional determination under Section 373.421(2), F.S., provides otherwise.

[Sections 373.421, and 403.504, F.S.]

B. Surface Water Management

1. Surface water management systems will be evaluated under Part IV of Chapter 373, F.A.C. following submittal of Form 62-343.900(1) or 62-346.900(1), as applicable, to the appropriate office of the Department.

2. All construction, operation, and maintenance of the surface water management system(s) for the Certified Facilities shall be as set forth in the plans, specifications and performance criteria contained in the ~~ERP Application form and the surface water management system operation/management plans approved by this certification~~ SCA and other materials presented during the certification proceeding, post-certification submittals, and as otherwise approved. ~~The Department approved surface water management system operation/management plans shall be incorporated herein as Attachment B, as well as any subsequent alterations, amendments, or modifications thereto. Any subsequent alterations, amendments or modification to the approved surface water management system and/or operation/management plans shall require prior approval from the Department. If specific requirements are necessary for construction, operation and/or maintenance of an approved SWMS, those requirements shall be incorporated into a SWMS Plan for that system and included as Attachment B. Any alteration or modification to the SWMS Plan or the SWMS as certified requires prior approval from the Department.~~

3. Immediately prior to and during construction of the SWMS, and for a sufficient period of time after construction to allow for stabilization of all disturbed areas, the Licensee shall implement and maintain erosion and sediment control best management practices, such as silt fences, erosion control blankets, mulch, sediment traps, polyacrylamide (PAM), temporary grass seed, permanent sod, and floating turbidity screens to retain sediment on-site and to prevent violations of state water quality standards. These devices shall be installed, used, and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the licensed work, and shall remain in place at all locations until construction is completed and soils are permanently stabilized. All best management practices shall be in accordance with the guidelines and specifications described in the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection, 2007) unless a project-specific erosion and sediment control plan is approved as part of this License. If project-specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediments beyond those specified in the approved erosion and sediment control plan, the Licensee shall implement additional best management practices as necessary, in accordance with the guidelines and specifications in the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection, June 2007). The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as practicable. Once project construction has been deemed complete, including the re-stabilization of all side slopes, embankments and other disturbed areas, and before conversion from the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.

4. The Licensee shall complete construction of all aspects of the surface water management system described in the DEP ERP Application Form, submitted as part of a postcertification submittal, amendment, or modification, or certification application including water quality treatment features, and discharge control facilities prior to use of the portion of the certified facility being served by the surface water management system.

5. At least 48 hours prior to the commencement of construction of any new surface water management system authorized by this license, the Licensee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement Notice" (DEP Form 62-343.900(3) or 62-346.900(3), F.A.C, as applicable), 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" (DEP Form No. 62-343.900(4), F.A.C.). Status Report Forms shall be submitted the following June of each year.

6. Each phase or independent portion of the approved system must be completed in accordance with the submitted DEP Form prior to the operation of site infrastructure located within the area served by that portion or phase of the system.

7. Within 30 days after completion of construction of any new portions of the surface water management system, the Licensee shall submit to the SCO and DEP District Office a written statement of completion and certification by a registered professional engineer (P.E.), or other appropriate registered professional, as authorized by law, utilizing the required "As-

Built Certification by a Registered Professional” (DEP Form 62-343.900(5) or 62-346.900(4), F.A.C., as applicable). Additionally, if deviations from the approved drawings are discovered, the As-Built Certification must be accompanied by a copy of the approved drawings with deviations noted.

8. Any substantial deviation from the approved drawings, exhibits, specifications or conditions, may constitute grounds for revocation or enforcement action by the Department. Examples of substantial deviations may include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.

9. Prior to the operation of any new surface water management system, the Licensee shall submit to the Department a “Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase” (DEP Form 62-343.900(7), F.A.C.). The operation phase of any new surface water management system approved by the Department shall not become effective until the Licensee has complied with the requirements of the Conditions herein, the Department determines the system to be in compliance with the approved plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system.

10. The DEP District ERP Section shall be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan shall be submitted to and approved by the Department prior to the dewatering event. Additional authorizations may be required for certain dewatering activities.

[Section 373.414, F.S.; Chapters 62-25, 62-302, 62-330, 62-343, 62-346, and Rule 62-4.242, F.A.C.]

C. Wetland and Other Surface Water Impacts

1. All certified facilities shall be constructed in a manner which will avoid or minimize adverse impacts to on-site and/or adjacent wetlands or other surface waters to the extent feasible or otherwise comply with substantive criteria for elimination or reduction. ~~When unavoidable impacts to wetlands will occur, an applicant may propose and the Department shall consider mitigation to offset otherwise unpermittable activities under the Environmental Resource Permit review process pursuant to Condition A.1.a above.~~ When impacts to wetlands will occur as a result of a future amendment, modification, or certification, and cannot be practicably eliminated or reduced, the Licensee may propose and the Department or Board shall consider mitigation to offset otherwise unpermittable activities under the Environmental Resource Permit review process pursuant to Condition A.1. above.

2. Proposed mitigation plans submitted with the DEP ERP Application forms required in Condition A.1. above, or submitted and approved as part of an amendment, modification, or certification, and that are deemed acceptable by DEP, shall include applicable construction conditions, success criteria and monitoring plans and shall be incorporated into these Conditions ~~and attached as Attachment C.~~

[Sections 373.413, 373.414, 373.4145, 403.511, and 403.814(6), F.S.; Chapters 62-330, 62-341 62-342, 62-343, 62-345, and 62-346, F.A.C.]

