

ROUTING AND TRANSMITTAL SLIP

ACTION NO

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REMARKS:

For your files

DER
 DER
 MAR 11 1987
 BAQM

INFORMATION

Review & Return

Review & File

Initial & Forward

DISPOSITION

Review & Respond

Prepare Response

For My Signature

For Your Signature

Let's Discuss

Set Up Meeting

Investigate & Report

Initial & Forward

Distribute

Concurrence

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Initial & Return

FROM:

Julie Costas

DATE

3-10-87

PHONE

BEFORE THE GOVERNOR AND CABINET
OF THE STATE OF FLORIDA

In Re: NORTH BROWARD COUNTY
RESOURCE RECOVERY PROJECT
POWER PLANT SITING CERTIFICATION
APPLICATION P.A. 86-22

DOAH CASE No. 86-0674
OGC File No. 86-0216

FINAL ORDER

The following members of the Florida Electrical Power Plant Siting Board were present and participated in the disposition of this matter:

Honorable Bob Martinez
Governor

Honorable George Firestone
Secretary of State

Honorable Robert Butterworth
Attorney General

Honorable Gerald A. Lewis
Comptroller

Honorable Bill Gunter
Treasurer & Insurance Commissioner

Honorable Betty Castor
Commissioner of Education

Honorable Doyle Conner
Commissioner of Agriculture

DER

MAR 11 1987

BAQM

BY THE GOVERNOR AND CABINET:

The Governor and Cabinet, sitting as the Siting Board, having heard presentations by parties; having reviewed the Recommended Order and Conditions of Certification dated January 9, 1987, (attached and incorporated as Exhibit "A"); the record below; and being fully advised herein, it is ORDERED:

1. Broward County's Motion to Strike Cities' Notice of Supplementing the Record is hereby GRANTED. Cities' Notice of Supplementing the Record is unauthorized by the rules of administrative procedure, and is irrelevant and immaterial to the issues presented in this proceeding.

2. Broward County's Motion to Strike Cities' Proposed Final Order is hereby GRANTED. Cities' Proposed Final Order is

violative of the rules of administrative procedure in that Cities were not a party to the proceeding; the Proposed Final Order was untimely filed; the Cities' Petitions to Intervene were properly denied; and the Hearing Officer properly exercised his authority by excluding correspondence dated October 6, 1986, from the U.S. Environmental Protection Agency to DER.

3. The Joint Motion of Applicant Broward County and Florida Department of Environmental Regulation to Correct Conditions of Certification is hereby GRANTED. Page 31 of the Hearing Officer's Recommended Conditions of Certification is deleted, and page 32 is substituted as page 31.

4. The Recommended Order dated January 9, 1987, including the Conditions of Certification numbered pp. 1-31 (as corrected), is hereby APPROVED and ADOPTED in toto.

Any party to this order has a right to seek judicial review of the order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Siting Board, Department of Environmental Regulation, in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and filing a copy of Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty (30) days from the date this Order is filed with the Clerk of the Siting Board.

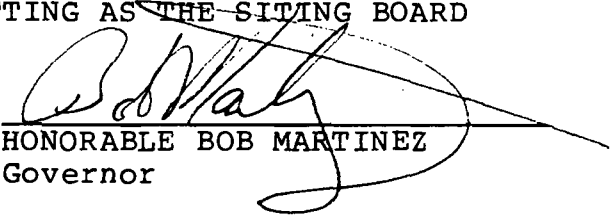
DONE AND ORDERED this 9th day of March, 1987, in Tallahassee Florida, subsequent to a vote of the Governor and Cabinet at the duly noticed and constituted Cabinet Meeting of March 3, 1987.

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to S120.52
Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

C. Hutchins
Clerk

3-9-87
Date

FOR THE GOVERNOR AND CABINET,
SITTING AS ~~THE SITING BOARD~~

BY: 
HONORABLE BOB MARTINEZ
Governor

Copies furnished:
(see attached list)

Copies furnished:

Honorable Bob Martinez
Governor
State of Florida
The Capitol
Tallahassee, Florida 32301

Honorable Bill Gunter
Insurance Commissioner
The Capitol
Plaza Level
Tallahassee, Florida 32301

Honorable Gerald Lewis
Comptroller
The Capitol
Plaza Level
Tallahassee, Florida 32301

Honorable George Firestone
Secretary of State
The Capitol
Tallahassee, Florida 32301

Honorable Robert A. Butterworth
Attorney General
The Capitol
Tallahassee, Florida 32301

Honorable Betty Castor
Commissioner of Education
The Capitol
Plaza Level
Tallahassee, Florida 32301

Honorable Doyle Conner
Commissioner of Agriculture
The Capitol
Tallahassee, FL 32314-6507

Julia Cobb Costas, Esquire
Department of Environmental Regulation
2600 Blair Stone Road
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Dale Twachtmann, Secretary
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2600 Blair Stone Road
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Bonnie Davis, Esquire
Florida Public Service Commission
Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32301

Susan F. Delegal, Esquire
Office of General Counsel
Attorney for Broward County
Governmental Center, Suite 423
115 South Andrews Avenue
Ft. Lauderdale, Florida 33301

William J. Kendrick
Hearing Officer
Division of Administrative Hearings
2009 Apalachee Parkway
Tallahassee, Florida 32301

C. Lawrence Keeseey, Esquire
Department of Community Affairs
2571 Executive Center Circle, East
Tallahassee, Florida 32399

Elizabeth D. Ross, Esquire
South Florida Water Management
District
3301 Gun Club Road,
West Palm Beach, Florida 33402

J. Allen Cox, Esquire
105 West Fifth Avenue
Tallahassee, Florida 32303

Clifford A. Schulman, Esquire
Timothy A. Smith, Esquire
Kerri L. Barsh, Esquire
Greenberg, Trauring, Askew,
Hoffman, Lipoff, Rosen & Quentel,
1401 Brickell Avenue, PH-1
Miami, Florida 33131

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: NORTH BROWARD COUNTY)
RESOURCE RECOVERY PROJECT)
POWER PLANT SITING) CASE NO. 86-0674
CERTIFICATION APPLICATION) (Certification Hearing)
PA 86-22)

RECOMMENDED ORDER

Pursuant to notice, the Division of Administrative Hearings, by its duly designated Hearing Officer, William J. Kendrick, held a public hearing in the above-styled case on October 14-16, 1986, in Pompano Beach, Florida.

APPEARANCES

For the Applicants:	Clifford A. Schulman, Esquire Timothy A. Smith, Esquire Kerri L. Barsh, Esquire Greenberg, Traurig, Askew, Hoffman, Lipoff, Rosen & Quentel, P.A. 1401 Brickell Avenue, PH-1 Miami, Florida 33131
For the Department of Environmental Regulation:	Julie Cobb Costas, Esquire Department of Environmental Regulation 2600 Blair Stone Road Tallahassee, Florida 32301
For the Department of Community Affairs:	C. Lawrence Keeseey, Esquire Department of Community Affairs 2571 Executive Center Circle, E. Tallahassee, Florida 32301
For the South Florida Water Management District:	Elizabeth D. Ross, Esquire South Florida Water Management District 3301 Gun Club Road West Palm Beach, Florida 33402
For the City of Pompano Beach, City of Deerfield Beach, City of Coconut Creek, and City of Sunrise:	J. Allen Cox, Esquire 105 West Fifth Avenue Tallahassee, Florida 32303

PRELIMINARY STATEMENT

On February 26, 1986, Broward County and North Broward County Resource Recovery Project, Inc. (Applicants) filed their application with the Department of Environmental Regulation (DER) for power plant site certification for a resource recovery facility to be located in Broward County, Florida. Pursuant to Section 403.508(1) and (2), Florida Statutes, a land use hearing was held before the undersigned Hearing Officer on June 9, 1986, and a Recommended Order was submitted to the Governor and

Cabinet, sitting as the Siting Board, on July 1, 1986. By order of September 7, 1986, the Siting Board concluded that the proposed site is consistent and in compliance with existing land use plans and zoning ordinances.