XXX-XXXIII. No Change

XXXIV. SOLID AND HAZARDOUS WASTE

A. Solid Waste

The Licensee shall comply with all applicable provisions of Chapters 62-701 and ~~62-702~~, F.A.C., for any solid waste generated within the certified facilities during construction and/or operation.

[Chapters 62-701 and ~~62-702~~, F.A.C.]

B. No Change

C. Hazardous Substance Release Notification

1. Any owner or operator of a facility who has knowledge of any release of a hazardous substance from a certified facility in a quantity equal to or exceeding the reportable quantity in any 24-hour period shall notify the Department by calling the STATE WARNING POINT NUMBER, (850) 488-1320, as soon as possible, but not later than within one working day of discovery of the release.

2. Releases of mixtures and solutions are subject to these notification requirements only where a component hazardous substance of the mixture or solution is released in a quantity equal to or greater than its reportable quantity.

3. Notification of the release of a reportable quantity of solid particles of antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver, thallium, or zinc is not required if the mean diameter of the particles released is larger than 100 micrometers (0.004 inches).

[Chapter 62-150, F.A.C.]

D. Used Oil, Petroleum Contact Water and Spent Mercury

The Licensee shall comply with all applicable provisions of Chapter 62-710, F.A.C., for any used oil including oil filters, Chapter 62-740, F.A.C., for any petroleum contact water, and Chapter 62-737, F.A.C., for any spent mercury containing lamps and devices generated within Certified Facility during construction and operation.

[Chapters 62-710, 62-740 and 62-737, F.A.C.]

E. Contaminated Site Cleanup

1. The Licensee shall comply with all applicable provisions of DEP Chapter 62-780, F.A.C., for any violations of relevant provisions of Chapter 376 or 403, F.S., that result in legal responsibility for site rehabilitation pursuant to those chapters. This responsibility for site rehabilitation does not affect any activity or discharge permitted or exempted pursuant to Chapter 376 or 403, F.S., or rules promulgated pursuant to Chapter 376 or 403, F.S.

[Chapter 62-780, F.A.C.]

XXXV. No Change

SECTION B: SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A-B. No Change

C. *Water Quality Monitoring Reporting*

1-2. No Change

3. Electronic Reporting

a. Pursuant to Rule 62-701.510(9), F.A.C. and Rules 62-160.240(3), 62-160.340(4), F.A.C., the landfill owner or operator shall report water quality monitoring reports and all ground water, and surface water ~~and leachate~~ analytical results electronically. Water quality monitoring reports shall be submitted in pdf format. The water quality data Electronic Data Deliverable (EDD) shall be provided to the Department in an electronic format consistent with requirements for importing into Department databases. The Licensee shall include Form 62-701.900(31), Water Quality Monitoring Certification, effective date January 6, 2010, hereby incorporated by reference, with each report certifying that the laboratory results have been reviewed and approved by the Licensee. The report shall include at least the following:

- i. Cover letter
- ii. The facility name and identification number, sample collection dates, and analysis dates;
- iii. All analytical results, including all peaks even if below maximum contaminant levels;
- iv. Identification number and designation of all surface water and ground water monitoring points;
- v. Applicable water quality standards;
- vi. Quality assurance, quality control notations;
- vii. Method detection limits;
- viii. STORET code numbers for all parameters;
- ix. Water levels recorded prior to evaluating wells or sample collection. Elevation reference shall include the top of the well casing and land surface at each well site at a precision of plus or minus 0.01 foot (using a consistent, nationally recognized datum);
- x. An updated ground water table contour map signed and sealed by a professional geologist or professional engineer with experience in hydrogeologic investigations, with contours at no greater than one-foot intervals unless site-specific conditions dictate otherwise, which indicates ground water elevations and flow direction; and
- xi. A summary of any water quality standards or criteria that are exceeded.

b. All submittals in response to this specific condition shall be sent to:

Florida Department of Environmental Protection
Southeast District Solid Waste Section
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33401-2913
And to:

Florida Department of Environmental Protection
Solid Waste Administrator, MS 4565
Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399 2400
And to:

Florida Department of Environmental Protection
Siting Coordination Office, ~~MS 48~~
~~3900 Commonwealth Blvd.~~
~~Tallahassee, FL 32399-3900~~ SCO@dep.state.fl.us

[Rules 62-160.110, 62-160.240, 62-160.340, and 62-730.225, F.A.C.]

4. In accordance with Rule 62-701.510(9)(b), F.A.C., a technical report, signed and sealed by a professional geologist or professional engineer with experience in hydrogeologic investigations, shall be submitted to the Department every two and one-half years during the active life of the landfill, and every five years during the long-term care period. The report shall summarize and interpret the water quality and leachate monitoring results and water level measurements collected during the past two and one-half years. The report shall contain, at a minimum, the following:

a. Tabular displays of any data which shows that a monitoring parameter has been detected, and graphical displays of any ~~leachate~~ key indicator parameters detected (such as pH, specific conductance, TDS, TOC, sulfate, chloride, sodium and iron), including hydrographes for all monitor wells;

b. Trend analyses of any monitoring parameters consistently detected;

c. Comparisons among shallow, middle, and deep zone wells;

d. Comparisons between background water quality and the water quality in detection and compliance wells;

e. Correlations between related parameters such as total dissolved solids and specific conductance;

f. Discussion of erratic and/or poorly correlated data;

g. An interpretation of the ground water contour maps, including an evaluation of ground water flow rates; and

h. An evaluation of the adequacy of the water quality monitoring frequency and sampling locations based upon site conditions.

5-6. No Change

D. Water Quality Evaluation Monitoring and Prevention Measures.

1. Pursuant to Rule 62-701.510(7), F.A.C., if indicator parameters are detected at concentrations significantly above background water quality, or that are at levels above the Department's water quality standards or criteria specified in Chapter 62-520, F.A.C., the Licensee may resample the wells within thirty (30) days after the Licensee's receipt of the data, to confirm the data. The Department's Waste Cleanup Section must be notified seven (7) days prior to any confirmatory resampling event at this site. Should the Licensee choose not to resample, the Department will consider the water quality analysis as representative of current ground water conditions at the facility. If the data is confirmed, or if the Licensee chooses not to resample, the Licensee shall notify the Department in writing within fourteen (14) days of this finding. The Department may require additional monitoring wells or samples to be taken if analyses indicate that groundwater contamination must be more specifically defined in extent or concentration. Upon notification by the Department, the Licensee shall initiate evaluation monitoring as follows:

a. Routine monitoring of all monitoring wells, surface water monitoring locations and ~~leachate sampling locations~~ shall continue according to the requirements of Rule 62-701.510 (6), F.A.C..

b. Except as provided in Rule 62-701.510 (7)(b), F.A.C., within 90 days of notification from the Department to initiate evaluation monitoring and annually thereafter, the Licensee shall sample and analyze a representative sample of the background wells and all affected detection wells for the parameters listed in Rule 62-701.510 (8)(d), F.A.C. Any new parameters detected and confirmed in the affected downgradient wells shall be added to the routine ground water monitoring parameter lists required in Rule 62-701.510 (6), F.A.C. for the affected wells.

c. Within 90 days of notification from the Department to initiate evaluation monitoring, the Licensee shall install and sample compliance monitoring wells at the compliance line of the zone of discharge and downgradient from the affected detection monitoring wells. These wells shall be installed according to the requirements of paragraph Rule 62-701.510 (3)(d), F.A.C., and, except as provided in Rule 62-701.510 (7)(b), F.A.C., samples from these wells and the affected detection wells shall be analyzed quarterly for the parameters listed in paragraph Rule 62-701.510 (8)(a), F.A.C. and any other parameters detected in the affected detection and downgradient wells sampled in Rule 62-701.510 (7)(a) 2, F.A.C., and annually for the parameters listed in Rule 62-701.510 (8)(d), F.A.C. If any contaminants are detected and confirmed in compliance wells in concentrations that exceed both background levels and Department water quality standards or criteria, then the provisions of Rule 62-701.510 (7)(c), F.A.C. apply; otherwise, the following paragraphs apply.

2-5. No Change

E. No Change

~~F. Leachate sampling.~~

~~1. Leachate samples will be collected annually at the lift stations labeled S7L-A, S7L-B, S7L-C, and S7L-D and analyzed for the parameters listed in Rule 62-701.510(8)(c), F.A.C. and Rule 62-701.510(8)(d), F.A.C. The sampling analysis reports shall be submitted concurrently with the ground water analyses reports.~~

~~2. Pursuant to Rule 62-701.510(6)(c), F.A.C., if this annual analysis indicates that a contaminant listed in Title 40 Code of Federal Regulations (C.F.R.), Part 261.24 exceeds the regulatory level listed therein, the Licensee shall initiate monthly sampling and analysis and shall notify the Department in writing. If in any three consecutive months no listed contaminant is found to exceed the regulatory level, the Licensee may discontinue the monthly sampling and analysis and return to a routine sampling schedule pursuant to this license.~~

GF. No Change

HG. *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 Section B, Condition I.**HG.** Solid/Hazardous Waste 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~~**Rule** 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.

2-5. No Change

6. The landfill operator is responsible for leachate level monitoring; ~~sampling, analysis of the landfill leachate, and for providing copies of the leachate analysis to the Department.~~

7-19. No Change

~~20. Ash residue shall be analyzed every three months by the operator of a solid waste combustor for priority pollutant metals. Representative composite samples shall be prepared for analysis by total digestion, using EPA Method 3050 Acid Digestion of Sediments, Sludges, and Soils, "Test Methods for Evaluating Solid Waste Physical/Chemical Methods," EPA Publication SW-846 (3rd edition as amended by Update I December, 1987). Samples shall be collected and analyzed by the methods listed in the Quality Assurance/Quality Control plan approved by the Department.~~

~~21. Leachate shall be analyzed every three months for priority pollutant metals in accordance with Rule 62-702.570(3), F.A.C.~~

~~22. The results of the ash and leachate analyses shall be submitted annually to the Department in a report which presents and summarizes the data. If the ash analyses indicate significantly elevated levels of metals concentrations compared to metals concentrations in ash at~~

~~other facilities in the State, the facility, following notification by the Department, shall carry out an investigation to determine the source(s) of these metals in the waste stream. The facility shall submit the results of the investigation to the Department, along with a plan to reduce or eliminate the sources of the metals. If the metals concentrations in the leachate exceed the regulatory levels in 40 CFR 261.24, the facility shall report to the Department the steps it intends to take to reduce the metals concentration in the leachate. Leachate containing metals above the regulatory levels shall be treated on-site to reduce its metals content.~~