By Order Number 15858, issued March 19, 1986, the Florida Public Service Commission (PSC) concluded that a need existed for the electrical generating capacity to be supplied by the proposed resource recovery facility. That order constituted the final report of the PSC required by Section 403.507(1)(b), Florida Statutes, and creates a presumption of public need and necessity under Section 403.519, Florida Statutes.

At hearing the applicants presented the testimony of 12 witnesses and their exhibits 2, 2a, 2b, 3, 4a, 4b, 5, 6, 8a, 8b, 9a, 10-20, 22-28, 28a, 38, 38a, 39-45, 45a, 46-60, 63-65, 77-85, 86a, 87-92, 94, 96-104, 106, 106a, 106b, 108, 110, 112, 113a-113i; and 114-117 were received into evidence. Testifying on behalf of the Applicants were Thomas M. Henderson; Ronald J. Mills, accepted as an expert in environmental permitting procedures for resource recovery facilities; Peter E. Robinson, accepted as an expert in civil, sanitary and environmental engineering, with emphasis on the design of storm water control, leachate, and liner systems for landfills; Robert McCann, Jr., accepted as an expert in meteorology and air quality modeling; Sherman R. Patton, accepted as an expert in stationary engineering; John D. McKenna, accepted as an expert in chemical and environmental engineering, with emphasis on air pollution control equipment; Robin Hart, accepted as an expert in plant physiological ecology, with emphasis on the effects of acid deposition and other air pollutants on vegetation; James R. Newman, accepted as an expert in wildlife ecology and zoology, with emphasis on air pollution effects; Kennard P. Kosky, accepted as an expert in mechanical and environmental engineering, together with PSD and BACT analysis and air quality modeling; Edward T. Wei, accepted as an expert in toxicology and health risk assessments; Allan H. Smith, accepted as an expert in epidemiology and health risk assessments; and Kay H. Jones, accepted as an expert in environmental engineering.

DER presented the testimony of 4 witnesses, and its exhibits 1-3 were received into evidence. Testifying on behalf of DER were Hamilton S. Oven, Jr., accepted as an expert in the processing and review of power plant siting certification applications, and the applicability of DER rules and standards to such applications; Barry D. Andrews, accepted as an expert in the review and analysis of stationary air pollution sources for compliance with state and federal regulations, the review and evaluation of air pollution control technologies and strategies, and BACT for resource recovery facilities in the State of Florida; Steven Smallwood, accepted as an expert in mechanical engineering with emphasis on air pollution control engineering and the regulation of air pollution sources in Florida; and, Thomas G. Rogers, accepted as an expert in meteorology, including air quality impact analysis and air quality modeling.

The Department of Community Affairs (DCA) offered its exhibit 1, and it was received into evidence. Eleven members of the public testified on their own behalf, and their exhibit 1 was received into evidence. In addition, four cities (Pompano Beach, Deerfield Beach, Coconut Creek, and Sunrise) that unsuccessfully had sought intervention proffered the testimony of Daniel Wartenberg and Jack Lauber, as well as their exhibits 1-3.

The proposed findings of fact submitted on behalf of the parties to this proceeding have been addressed in Appendix I to this Recommended Order.

FINDINGS OF FACT

1. Broward County and North Broward County Resource Recovery Project, Inc. (Applicants), propose to construct a mass-burn resource recovery facility (RRF) to meet the solid waste disposal needs of North Broward County, an area encompassing thirteen municipalities and approximately 600,000 residents.^{1/}

^{1/} Broward County is the governmental sponsor of the project, and North Broward County Resource Recovery Project, Inc., is a private corporation formed by Broward County to own and operate the facility. Under the County's agreement with Waste Management, Inc., the project vendor, North Broward County Resource Recovery Project, Inc., will merge into Waste Management's corporate structure.

The Site

2. The site for the proposed RRF is a 25-acre parcel of land situated on the south side of Northwest 48th Street (Hilton Road), midway between the Florida Turnpike and Powerline Road; an unincorporated area of Broward County. As sited, the RRF would lie within an area already used for the disposal of solid waste, and within the main industrial corridor designated by the Broward County Land Use Plan.

3. The site is owned by the Applicants' vendor, Waste Management, Inc., and is bounded on the south and west by lands currently used by Waste Management for solid waste disposal. The lands abutting the site's east boundary, as well as lands south of the existing southerly landfill, are approved for expansion of Waste Management's landfill operation. On the south side of Hilton Road, between the Florida Turnpike and Powerline Road, are welding shops, engine repair shops, and automobile salvage yards. Located north of Hilton Road is an industrial zoned area which includes an asphalt batching plant and other industrial uses.

The Facility

4. The facility proposed by the Applicants will consist of a gatehouse/weigh station, receiving and handling building, furnace boilers, turbine generators, ash disposal area, cooling system, stormwater runoff control pond, and an electrical substation. When completed, the facility will initially dispose of up to 2,200 tons per day (TPD) of waste and generate up to 55.5 megawatts of electrical power. The ultimate capacity of the facility will be 3,300 TPD of waste and 83.25 megawatts of electricity.

The Need for the Facility

5. By Order Number 15858, issued March 19, 1986, the Florida Public Service Commission (PSC) concluded that a need existed for the electrical generating capacity to be supplied by the proposed facility. That finding of need has not been contested in these proceedings.

6. As designed, the proposed facility will save at least 640,000 barrels of crude oil each year and more than 12.8

million barrels over the life of the facility (20 years). The RRF will increase the reliability and total capacity of the generating system in South Florida, while avoiding the need to construct other generating facilities using fossil or nuclear fuel to achieve the same goal. The facility will generate more than 300 million kilowatt hours of electricity each year, enough electricity to serve more than 25,000 homes, and the sale of that electricity will substantially reduce the cost of disposing of MSW in Broward County.

7. In addition to the need for the generating capacity of the facility, its design will serve to relieve the pressure on Broward County to provide a safe, environmentally sound, and ample means of disposing of its municipal solid waste. As designed, the RRF will reduce the volume of the waste it combusts by 90%. That volume reduction will substantially prolong the life of existing landfills, and reduce the need to acquire new lands for landfill operations.

Impact on Wetlands and Wildlife

8. As proposed, the site development plan will eliminate approximately 0.73 acres of jurisdictional wetlands by filling a drainage canal which bisects the site from north to south. To replace the function of the existing canal, the Applicants proposed to construct a stormwater runoff treatment pond that will discharge into a concrete lined ditch and ultimately the South Florida Water Management District's C-14 canal.