H-P. No Change

Q. Biosolids Treatment Facility Conditions

1. Facility Description and Requirements

The Solid Waste Authority of Palm Beach County owns a Biosolids Treatment Facility (BTF) (aka Biosolids Pelletization Facility) which is regulated under Section 403, F.S., and applicable rules of the Florida Administrative Code (F.A.C.). The DEP Facility Identification Number is FLA296422. The Biosolids Pelletization Facility is located at 6600 45th Street, West Palm Beach, Florida 33412. This authorization does not constitute authorization to dispose of biosolids other than as expressly stated herein. The Solid Waste Authority of Palm Beach County "The Licensee" is hereby authorized to operate the facilities in accordance with the documents attached hereto and specifically described as follows:

a. The sample collection, analytical test methods and method detection limits (MDLs) applicable to this license shall be conducted using a sufficiently sensitive method to ensure compliance with applicable limitations and shall be in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate. The list of Department established analytical methods, and corresponding MDLs (method detection limits) and PQLs (practical quantitation limits), which is titled "FAC 62-4 MDL/PQL Table (April 26, 2006)" is available at <http://www.dep.state.fl.us/labs/library/index.htm>. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this license. Any method included in the list may be used for reporting as long as it meets the following requirements:

i. The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list;

ii. The laboratory reported MDL for the specific parameter is less than or equal to the limit listed in these Conditions or the applicable criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in these Conditions shall use methods that provide an MDL, which is equal to or less than the applicable criteria stated in 62-302, F.A.C.; and

iii. If the MDLs for all methods available in the approved list are above the stated condition limit or applicable criteria for that parameter, then the method with the lowest stated MDL shall be used.

b. When the analytical results are below method detection or practical quantitation limits, the Licensee shall report the actual laboratory MDL and/or PQL values for the analyses that were performed following the instructions on the applicable discharge monitoring report.

c. Where necessary, the Licensee may request approval from the Department for alternate methods or for alternative MDLs or PQLs for any approved analytical method. Approval of alternate laboratory MDLs or PQLs are not necessary if the laboratory reported MDLs and PQLs are less than or equal to the license limit or the applicable criteria, if any, stated in Chapter 62-302, F.A.C. Approval of an analytical method not included in the above-referenced list is not necessary if the analytical method is approved in accordance with 40 CFR 136 or deemed acceptable by the Department.

[62-4.246 and 62-160, F.A.C.]

d. The Licensee shall provide safe access points for obtaining representative samples which are required by this license.

[62-601.500(5), F.A.C.]

e. Monitoring requirements under these Conditions are effective on the first day of the second month following issuance of Modification N. Until such time, the Licensee shall continue to monitor and report in accordance with previously effective license requirements, if any. The Licensee shall complete and submit to the DEP Southeast District Office (SED) Industrial Wastewater Section Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e. monthly, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this license as Attachment E. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

<u>Report Type on DMR</u>	<u>Monitoring Period</u>	<u>Due Date</u>
<u>Monthly</u>	<u>first day of month - last day of month</u>	<u>28th day of following month</u>
<u>Quarterly</u>	<u>January 1 - March 31</u> <u>April 1 - June 30</u> <u>July 1 - September 30</u> <u>October 1 - December 31</u>	<u>April 28</u> <u>July 28</u> <u>October 28</u> <u>January 28</u>
<u>Semiannual</u>	<u>January 1 - June 30</u> <u>July 1 - December 30</u>	<u>July 28</u> <u>January 28</u>
<u>Annual</u>	<u>January 1 - December 31</u>	<u>January 28</u>

DMRs shall be submitted for each required monitoring period including months of no discharge. The Licensee shall complete and submit the attached DMR form(s) to the DEP SED Industrial Wastewater Section at the address specified below or by email to a person designated by the Program Administrator by the twenty-eighth (28th) of the month following the month of operation. Electronic copies shall be emailed to the Siting Office at SCO@dep.state.fl.us.

[62-620.610(18) and 62-601.300(1-3), F.A.C.]

f. Unless otherwise specified, all reports and other information required by this DEP Specific Condition I.Q., including 24-hour notifications, shall be submitted to or reported to, as appropriate, the SED at the address specified below:

Florida Department of Environmental Protection Southeast District Office
400 N Congress Ave, Suite 200
West Palm Beach, Florida 33401-2913

Phone Number - (561)681-6600

FAX Number - (561)681-6760

[62-620.305, F.A.C.]

g. All reports and other information shall be signed in accordance with the requirements of Rule 62-620.305, F.A.C.

[62-620.305, F.A.C.]

2. Biosolids Treatment and Management Requirements

a. Biosolids generated by this facility may be distributed and marketed, used as a biofuel or for bioenergy or disposed of in a Class I solid waste landfill. Transferring biosolids to an alternative biosolids treatment facility does not require a modification to these Conditions. However, use of an alternative biosolids treatment facility requires submittal of the agreement pursuant to Rule 62-640.880(1)(c), F.A.C., along with a written notification to the DEP SED at least 30 days before transport of the biosolids.

[62-620.320(6) and 62-640.880(1), F.A.C.]

b. The Licensee shall keep records of the quantities of biosolids generated, received from source facilities, treated, distributed and marketed, or landfilled. These records shall be kept for a minimum of five years.

[62-640.650(4)(a), F.A.C.]

c. The treatment, management, transportation, use, or disposal of biosolids by the Licensee until the end product is marketed to a licensed fertilizer broker and/or distributor who markets to licensed fertilizer blenders shall not cause a violation of the odor prohibition in subsection 62-296.320(2), F.A.C.