9. While the existing wetlands provide some limited pollutant assimilation and contribute detrital to the C-14 canal, they are considered low quality wetlands impacted by existing landfill leachate. Since the proposed retention pond will be lined, the loss of the drainage ditch will likely improve downstream water quality due to the elimination of landfill leachate.

10. No wildlife refuges, conservation lands, marine sanctuaries, or critical habitats of endangered species exist within five miles of the site. Further, there are no known

~~historic or archaeological resources on site, and the probability~~
~~that any such resources of any significance might exist is~~
remote.

Impact on Water Resources

11. The parties have stipulated that, built as proposed and subject to the conditions pertinent to water quality protection contained in the conditions of certification annexed as Appendix II, the proposed facility will not adversely impact water resources. Accordingly, the Applicants have provided reasonable assurances that the requirements of Chapter 40E-4, Florida Administrative Code, relating to water quality, quantity and environmental impact will be met.

Air Quality Impact Analysis

12. Where, as here, a proposed facility will emit a regulated pollutant at a rate equal to or greater than 100 tons per year (TPY), the facility is subject to New Source Review (NSR)-Prevention of Significant Deterioration (PSD) for all pollutants it will emit in PSD-significant amounts.^{2/} NSR requires an ambient air quality analysis for any pollutant for which national or state ambient air quality standards have been established (the criteria pollutants) to assure that the emission levels will not cause or contribute to a violation of ambient air quality standards (AAQS) or any applicable maximum allowable increase (a PSD-increment analysis). For any pollutant for which an AAQS has not been established (non-criteria pollutants), NSR requires air quality monitoring to assess ambient air quality for those pollutants in the area to be affected. Finally, NSR requires that the facility apply the Best Available Control Technology (BACT) for each criteria and non-criteria pollutant subject to NSR requirements.

^{2/} Table 500-2, Rule 17-2.500, Florida Administrative Code, establishes a "significant emission rate" in TPY or pounds per year (PPY) for regulated pollutants. If the anticipated emission rate of a pollutant, whether a criteria or non-criteria pollutant, equals or exceeds the established significant emission rate, the pollutant is subject to the NSR requirements.

13. Pertinent to this proceeding, the pollutants subject to NSR requirements are the criteria pollutants particulate matter (PM), sulfur dioxide (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), and lead (Pb), and the non-criteria pollutants fluoride (F), sulfuric acid mist, beryllium (Be), and mercury (Hg).^{3/}

14. To predict the impact of the proposed facility on air quality, the Applicants used DER and Environmental Protection Agency (EPA) approved air quality dispersion models.^{4/} These models are used to predict maximum and average ground level concentrations for gaseous and fine particulate emissions that travel as gases, and maximum and average deposition concentrations for heavy particulates which settle out. The concentration values, as modeled, represent conservative scenarios.^{5/}

15. The Applicants' atmospheric dispersion modeling established that the emission rate of the criteria pollutants pertinent to this proceeding (PM, SO₂, NO_x, CO, and Pb), will not cause or contribute to a violation of primary or secondary AAQS.^{6/} The modeling further established that the emissions from

^{3/} DER and EPA designate geographic areas which meet AAQS for a pollutant as "attainment", and those areas which do not meet AAQS as "nonattainment". Broward County is designated as an attainment area for all criteria pollutants except ozone. Under such circumstances the applicants would normally be required to undergo "non-attainment-new source review" for the pollutant ozone. However, where as here, less than 100 TPD of volatile organic compounds (the controlling pollutant for ozone) will be emitted, non-attainment review is unnecessary and such pollutant is not pertinent to these proceedings.

^{4/} The applicants used the EPA-approved Industrial Source Complex Short-term (ISCST) atmospheric dispersion model to complete its air quality impact analysis. The model incorporates elements for plume rise, transport by the mean wind, Gaussian dispersion, atmospheric transformation or deposition, building wake downwash, and various other features.

^{5/} For modeling purposes, the facility was assumed to operate for short periods of time (24 hours or less) at 110 percent of the nameplate capacity of 2,200 TPD, and on an annual basis the model assumes 80 percent operation.

^{6/} Federal and state laws establish primary AAQS to protect the public health and secondary AAQS to protect the public interest in animal and plant life, property, visibility and atmospheric clarity.

the facility will not cause a violation of the PSD-increment standards established for SO₂ and PM.^{7/}

Best Available Control Technology (BACT)

16. Although the Applicants have met the monitoring and air quality analysis requirements of NSR, NSR also requires that the Applicants apply the Best Available Control Technology (BACT) for each pollutant the facility will emit in excess of the significant emission rates established by Table 500-2, Rule 17-2.500, Florida Administrative Code.^{8/} BACT is defined by Rule 17-2.100(22), Florida Administrative Code, as:

An emission limitation, including a visible emissions standard, based on the maximum degree of reduction of each pollutant emitted which the Department, on a case by case basis, taking into account energy, environmental and economic impacts, and other costs, determines is achievable through application of production processes and available methods, systems and techniques (including fuel cleaning or treatment or innovative fuel combustion techniques) for control of each such pollutant.

^{7/} The PSD-increments represent the amount that new sources in an area may increase ambient ground-level concentrations of SO₂ and PM over the concentrations that existed on December 27, 1977 (the "baseline date").

^{8/} DER also suggests that:

... it is appropriate to select as BACT a technology that will reduce the emissions of criteria and non-criteria pollutants more stringently than would normally be required, in order to reduce the non-traditional and presently non-regulated "exotic" pollutants of concern. (DER proposed findings of fact, paragraph 25)

As a generalization, DER's suggestion is ill founded.

DER may properly regulate the discharge of any pollutant which may result in "air pollution", as defined by Rule 17-2.100(7), Florida Administrative Code. That rule defines "air pollution" as:

The presence in the outdoor atmosphere of the state of any one or more substances or pollutants in quantities which are or may be harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Accordingly, to justify the regulation of a non-regulated pollutant would require that DER articulate a rational basis from which it could be concluded that such non-regulated pollutant was or could be harmful or injurious to human health or the other interests sought to be protected. See: City of Tallahassee v. Florida Public Service Commission, 433 So.2d 505 (Fla. 1983) and McDonald v. Department of Banking and Finance, 346 So.2d 569 (Fla. 1st DCA 1977). In this case, DER made no such showing. Therefore, there is no rational basis to impose stricter emission limits on the regulated pollutants in order to reduce non-regulated emissions.



ESE-WPB

October 8, 1990

RECEIVED

OCT 11 1990

Mr. Barry Andrews, P.E., Administrator
Permitting Section
Division of Air Resource Management
Fla. Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee FL. 32399-2400

DER-BAQM

Re: Palm Beach Solid Waste Authority Municipal Waste
Incinerator

Dear Mr. Andrews:

This letter is written in reference to a joint meeting we had with Solid Waste Authority of the Palm Beach on September 24, 1990 at the South East District Office. This agency has no further comment at this time on agreed upon proposed language changes on SO₂, NO_x, CO, Pb/Hg, method 9 mmBTU/HR and Fluoride limit. We will assist you with further comment should there be a significant change over what was agreed upon.

Please recall that Solid Waste Authority of Palm Beach agreed to look into the design criteria and initial testing of the incinerator to see if the incinerator achieves 1800°F temperature for flue gas with one second residence time. Solid Waste Authority also agreed to continuously monitor the exhaust stack gas temperature and extrapolate back the temperature value to find flue gas temperature in the incinerator. Presently there is no requirement in the permit to monitor 1800°F at one second residence time. Since this is a critical assurance for control of dioxins and furan this agency strongly recommends that at least one testing for temperature and residence time be required for this incinerator. If the Solid Waste Authority of Palm Beach feels that the temperature testing could be a financially unfeasible, we suggest that the incinerator be tested for dioxins and furans.

Recently there has been a great public concern about the emissions from this municipal waste burning facility. It is difficult to relate to the public that CO concentration limitation is a good assurance for complete combustion and therefor 1800°F is presumably met.

PALM BEACH COUNTY PUBLIC HEALTH UNIT, P.O. BOX 29, WEST PALM BEACH, FL. 33402

BOB MARTINEZ, GOVERNOR

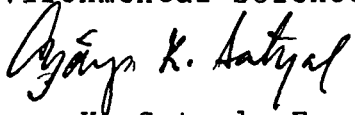
GREGORY L. COLER, SECRETARY

Page (2) Andrews

Thank you for giving us an opportunity to comment on this matter. Please call us at (407) 355-3070 or Suncom 237-3070 if you have any question.

Sincerely,

For Division Director
Environmental Science and Engineering



Ajaya K. Satyal, Environmental Supervisor
Air Pollution Control Section

FJG/AKS/lh

cc: Clair C. Fancy, P.E., Bureau Chief, BAR, DARM
Tom Tittle, Fla. DER Southeast District
Mark C. Brunner, Ph.D., SWA, Palm Beach

17. Essentially a BACT analysis is a scientific analysis of the energy, environmental, and economic impacts of applying demonstrated technology to achieve the most feasible controls on emission rates. The purpose of such an analysis is, among other things, to ensure the optimum use of PSD increments. Under the case-by-case approach mandated by the rule, good engineering practice mandates a pollutant-by-pollutant evaluation of alternative control technologies to establish the particular emission limits that should be accepted as BACT.

18. The Applicants and DER initially differed on what emission limitations constituted BACT for the proposed facility. The Applicants advocated an emission limitation achievable through combustion design efficiencies and an electrostatic precipitator (ESP). DER advocated an emission limitation achievable through application of a baghouse to control PM, Pb and other metals, and flue gas control equipment (dry scrubbers) to control acid gases (SO₂, F, sulfuric acid mist and hydrogen chloride). At hearing, the parties stipulated that BACT for the proposed facility was an emission limitation achievable through combustion design efficiencies and high efficiency fine particulate control technology, and that space would be provided at the facility for installation of acid gas control technology if subsequently required by rule.^{9/}

19. Consistent with the parties' stipulation the proof established that BACT for the proposed facility are emission limitations achievable through combustion design efficiencies and an ESP. These emission limitations, with the exception of PM, SO₂ and Pb, have been agreed to by the parties and are contained in the conditions of certification annexed hereto as Appendix II. Accordingly, the dispute between the parties resolves itself to a determination of what emission limitations for PM, SO₂, and Pb can be realistically achieved with the selected BACT technology.

^{9/} DER has commenced rule making procedures designed to discern the need for acid gas controls and, if needed, what controls should be imposed.

Emission Limits for PM & Pb

20. DER and the Applicants propose the following different emission limits for PM and Pb:

<u>Pollutant</u>	<u>DER's Proposed Limit</u>	<u>Applicant's Proposed Limit</u>
PM	0.015 gr/dscf on each unit.	0.02 gr/dscf on each unit or, alternatively, 0.015 gr/dscf as a facility-wide average.
Pb	0.00056 lb/MBtu on each unit.	0.001 lb/MBtu on each unit or, alternatively, 0.00056 lb/MBtu as a facility-wide average.

The proof establishes that the emission limits proposed by DER are BACT.

21. There is no question that an ESP can be designed to consistently meet an air emission limit for PM of 0.015 gr/dscf on each unit and an emission limit for Pb of 0.00056 lb/MBtu on each unit. Such design, compared with that proposed by the Applicants, would result in a reduction of PM emissions by 25 percent and of Pb emissions by 67 percent. This equates to an annual reduction in PM emissions by 36 tons and in Pb emissions by 4 tons. At this level, the facility would no longer be considered "major" for Pb.

22. Acceptance of DER's emission limits as BACT is also economically acceptable. The Environmental Protection Agency (EPA) has established a figure of \$3,000 per ton of PM removed as a reasonable guideline figure for evaluating compliance with New Source Performance Standards. Under DER's proposed emission limit for PM, the cost per ton of PM removed is \$3,014; a cost consistent with the EPA guideline figure. Further, these costs will not be absorbed by the Applicants but will be passed on to the consumer. The citizens who elected to testify on their own behalf unanimously agreed that they would willingly absorb any reasonable cost to assure that the emissions from the facility would not adversely impact them or the environment. On average, the cost per household under DER's more stringent level of PM control will amount to little more than \$.04 per month.

23. While an ESP designed to meet DER's emission limits would consume more energy than the ESP proposed by the Applicants, such increase is nominal. The proposed facility is a net producer of electricity, with the capacity to generate up to 300 million kilowatt hours per year. DER's proposal would only require an additional 290,000 kilowatt hours per year over the less stringent limits proposed by the Applicants', an insignificant amount.

Emission Limits for SO₂

24. DER and the Applicants propose different emission limits for SO₂. DER proposes 0.31 lb/MBtu thirty day average, not to exceed 0.62 lb/MBtu one-hour average for each unit. The Applicants propose 0.55 lb/MBtu on each unit or, alternatively, 0.42 lb/MBtu as a facility-wide average. In view of the technology selected as BACT (combustion design efficiencies and an ESP), the proof supports the adoption of the Applicants' proposed limit of 0.55 lb/MBtu on each unit.

25. The amount of SO₂ emitted from a resource recovery facility is directly related to the sulfur content of its municipal solid waste (MSW). In the case of Broward County, that waste will contain large quantities of sulfur-laden vegetation the year round.

26. The Applicants demonstrated, based on Broward-specific data on the sulfur content of its MSW and nation-wide emission testing data, that the technology selected as BACT can reasonably achieve an emission limit for SO₂ of 0.55 lb/MBtu on each unit. DER's proof to support a lower emissions limit was not persuasive.

27. DER premised its lower limits on short term test results from two Florida resource recovery facilities; Pinellas County and McKay Bay (Tampa). Out of the three sets of test runs on the Pinellas County facility, one set violated the limit proposed by DER, one set was voided, and one set met DER's proposed limit. At the McKay Bay facility, only two of the four sets of test runs met DER's proposed limit. Such results fail to demonstrate that the proposed technology can reasonably be expected to achieve DER's proposed limits for SO₂.

Facility-wide Averaging

28. With regard to the emission limits to be established for PM, Pb and SO₂, the Applicants submitted an alternative emission limit based on a facility-wide average of the emissions from each incineration unit. DER opposes facility-wide averaging, and asserts that emission limits must be established for each unit. The proof establishes that facility-wide averaging is not appropriate, and that the limits heretofore established for PM, Pb, and SO₂ must be applied to each unit.