[62-640.400(6), F.A.C.]

d. Biosolids shall not be spilled from or tracked off the treatment facility site by the hauling vehicles leaving the site.

[62-640.400(9), F.A.C.]

e. The Licensee shall achieve Class AA pathogen reduction by meeting the pathogen reduction requirements in section 503.32(a)(7), Alternative 5: Use of PFRP (Processes to Further Reduce Pathogens), Option 2: Heat Drying of Title 40 CFR Part 503.

[62-640.600(1)(a), F.A.C.]

f. The Licensee shall achieve vector attraction reduction for Class AA biosolids by meeting the vector attraction reduction requirements in specific section given below:

i. “503.33(b)(7) (Reduce moisture content of biosolids that do not contain unstabilized solids from primary treatment to at least 75 % solids)” (for Option 7)

ii. “503.33(b)(8) (Reduce moisture content of biosolids that contain unstabilized solids from primary treatment to at least 90 % solids)” (for Option 8) of Title 40 CFR Part 503.

[62-640.600(2)(a), F.A.C.]

g. Sampling and analysis shall be conducted in accordance with 40 CFR Part 503.8 and the U.S. Environmental Protection Agency publication - POTW Sludge Sampling and Analysis Guidance Document, August 1989. In cases where conflicts exist between 40 CFR 503.8 and the POTW Sludge Sampling and Analysis Guidance Document, the requirements in 40 CFR Part 503.8 will apply.

[62-640.650(3)(a)1, F.A.C.]

h. Disposal of biosolids, and “other solids” in a solid waste disposal facility, or disposal by placement on land for purposes other than soil conditioning or fertilization, such as at a monofill, surface impoundment, waste pile, or dedicated site, shall be in accordance with Chapter 62-701, F.A.C.

[62-640.100(6)(b) & (c), F.A.C.]

i. The Licensee shall keep hauling records to track the transport of biosolids between facilities. The hauling records shall contain the following information:

<u>Source Facility</u>	<u>Biosolids Treatment Facility or Treatment Facility</u>
<u>(1) Date and time shipped</u>	<u>(1) Date and time received</u>
<u>(2) Amount of biosolids shipped</u>	<u>(2) Amount of biosolids received</u>
<u>(3) Degree of treatment (if applicable)</u>	<u>(3) Name and ID number of source facility</u>
<u>(4) Name and ID number of treatment facility</u>	<u>(4) Signature of hauler</u>
<u>(5) Signature of responsible party at source facility</u>	<u>(5) Signature of attendant at the BTF tip floor</u>
<u>(6) Signature of hauler and name of hauling firm</u>	

j. A copy of the source facility hauling records for each shipment shall be obtained upon delivery of the biosolids to the biosolids treatment facility or treatment facility. The Licensee shall report to the DEP SED within 24 hours of discovery any discrepancy in the quantity of biosolids leaving the source facility and arriving at the biosolids treatment facility or treatment facility.

k. The resistance temperature detectors (RTD) temperature probes used to show continuous compliance with EPA’s Processes to Further Reduce Pathogens (PFRP) requirements shall be replaced or have a calibration check annually. The Licensee has three resistance temperature detectors in service for each dryer train. Daily check of the three devices is required for each day of operation for each train. If any one of the devices deviates more than 5 percent (approximately 9 degrees F) of the average of the other two devices, the device will be calibrated or replaced. When all three RTDs are functioning correcting (i.e. when they are within 9 degrees F of each other), the compliance with minimum temperature shall be based on the lowest temperature of the three devices.

[62-601.200(17) and .500(6), F.A.C.]

1. The Licensee shall be responsible for proper treatment, management, and disposition of biosolids upon acceptance from source facilities.

[62-640.880(1)(a), F.A.C.]

m. The Licensee shall enter into a written agreement with each source facility from which it intends to receive biosolids. The agreement shall address the quality and quantity of the biosolids accepted by the Licensee. The agreement shall include a statement, signed by the Licensee, as to the availability of sufficient capacity to receive the biosolids from the source facility, and indicating that the Licensee will continue to operate in compliance with the requirements of its Conditions of Certification. The agreement shall also address responsibility during transport of biosolids between the facilities. The Licensee shall submit an electronic copy of this agreement to the DEP SED and the DEP Siting Office at least 30 days before transporting biosolids from the source facility to the Licensee.

[62-640.880(1)(c), F.A.C.]

3. Biosolids Monitoring Requirements

a. Biosolids quantities shall be monitored by the Licensee as specified below. Results shall be reported on the Licensee's DMR in accordance with DEP Specific Condition I.Q.1.e. and I.Q.1.f.

			Biosolids Limitations		Monitoring Requirements		
Parameter	Units	Max /Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number
Biosolids Quantity (Received)	Dry tons	Max	Report	Total Monthly	Monthly	Calculated	RMP-1
Biosolids Quantity (Distributed and Marketed in FL)	Dry tons	Max	Report	Total Monthly	Monthly	Calculated	RMP-2
Biosolids Quantity (Distributed and Marketed outside FL)	Dry tons	Max	Report	Total Monthly	Monthly	Calculated	RMP- 3
Biosolids Quantity (Landfilled)	Dry tons	Max	Report	Total Monthly	Monthly	Calculated	RMP-4
Biosolids Quantity (Used as a Biofuel or for Bioenergy)	Dry tons	Max	Report	Total Monthly	Monthly	Calculated	RMP-5

[62-640.650(5)(a)1, F.A.C.]