29. Chapter 17-2, Florida Administrative Code, mandates that each "source" or "stationary source" must obtain a permit, comply with the standards for new stationary sources, and demonstrate compliance under established stationary point source emission test procedures. Rules 17-2.210, 17-2.660, and 17-2.700, Florida Administrative Code. "Source" and "Stationary Source" are defined by Rule 17-2.100(150), Florida Administrative Code, as:

An identifiable piece of equipment (or the smallest integral combination of pieces of equipment, structures, and necessary appurtenances) that is used as a complete unit to accomplish a specific purpose or to produce a specific product; and which:

(a) Includes at least one activity or operation which is the point of origin of an air pollutant from process or other materials or accomplishes the conversion of all or part of various materials or fuels into a pollutant;

(b) Has at least one emission or discharge point; and

(c) Exists at or is designed to be operated as a unit at a fixed location, although parts of the source may move while the source is in operation.

30. The facility proposed by the Applicants will initially consist of four incinerators, and ultimately six incinerators, each designed as a complete unit capable of processing 550 tons of MSW per day. Each unit will be vented through its own flue, which will rise within a common stack. Consequently, each unit is a "source" or "stationary source" of air pollution, and each unit must comply with the emission limits established for each pollutant.

Impact on Human Health and the Environment

31. During the course of these proceedings some concern was expressed regarding the emission of acid mist, heavy metals and dioxins from the proposed facility, and their potential impact on human health and the environment. While these concerns merit consideration, competent substantial evidence established that the concentration levels of all pollutants, including HCL, heavy metals and the numerous isomers of polychlorinated dibenzo-p-dioxin and polychlorinated dibenzofurans (dioxins), are far below all known or predicated levels at which any adverse impacts to the public health, the environment, or the ecology of the land and its wildlife could be reasonably expected.

32. Additionally, the proposed facility will comply with primary and secondary AAQS, and its emission of regulated pollutants, with minor exception, will fall far below the de minimus standards established by Rule 17-2.500, Florida Administrative Code. Except for HCL, the concentrations of all pollutants which exceed de minimus standards, or which are of special concern in these proceedings, are less than one five-hundredth of established safe level concentrations for the work place.^{10/} For HCL, the concentration level is less than the safe level concentration established for the work place or the calculated safe level (140 micrograms per cubic meter) for even the most sensitive persons (the young, the old, or the infirm).

CONCLUSIONS OF LAW

1. The Division of Administrative Hearings has jurisdiction over the parties to, and the subject matter of, these proceedings.

2. While recognizing the need and demand for increased power generation facilities, it is the policy of this State to ensure that the location and operation of electrical

^{10/} The American Conference of Governmental Industrial Hygienists has published a list of threshold limit values (TLVs) for certain pollutants. These TLVs are based on human and animal experiments, and represent a level of concentration which will produce no adverse effects to a worker exposed 40 hours per week, 365 days a year, for a lifetime.

power plants will produce minimal adverse effects on human health, the environment, the ecology of the land and state waters and their wildlife and aquatic life. Thus the need and demand for electrical power is to be balanced with the broad interests of the public. This balancing requires a consideration of the provision of abundant, low-cost electrical energy, technically sufficient operational safeguards and the need versus environmental impacts resulting from construction and operation of the facility. Section 403.502, Florida Statutes.

3. The evidence adduced at the certification hearing established that the construction and operational safeguards for the proposed facility are technically sufficient for the welfare and protection of the citizens of Florida. If performed in accordance with the recommended conditions of certification attached hereto as Appendix II, the construction, operation and location of the proposed facility may be reasonably expected to produce minimal adverse effects on human health, the environment, the ecology of the land and its wildlife, and the ecology of state waters and their aquatic life. Certification is consistent with the premise of abundant, low-cost electrical energy and is a reasonable balance between those minimal environmental impacts which will occur and the recognized need for the proposed facility.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is

RECOMMENDED:

That the Governor and Cabinet, sitting as the Siting Board, enter a Final Order granting certification for the location, construction and operation of the proposed facility, subject to the conditions of the certification attached to this Recommended Order as Appendix II.

DONE AND ORDERED this 9th day of January, 1987, in

Tallahassee, Florida.



WILLIAM J. KENDRICK
Hearing Officer
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 9th day of January, 1987.

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APPENDIX I

The Applicants' proposed findings of fact are addressed as follows:

1. Addressed in paragraph 1.
2. Addressed in paragraph 7.
3. Addressed in paragraphs 7 & 30.
4. Addressed in paragraphs 2 & 3.
- 5-6. Addressed in paragraphs 8-11 and Appendix II.
- 7-10. Addressed in paragraphs 12-15.
- 11-14. Addressed in paragraphs 10 & 31-32.
15. Addressed in paragraph 16.
16. Addressed in paragraphs 16, 18 & 19.
17. Addressed in paragraphs 19, 20 & 24.
18. Addressed in paragraph 17.
- 19-21. Addressed in paragraphs 18 & 19.
- 22-24. Addressed in paragraphs 20-23 & 28-30.
25. Addressed in paragraphs 24-30.

DER's proposed findings of fact are addressed as follows:

1. Addressed in paragraph 1.
2. Addressed in paragraph 4.
3. Addressed in paragraphs 2-3.
4. Addressed in paragraph 4.
5. Addressed in paragraph 3.
- 6-7. Addressed in paragraphs 8-9.
- 8-13. Addressed in paragraphs 8-9 & 11.
- 14-18. Addressed in paragraph 12.
- 19-20. Addressed in paragraph 13.
- 21-22. Addressed in paragraph 14.
- 23-24. Addressed in paragraph 15.
- 25-26. Addressed in paragraph 16.
27. Addressed in paragraph 18.
- 28-30. Addressed in paragraph 16 & 18.
- 31-41. Addressed in paragraphs 20-30.

State of Florida
 Department of Environmental Regulation
 North Broward County Resource Recovery Facility
 Case No. PA 86-22
 CONDITIONS OF CERTIFICATION

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State of Florida
North Broward County
Resource Recovery Facility
Case No. PA 86-22
CONDITIONS OF CERTIFICATION

I. CHANGE IN DISCHARGE

All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge of any regulated pollutant not identified in the application, or more frequent than, or at a level in excess of that authorized herein, shall constitute a violation of the certification. Any anticipated facility expansions beyond the certified initial nameplate capacity of 2,200 TPD, production increases, or process modifications which may result in new, different, or increased discharges of pollutants, change in type of fuel as described in ^{condition} XIV.B., or expansion in steam generating capacity must be reported by submission of a supplemental application pursuant to Chapter 403, Florida Statutes.

II. NON-COMPLIANCE NOTIFICATION

If, for any reason, the Permittee (defined as the Applicant, North Broward County Resource Recovery Project, Inc., or assigns) does not comply with or will be unable to comply with any limitation specified in this certification, the Permittee shall notify the Southeast Florida District Office of the Department of Environmental Regulation (Southeast District Office) by telephone within a working day that said noncompliance occurs and shall confirm this in writing within seventy-two (72) hours of becoming aware of such conditions, and shall supply the following information:

- A. A description of the discharge and cause of noncompliance; and
- B. The period of noncompliance, including exact dates and times;

or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying event.