b. Biosolids quantities shall be calculated as listed in DEP Specific Condition I.Q.3.a. and as described below:

Monitoring Site Number	Description of Monitoring Site Calculation
RMP-1	See Biosolids Quantity Operating Protocol as required in Specific Condition I.Q.6.c.
RMP-2	See Biosolids Quantity Operating Protocol as required in Specific Condition I.Q.6.c
RMP-3	See Biosolids Quantity Operating Protocol as required in Specific Condition I.Q.6.c

RMP-4	See Biosolids Quantity Operating Protocol as required in Specific Condition I.Q.6.c
RMP-5	See Biosolids Quantity Operating Protocol as required in Specific Condition I.Q.6.c

c. Class AA Biosolids finished product shall comply with the limits and be monitored by the Licensee as specified below. Results shall be reported on the Licensee's DMR in accordance DEP Specific Condition I.Q.1.e. and I.Q.1.f. as listed above. Biosolids shall not be distributed and marketed as a Class AA product or land applied as a Class AA product if a single sample result or the monthly average of sample results for any parameter exceeds the following Class AA parameter concentrations:

Parameter	Units	Max/Min	Biosolids Limitations		Monitoring Requirements		
			Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number
Nitrogen, Total (as N)	Percent	Max	Report	Monthly Avg.	Monthly	Composite	RMP-AA
Phosphorus, Total (as P)	Percent	Max	Report	Monthly Avg.	Monthly	Composite	RMP-AA
Potassium, Total (as K)	Percent	Max	Report	Monthly Avg.	Monthly	Composite	RMP-AA
Arsenic, Total,	mg/kg	Max Max	41.0 75.0	Monthly Avg. Single Sample	Monthly	Composite	RMP-AA
Cadmium, Total (as Cd)	mg/kg	Max Max	39.0 85.0	Monthly Avg. Single Sample	Monthly	Composite	RMP-AA
Copper, Total, (as Cu)	mg/kg	Max Max	1500.0 4300.0	Monthly Avg. Single Sample	Monthly	Composite	RMP-AA
Lead	mg/kg	Max Max	300.0 840.0	Monthly Avg. Single Sample	Monthly	Composite	RMP-AA
Mercury	mg/kg	Max Max	17.0 57.0	Monthly Avg. Single Sample	Monthly	Composite	RMP-AA
Molybdenum	mg/kg	Max	75.0	Single Sample	Monthly	Composite	RMP-AA
Nickel	mg/kg	Max Max	420.0 420.0	Monthly Avg. Single Sample	Monthly	Composite	RMP-AA
Selenium	mg/kg	Max Max	100.0 100.0	Monthly Avg. Single Sample	Monthly	Composite	RMP-AA
Zinc	mg/kg	Max Max	2800.0 7500.0	Monthly Avg. Single Sample	Monthly	Composite	RMP-AA
pH	s.u.	Max	Report	Monthly Avg.	Monthly	Grab	RMP-AA
Solids, Total,	Percent	Min	Report	Monthly Avg.	Monthly	Grab	RMP-AA
Coliform, Fecal*	MPN/g	Max	1000	Single Sample	Monthly	Grab	RMP-AA
Salmonella sp.*	MPN/4g	Max	3.0	Single Sample	Monthly	Grab	RMP-AA

* Pathogen results: provide at least one, either fecal coliform or Salmonella sp.

All units are in a dry weight basis except for total percent solids and pH

[62-640.650(3)(a)(3), 62-640.700(5)(a), 62-640.700(5)(b) and 62-640.850(4), F.A.C.]

d. Class AA Biosolids samples shall be taken at the monitoring site locations listed in DEP Specific Condition I.Q.3.c. as listed above and as described below:

<u>Monitoring Site Number</u>	<u>Description of Monitoring Site</u>
<u>RMP-AA</u>	<u>Finished Product Sampling Port</u>

e. The Licensee shall be responsible for proper treatment, management, and disposal of biosolids accepted from source facilities.

[62-640.880(1)(a), F.A.C.]

f. The list developed as required by DEP Specific Condition I.Q.6.b. shall be routinely monitored to demonstrate compliance with pathogen reduction requirements specified in Rule 62-640.600, F.A.C.

[62-640.650(3)(a)2, F.A.C.]

g. The list developed as required by DEP Specific Condition I.Q.6.b shall be routinely monitored to demonstrate compliance with vector attraction reduction requirements specified in Rule 62-640.600, F.A.C.

[62-640.650(3)(a)2, F.A.C.]

4. Class AA Biosolids Finished Product Requirements

a. Biosolids generated by this facility may be distributed and marketed or disposed of in a Class I solid waste landfill.

b. If the Licensee wants to store biosolids at this facility, the Licensee shall submit to the DEP SED within 60 days after issuance of Modification N, a Facility Biosolids Storage Plan. Storage shall be in accordance with the approved Facility Biosolids Storage Plan.

[62-640.300(4), F.A.C.]

c. Class AA biosolids that are stored by the Licensee until the end product is marketed to a licensed fertilizer broker and/or distributor who sells to a licensed fertilizer blender, for more than 45 days at the BTF or off-site as an unblended product shall be re-sampled for fecal coliform or Salmonella sp. every 45 days.

[62-640.650(3)(a)5, F.A.C.]

d. All Class AA Biosolids samples shall be representative and shall be taken after final treatment of the biosolids but before distribution and marketing.

[62-640.650(3)(a)5, F.A.C.]

e. Within 24 hours of discovery of distributing and marketing biosolids that did not meet the Class AA standards, the Licensee shall notify the DEP SED and all persons to whom they delivered or distributed and marketed the biosolids.

[62-640.650(6)(g), F.A.C.]

f. The Licensee shall make the following information available to Class AA finished product customers by product labels or other means:

i. The name and address of the facility or person that produced the Class AA biosolids;

ii. A statement that the biosolids or biosolids product meets the criteria of subsection 62-640.700(5), F.A.C.;

iii. Recommendation that biosolids be applied at a rate that does not exceed crop or plant nutrient needs and;

iv. Recommendations on proper storage of the biosolids or biosolids product prior to use. For distributed quantities of biosolids or biosolids products greater than one dry ton, the recommendations shall include that biosolids may not be stored on property for more than seven days unless stored to prevent runoff of biosolids or stormwater that has been in contact with biosolids, violation of the odor prohibition in subsection 62-296.320(2), F.A.C., and vector attraction.

v. A statement that “Class AA biosolids that are stored for more than 45 days as an unblended product shall be re-sampled for fecal coliform or Salmonella sp. every 45 days.

[62-640.650(3)(a)5, F.A.C.]

[62-640.850(5), F.A.C.]

g. The Class AA biosolids produced by this facility that are to be used as a fertilizer shall not be distributed and marketed in the State of Florida unless the biosolids are registered as a fertilizer under Chapter 576, F.S., and Chapter 5E-1, F.A.C., or distributed and marketed to a person who will sell or give away the biosolids as a fertilizer or as a component in a fertilizer product under Chapter 576, F.S., and Chapter 5E-1, F.A.C. Fertilizer license numbers shall be kept current and made available to the Department at any time upon request.

[373.4595, F.S.; 62-640.850(2), F.A.C.]

h. The Licensee shall maintain a list of companies (the fertilizer brokers) that the biosolids are being sold to for marketing and distribution. The Licensee shall keep this list current and make it available to the DEP SED and the Siting Office upon request.

i. Incineration or use of biosolids as a biofuel or for bioenergy by gasification shall be in accordance with Chapters 62-204, 62-210, 62-212, 62-213, 62-296, and 62-297, F.A.C., and the Resource Conservation and Recovery Act.

[62-640.100(6)(d), F.A.C.]

5. Operation and Maintenance Requirements

a. Staffing Requirements

i. The biosolids treatment facility shall be operated under the supervision of a(n) operator(s) certified in accordance with Chapter 62-602, F.A.C. In accordance with Chapter 62-640, F.A.C., this facility is a Category I, Class AA biosolids treatment facility and, at a minimum, operators with appropriate certification must be on the site as follows:

_____ (1) A lead/chief Class A wastewater operator for 8 hours/day for 5 days/week; or

_____ (2) A lead/chief Class C wastewater operator for 8 hours/day 5 days/week, that has completed the minimum training specified in Attachment F (Lead Chief Operator Training at NEFCO/SWA BTF).

ii. An operator meeting the lead/chief operator class (option (1) or (2) above) for the treatment facility shall be available during all periods of facility operation. "Available" means able to be contacted as needed to initiate the appropriate action in a timely manner. Daily checks of the facility shall be performed by the Licensee or his representative or agent during each day of facility operation.

[62-699.311(1) and (2), F.A.C.]

b. Additional Recordkeeping Requirements

The Licensee shall maintain the following records, in addition to the records required by General Condition XXXII. Records Maintained at the Facility, and make them available for inspection on the site of the facility.

i. Records of all compliance monitoring information, including all calibration and maintenance records and all electronic recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least five years from the date the sample or measurement was taken;

ii. Copies of all reports required by the license for at least five years from the date the report was prepared;

iii. Records of all data, including reports and documents, used to complete the application for the license for at least five years from the date the application was filed;

iv. Monitoring information, including a copy of the laboratory certification showing the laboratory certification number, related to the biosolids use and disposal activities for the time period set forth in Chapter 62-640, F.A.C., for at least five years from the date of sampling or measurement;

v. A copy of the current operation and maintenance manual as required by Chapter 62-600, F.A.C.;

vi. A copy of any required record drawings;

vii. Copies of the licenses of the current certified operators; and

viii. Copies of the logs and the computer maintenance management system reports and schedules showing facility operations and equipment maintenance for five years from the date of the logs or schedules. The logs shall, at a minimum, include identification of the facility; the signature and license number of the operator(s) and the signature of the person(s) making any entries; date and time in and out; specific operation and maintenance activities, including any preventive maintenance or repairs made or requested; results of tests performed and samples taken, unless documented on a laboratory sheet; and

notation of any notification or reporting completed in accordance with Rule 62-602.650(3), F.A.C. The logs shall be maintained on-site in a location accessible to 24-hour inspection, protected from weather damage, and current to the last operation and maintenance performed.

[62-620.350, 62-602.650, F.A.C.]