III. FACILITIES OPERATION

The Permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the Permittee to achieve compliance with the terms and conditions of this certification. In the event of a malfunction of a resource recovery boiler's pollution control system that unit's furnace emissions must be shifted to the extent feasible to the remaining unit having a properly functioning pollution control system. In the event of a prolonged (thirty (30) days or more) equipment malfunction or shutdown of air pollution control equipment, operation could be permitted to continue to take place under a consent order, only if the Permittee demonstrates that such operation will be in compliance with all applicable ambient air quality standards and PSD increments, solid waste rules, domestic waste rules and industrial waste rules. Additionally, during such malfunction or shutdown, the source shall comply with all other requirements of this certification and all applicable state and federal emission standards not affected by the malfunction or shutdown which is the subject of the consent order. Administrative action will not be initiated in the event of such a malfunction for 25 days following a malfunction unless there is an imminent health threat. However, if at thirty (30) days following a malfunction compliance has not been achieved by the source, an Order for Corrective Action may be immediately imposed upon the Applicant, subject to the provisions of Chapter 120 of the Florida Statutes. Operational stoppages exceeding two hours for air pollution control systems or four hours for other systems or operational malfunctions as noted below exceeding two hours for

air pollution control systems or four hours for other systems and as defined in the operational contingency plans as specified in Condition XX are to be reported as specified in Condition II. Identified operational malfunctions which do not stop operation but do compromise the integrity of the operation shall be reported to the Southeast District Office as specified in Condition II.

IV. ADVERSE IMPACT

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

V. RIGHT OF ENTRY

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

- A. To enter upon the Permittee's premises where an effluent source is located or in which records are required to be kept under the terms and conditions of this certification, and
- B. To have access during normal business hours (Mon.-Fri., 9:00 A.M. to 5:00 P.M.) to any records required to be kept under the conditions of this certification for examination and copying, and
- C. To inspect and test any monitoring equipment or monitoring method required in this certification and to sample any discharge or pollutants, and
- D. To assess any damage to the environment or violation of ambient standards.

VI. REVOCATION OR SUSPENSION

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

VII. CIVIL AND CRIMINAL LIABILITY

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

Subject to Section 403.511, Florida Statutes, this certification shall not preclude the institution of any legal action or relieve the Permittee from any responsibilities or penalties established pursuant to any other applicable State Statutes, or regulations.

VIII. PROPERTY RIGHTS

The issuance of this certification does not convey any property rights in either real or personal property, nor any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights nor any infringement of Federal, State or local laws or regulations.

IX. SEVERABILITY

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

X. DEFINITIONS

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

XI. REVIEW OF SITE CERTIFICATION

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

XII. MODIFICATION OF CONDITIONS

Pursuant to Subsection 403.516(1), F.S., the Board hereby delegates the authority to the Secretary to modify any condition of this certification dealing with sampling, monitoring, reporting, specification of control equipment, boiler capacity, related time schedules, emission limitations (subject to notice and opportunity for hearing), or any special studies conducted, as

necessary to attain the objectives of Chapter 403, Florida Statutes. Requests for modifications of monitoring requirements shall not be unreasonably withheld by the Department.

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

XIII. CONSTRUCTION

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

A. Control Measures

1. Stormwater Runoff

To control runoff during construction which may reach and thereby pollute Waters of the State, necessary measures shall

be utilized to settle, filter, treat or absorb silt-containing or pollutant-laden stormwater to ensure against spillage or discharge of excavated material that may cause turbidity in excess of 29 Nephelometric Turbidity Units above background in Waters of the State. Control measures may consist of sediment traps, barriers, berms, and vegetation plantings. Exposed or disturbed soil shall be protected and stabilized as soon as possible to minimize silt and sediment laden runoff. The pH of the runoff shall be kept within the range of 6.0 to 8.5. The Permittee shall comply with Florida Administrative Code Chapters 17-3, 17-25 and 40E-4. The Permittee shall complete the forms required by 17-25.09(1) and 40E-4 and submit those forms and the required information to the SFWMD and Southeast District Office for approval no later than 90 days prior to start of construction including design drawings indicating flow drainage plans during facility construction and operation.

2. Burning

Open burning in connection with land clearing shall be in accordance with Chapter 17-5, FAC, and Uniform Fire Code Section 33.101 Addendum. No additional permits shall be required, but prior to each act of burning, the Division of Forestry shall be contacted to determine if satisfactory conditions exist for burning. Open burning shall not occur if the Division of Forestry or Broward County Fire and Rescue Department has issued a ban on burning due to fire hazard conditions.

3. Sanitary Wastes

Disposal of sanitary wastes from construction toilet

facilities shall be in accordance with applicable regulations of the appropriate local health agency.

4. Solid Wastes

Solid wastes resulting from construction shall be disposed of in accordance with the applicable regulations of Chapter 17-7, FAC.

5. Noise

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

6. Dust

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

7. Transmission Lines

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

8. Monitoring

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

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

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

Sampling Locations:

At the discharges to the existing canal or ditch systems.

Analyses:

Water quality analyses should be performed at detection levels commensurate with water quality criteria for Class III waters (F.A.C. rule 17-3.121). Samples shall be collected in accordance with Standard Methods for Examination of Water and Wastewater and analyzed by a DHRS certified laboratory.

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

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

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

Monitoring reports shall be submitted to the Southeast District and SWFMD within 2 weeks of completion of analyses for each sampling period.

9. Dewatering Operations

There shall be no dewatering operations during construction without approval of SFWMD pursuant to ^{condition} XVII.C.2. Such approval may be obtained by submitting an application to SFWMD at least 90 days prior to start of dewatering operations. Any discharge of water from dewatering operations shall not violate water quality standards. Water from dewatering ditches filled or constructed shall be adequately treated prior to discharge. The Permittee shall provide a complete waste water discharge application to the DER and SFWMD for approval at least 90 days prior to start of dewatering operations.

B. Environmental Control Program

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

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

C. Reporting

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

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

XIV. OPERATION

A. Air

The operation of the Resource Recovery Facility shall be in accordance with all applicable provisions of Chapter 17-2, 17-5, and 17-7, Florida Administrative Code. In addition to the foregoing, the Permittee shall comply with the following specific conditions of certification:

1. Emission Limitations upon Operation of Units 1-4

a. Stack emissions from each unit shall not exceed the following, assuming a Btu content of 4500 Btu/lb of MSW:

(1) Particulate matter: 0.015 grains per standard cubic foot dry gas corrected to 12% CO₂.

* (2) SO₂: 0.55 lbs/MBtu average heat input for each unit.

Compliance with SO₂ emission limits shall be determined by annual stack tests and by averaging three or more stack test runs for each unit.

- (3) Nitrogen Oxides: 0.56 lbs/MBtu heat input
- (4) Carbon Monoxide: 400 ppmvd corrected to 7% O₂, 8 hour average, 130 ppmvd corrected to 7% O₂, 4 day average
- (5) Lead: 0.00056 lbs/MBtu heat input
- * (6) Mercury: 9.2 x E-4 lb/MBtu
- (7) Odor: there shall be no objectionable odor at the site boundary.
- (8) Visible emissions: opacity shall be no greater than 15% except that visible emissions with no more than 20% opacity may be allowed for up to three consecutive minutes in any one hour except during start up or upsets when the provisions of 17-2.250, FAC, shall apply. Opacity compliance shall be demonstrated in accordance with Florida Administrative Code Rule 17-2.700(6)(a)9, DER Method 9.
- * (9) Fluoride: 0.018 lb/MBtu heat input
- (10) Beryllium: 9.3xE-7 lb/MBtu heat input
- (11) VOC: 0.013 lb/MBtu heat input
- (12) Arsenic: 3.1 x E-5 lb/MBtu heat input
- * (13) Sulfuric Acid Mist: 4.7 x E-2 lb/MBtu heat input

b. The height of the boiler exhaust stack shall not be less than 200 feet above grade.

c. The incinerator boilers shall not be loaded in excess of their rated nameplate capacity of 50,400 pounds of MSW or 226.9×10^6 Btu per hour each.

d. The incinerator boilers shall have a metal nameplate affixed in a conspicuous place on the shell showing manufacturer, model number, type waste, rated capacity and certification number.

e. Compliance with the limitations for particulates, sulfur oxides, nitrogen oxides, carbon monoxide, fluoride,

* Subject to change in accordance with current state rulemaking for resource recovery facilities or by petition under 403.516.

sulfuric acid mist, VOC and lead shall be determined in accordance with Florida Administrative Code Rule 17-2.700, DER Methods 1, 2, 3, 4, and 6 and 40 CFR/^{part}60, Appendix A, Methods 5, 7, 8, (modified with prefilter), 10, 12, 13A or 13B (or modified method 5 for fluorides), and 18 or other methods as approved by the DER. The stack test for each unit shall be performed at $\pm 10\%$ of the maximum heat input rate of 226.9×10^6 Btu per hour or the maximum charging rate of 50,400 pounds of MSW per hour. Compliance with the beryllium emission limitation shall be determined in accordance with 40 CFR/^{part}61, Method 103 or 104, Appendix B. Particulate testing shall include one run during representative soot blowing which shall be averaged proportionally to normal daily operations. Visible emission testing shall be conducted simultaneously with soot blowing and non-soot blowing runs. Compliance with the opacity limit shall be demonstrated in accordance with Florida Administrative Code Rule 17-2.700(6)(a)9, DER Method 9.

f. Combustion efficiency calculated by:

$\%CE = (1/(1+(CO/CO_2))) \times 100$ shall be at least 99.8% for an 8 hour average.

2. Emission Control Equipment

a. The boiler particulate emission control devices shall be designed and constructed to achieve a maximum emission rate of 0.015 grains per dscf corrected to 12% CO₂. All other particulate control devices shall be designed to meet the provisions of section 17-2.610.

b. The Facility shall be designed to allow installation of an acid gas scrubbing system if such a system should become required by regulation.

c. The Permittee must submit to the Department within thirty (30) days after it becomes available, copies of technical data pertaining to the selected emissions control systems. These data should include, but not be limited to, guaranteed efficiency and emission rates, and major design parameters. The data shall be processed and approved or denied in accordance with F.S. 120.60.

3. Air Monitoring Program

a. The Permittee shall install and operate continuously monitoring devices for combustion temperature, flue gas O₂, CO, CO₂ and opacity. The monitoring devices shall be installed, calibrated and maintained in accordance with the applicable requirements of Chapter 17-2, Section 17-2.710, FAC, and 40 CFR § 60.45, and 40 CFR § 60.13, including certification of each device in accordance with 40 CFR 60, Appendix B, Performance Specifications and 40 CFR § 60.7 (a)(5). The CEM's/^(continuous emission monitors) must be installed and operational prior to compliance testing. Re-certification shall be conducted annually from initial certification. Data on monitoring equipment specifications, manufacturer, type, calibration and maintenance needs, and its proposed location after the economizer or in the air pollution control equipment shall be provided to the Department for approval prior to installation.

b. The Permittee shall provide sampling ports in the air pollution control equipment outlet duct or stack and shall provide access to the sampling ports in accordance with Section 17-2.700, FAC. Drawings of testing facilities including sampling port locations as required by Section 17-2.700 shall be submitted to the Department for approval at least 90 days prior to construction of the sampling ports and stack.

c. The Permittee shall have a sampling test of the emissions performed by a commercial testing firm within 60 days after achieving the maximum rate at which the boilers will be operated but not later than 180 days of the start of operation of the boilers and annually from the date of testing thereafter. Thirty days' prior notice of the initial sampling test shall be provided to the Southeast District Office and Broward County Environmental Quality Control Board (BCEQCB). Fifteen days' prior notice shall subsequently be provided for annual sampling tests.

4. Reporting

a. Two copies of the results of the emissions tests for the pollutants listed in ^{condition} XIV.A.1.e. shall be submitted within forty-five days of the last sampling run to the Southeast District

Office and the Broward County Environmental Quality Control Board.

b. ~~Emissions monitoring shall be reported to the Southeast District Office and BCEQCB on a quarterly basis in accordance with Section 17-2.710, FAC, and 40 CFR, Part 60, Subsection 60.7.~~

c. Notice of anticipated and actual start-up dates of each incinerator boiler shall be submitted to the DER Southeast District Office and BCEQCB.

5. Unconfined Emissions

Proper dust control techniques such as water sprays or chemical wetting agents or other containment method shall be used to control visible unconfined (Fugitive) emissions to the outside air/^{at}no more than 10% opacity as determined by DER Method 9 for unconfined resource recovery processes. Proper techniques shall also be used to control such emissions to prevent them from crossing the property line to no more than three (3) minutes (cumulative) in any fifteen (15) minute period as determined by 40 CFR/^{part}60, Appendix A, Method 22, with observations being made along the property line. Visible emissions shall not include uncombined water vapor or engine exhausts.

B. Fuel

The Resource Recovery Facility shall utilize refuse such as garbage and trash (as defined in Chapter 17-7, FAC) and natural gas recovered from landfills as its fuel. Use of alternate fuels except for distillate fuel oil or natural gas in start-up burners would necessitate modification of these Conditions of Certification. Refuse as fuel shall not include "hazardous waste" as defined in Chapter 17-30, FAC. The alternate fuel shall not contain more than 0.3% sulfur and shall not be used more than required during boiler startup or shutdown.

C. Wastewater Disposal

Plans, drawings, and specifications for pumps, lift stations, sewage collection systems, wastewater treatment systems, and

Wastewater collection systems shall be furnished to the Southeast District Office and the SFWMD for approval at least 90 days prior to start of construction of each ^{such} particular component.

D. Water Discharges

1. Surface Water

a. Any discharges from the site stormwater system via the emergency overflow structure which result from an event LESS than a ten-year, 24-hour storm (as defined by the U.S. Weather Bureau Technical Paper No. 40, or the DOT drainage manual, or similar documents) shall meet applicable State Water Quality Standards, Chapter 17-3, FAC, the Standards of Chapter 17-25, FAC, and Chapter 40 E-2 and 40 E-4, FAC.

2. Monitoring Surface Water

a. Sampling of water quality in the surface water management system shall be sampled at the point of discharge (POD) to the concrete-lined ditch.

Monitoring Type and Schedule

Parameters

1. General (Quarterly)

Total Organic Carbon, Dissolved Oxygen, pH, Turbidity, Specific Conductance, Chemical Oxygen Demand, Alkalinity, Total Suspended Solids, Ammonium N, Nitrate-N, Total Kjeldahl Nitrogen, Oil and Grease, Detergents, Total Coliform, Fecal Coliform, Fecal Streptococcus, Salmonella, Biochemical Oxygen Demand, Total Phosphorus and Chlorides

2. Metals (Semi-annual)

Aluminum, Antimony, Beryllium,
Cadmium, Copper, Cyanide, Iron,
Lead, Mercury, Nickel, Selenium,
Silver, Zinc, Arsenic, and
Chromium

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

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

3. Groundwater Monitoring Program

a. Sampling of the shallow aquifer groundwater quality shall be conducted in at least three shallow wells in the immediate vicinity of the stormwater control pond to verify the integrity of the impermeable liner. The wells shall monitor the zone from elevation 0 to elevation 10. All wells shall be surveyed by a state certified land surveyor and the locations of each well depicted on a topographical aerial map with the appropriate elevations noted for each well.