6. Schedule

a. The Licensee shall submit an Operation and Maintenance Performance Report pursuant to Rule 62-600.735, F.A.C. every 5 years beginning 5 years from the date of issuance of Modification N for review by the DEP SED Office in accordance with Section A, Condition XX. Procedures for Post-Certification submittals. The O & M Performance Report shall be accompanied by completed Forms 62-620.910(1) and (2).

b. Within 90 days of issuance of Modification N, the Licensee shall identify and report to the DEP SED the monitoring that will be conducted for all microbial and all operational and process parameters necessary to demonstrate compliance with the pathogen reduction and vector attraction reduction requirements of Rule 62-640.600, F.A.C. All operational and process parameters, such as time and temperature, number of windrow turnings, pH readings, etc., shall be monitored on a continual basis as applicable to the treatment process to demonstrate compliance with Rule 62-640.600, F.A.C.

c. The following Biosolids Quantity Operating Protocol as required in DEP Specific Condition I.Q.3.b. shall be completed according to the following schedule unless alterations to this schedule have been approved by the DEP SED:

<u>ITEM NUMBER</u>	<u>Improvement Action</u>	<u>Completion Date</u>
<u>a.</u>	<u>Submit a draft Biosolids Quantity Calculating Operating Protocol to determine the estimated Biosolids to be used for Biosolids Quantity DMR.</u>	<u>90 days after issuance of Modification N</u>
<u>b.</u>	<u>Respond to Department's comments</u>	<u>Within 30 days of the date of receipt of any Department comments</u>
<u>c.</u>	<u>Submit the Final Report to the Department</u>	<u>Within 30 days of the date of receipt of the Department final comments</u>
<u>d.</u>	<u>Start Submitting the Biosolids Quantity DMR for the DMR submitted by the Department with the Department's final comments</u>	<u>With the monthly DMR for the month the Department issues the Department's final comments</u>

7. Other Specific Conditions

In the event that the treatment facilities or equipment no longer function as intended, are no longer safe in terms of public health and safety, or odor, noise, aerosol drift, or lighting adversely affects neighboring developed areas at the levels prohibited by Rule 62-600.400(2)(a), F.A.C., corrective action (which may include additional maintenance or modifications of the facilities) shall be taken by the Licensee. Other corrective action may be required to ensure compliance with rules of the Department.

[62-600.410(8) and 62-640.400(6), F.A.C.]

The BTF shall be enclosed with a fence or otherwise provided with features to discourage the entry of animals and unauthorized persons.

[62-610.518(1) and 62-600.400(2)(b, F.A.C.)]

Screenings removed from the biosolids treatment facilities shall be collected in suitable containers and hauled to a Department approved Class I landfill or to a landfill approved by the Department for receipt/disposal of screenings.

[62-701.300(1)(a), F.A.C.]

Where required by Chapter 471 or Chapter 492, F.S., applicable portions of reports that must be submitted under this license shall be signed and sealed by a professional engineer or a professional geologist, as appropriate.

[62-620.310(4), F.A.C.]

The Licensee shall provide verbal notice to the Department's Southeast District Office as soon as practical after discovery of a sinkhole or other karst feature within an area for the management of wastewater biosolids. The Licensee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the DEP SED in a written report within 7 days of the sinkhole discovery.

[62-620.320(6), F.A.C.]

II. No Change

III. **DEPARTMENT OF ~~COMMUNITY AFFAIRS~~ ECONOMIC OPPORTUNITY**

The Licensee shall develop a comprehensive emergency management plan that addresses natural disasters, including hurricanes, and other operational emergencies at the Palm Beach Renewable Energy Facility project site. The comprehensive emergency management plan shall be submitted to the Department of ~~Community Affairs~~ Economic Opportunity and Palm Beach County Emergency Management prior to the Renewable Energy Facility #2 becoming operational.

IV-VII. No Change

SECTION C. REF#1 SPECIFIC CONDITIONS

~~The following~~ Specific Conditions related to wetlands mitigation and the execution of a conservation easement were adopted and made applicable to the Renewable Energy Park during the certification of Renewable Energy Facility #1. Construction of REF #1 has been completed and the wetlands mitigation requirements found under Condition XX. Mitigation of the original certification for ~~in this Section C. REF #1 Specific Conditions~~ have been satisfied. The conservation easement required pursuant to Condition XIII. Construction, Paragraph A. Control Measures, Subparagraph 8. Conservation Easement of the original certification has been executed and recorded in the Palm Beach County Official Records in ORB 5297, pages 1031 to 1035.

~~I. CONSERVATION EASEMENT~~

~~Before the commencement of any construction herein authorized for Renewable Energy Facility #1 (REF#1), the Licensee 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 Licensee 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 Section C. REF#1 Specific Conditions, Condition X. Mitigation. 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.~~

~~Written notice from the Department indicating that the above requirements have been satisfied shall be obtained by the Licensee prior to the beginning of any construction of REF #1. All mitigation in the shell pit area shall be in accordance with the time schedule outlined in the mitigation plan approved per Section C. REF#1 Specific Conditions, Condition II. Mitigation.~~

~~II. 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 B 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 Condition B.6 above, 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.~~

The final version of the modified Conditions (including attachments) can be viewed and downloaded from the following website:

http://publicfiles.dep.state.fl.us/Siting/Outgoing/Web/Certification/pa84_20_2012_N.pdf.

Copies of the Conditions and/or attachments may also be obtained by contacting Department of Environmental Protection, Siting Coordination Office, 3900 Commonwealth Blvd., M.S. 48, Tallahassee, Florida 32399-3000, (850) 245-2002.

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

Sincerely,



Cindy Mulkey
Administrator,
Siting Coordination Office

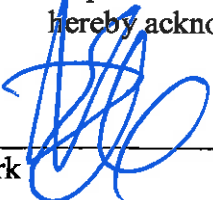
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FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52
Florida Statutes, with the designated
Department Clerk, receipt of which is
hereby acknowledged.

Clerk



Date

12/11/12

Service List: *Sent by Electronic Mail – Document Access Verification Requested*

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