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

with the groundwater table elevation at its estimated lowest point and shall be protected from damage and destruction. Samples shall be analyzed in accordance with the methods described in Chapter 17-4, FAC. Analyses shall be performed by laboratories which are approved by the Department of Health and Rehabilitative Services to conduct analyses pursuant to Section 403.863, F.S., the State Public Water Supply Laboratory Certification Program.

c. Sampling of groundwater quality of monitoring wells shall be performed quarterly for all parameters as stated below unless the value for any parameter should increase by more than 25% above the average background value:

Monitoring Type and Schedule

Parameters

1. General (Quarterly)

pH, Specific Conductance, Chloride, Nitrate, Total Iron Total Dissolved Solids, Oil and Grease

2. In the event that the value for any parameter should increase by more than 25% above the average background value, then the sampling frequency shall be increased to monthly and consideration be given to using a tracer dye in the stormwater control pond to assist in verifying whether the pond is leaking or the increase is due to other causes. If the pond is found to be leaking, appropriate measures to locate and repair the leak shall be made. If the pond is found not to be leaking, then quarterly sampling shall recommence.

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

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

E. Solid/Hazardous Waste

1. The final plans for this Facility shall include
provisions for the isolated temporary handling of suspected
hazardous, toxic, or pathological wastes.

2. No suspected or known hazardous, toxic, or infectious
wastes as defined by federal/^{or} state statutes, rules, or
regulations or/^{local} ordinances shall be burned or stored at the site
without prior approval of the department. The Permittee shall
prepare and submit for approval to the South Florida District
Office a written training program on the detection and handling of
hazardous, toxic or infectious wastes.

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

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

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

6. A monthly report shall be prepared detailing the amount and type (putrescible, special wastes, boiler residue, etc.) of materials processed at the site (see condition XIV.E.2. above). These reports shall be furnished to the Southeast District Office quarterly, commencing 120 days after the Resource Recovery Facility becomes operational and is producing residues.

7. The temporary hazardous waste storage and transfer facility shall be designed, constructed and operated in conformance with Section 17-30.171, FAC. The design of the facility's operational procedures, personnel training program, contingency plans and closure plans shall be submitted to the department and SFWMD for review and approval.

8. An EP toxicity analysis of the ash residue being land-filled for the chemicals listed and using the prescribed method as set forth in 40 CFR/^{Part} 261, Appendix II, shall be conducted within 30 days after commencement of commercial operation. In addition, said ash residue shall be tested for zinc and dioxin (2, 3, 7, 8 - TCDD) content.

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

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

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

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

F. Operational Safeguards

The overall design and layout of the facilities shall be such as to mitigate potential adverse effects to humans and the environment. Security control measures shall be utilized to prevent exposure of the public to hazardous conditions. The Federal

Occupational Safety and Health Standards will be complied with during construction and operation. The safety standards specified under Section 440.56, Florida Statutes, by the Industrial Safety Section of the Florida Department of Commerce will be complied with during operation.

G. Transmission Lines

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

H. Noise

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

I. Potable Water System

The potable water system (wells, pipes, pumps and treatment facilities) shall be designed, constructed and operated in conformance with the applicable provisions of Chapters 17-21 and 17-22, FAC. Plans and specifications for these facilities shall be provided to the Southeast District Office and the Broward County Environmental/^{Quality} Control Board for review and approval 90 days prior to construction.

XV. WATER MANAGEMENT DISTRICT - GENERAL CONDITIONS

A. Professional Engineer Certificate

The operational phases of the surface water management system authorized under this Certification shall not become effective until a Florida registered professional engineer certifies upon completion of each phase that these facilities have been constructed in accordance with the design approved by the South

Florida Water Management District (SFWMD). Within 30 days after completion of construction of each phase, the Permittee shall submit the engineer's certification and notify the SFWMD that the facilities are ready for inspection and approval.

B. Minimum Standards

This Certification is based on the applicant's submitted information to the SFWMD which reasonably demonstrates that adverse off-site water resource related impacts will not be caused by the authorized activities. The plans, drawings, and design specifications submitted by the applicant shall be considered the minimum standards for compliance.

C. Liability

The North Broward County Resource Recovery Project, Inc., or its successor(s) shall hold and save the SFWMD harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance or use of any facility authorized by this Certification, to the extent permitted under Florida law.

D. Enforcement

Authorized representatives of the SFWMD shall be allowed to enter the premises to inspect and observe the operation of the surface water management system in order to determine compliance with the conditions of this Certification.

E. Water Quality Monitoring

Water quality data required by this Certification for the surface water management system shall be submitted to the SFWMD and Department of Environmental Regulation Southeast District Office. Parameters to be monitored include but are not limited to those listed in Chapter 17-3 and 17-4, FAC. If water quality data are required by any of the conditions thereof, the Permittee shall provide such data to the SFWMD as volumes of water discharged, including total volume discharged during the days of sampling and total discharges from the property or into surface waters of the state.

F. Water Shortage

In the event of a declared water shortage, water use reductions may be ordered by the SFWMD in accordance with the Water Shortage Plan, Chapter 40E-21, FAC.

XVI. WATER MANAGEMENT DISTRICT - CONSTRUCTION CONDITIONS

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

B. All roads shall be set at or above the elevation acceptable to Broward County, per Ordinance 81-16, as it may be amended.

C. All building floors shall be set at or above elevations required by Broward County, per Ordinance 81-16, as it may be amended.

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

E. Agreements Required Prior to Construction

1. No construction authorized herein shall commence until the North Broward Resource Recovery/^{Project} Inc., or its successor has agreed in writing, to the reasonable satisfaction of the SFWMD, that it will be responsible for the construction, operation, and maintenance of the entire surface water management system.

2. No construction authorized herein shall commence until the North Broward County Resource Recovery Project, Inc., or its successor(s) has agreed, in writing, by letter or resolution, or provides the District with evidence of indemnification and the indemnitor agrees in writing, that it will be responsible for the construction, operation, and perpetual maintenance of the entire surface water management system, both during operation of the facility and following the closure of the whole or any part of the facility.

F. It is also the responsibility of the Permittee to ensure that adverse off-site water resource related impacts do not occur during construction.

G. This project may be constructed in compliance with and meet all requirements set forth in Chapter 373, Florida Statutes, and Chapters 40E-2, 40E-3, and 40E-4, FAC.

XVII. WATER MANAGEMENT DISTRICT - SITE SPECIFIC STANDARDS

A. Design Conditions

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

B. Monitoring Conditions

Water quality samples shall be taken at the surface water discharge structure locations of the water management system during periods of discharge according to the schedule below. Flow shall be measured at the time of sample collection and the surface elevation of the water shall be provided. A laboratory certified by the State of Florida shall be responsible for all water quality sampling and analyses. Reports shall be submitted to this District on a semi-annual basis. Monitoring requirements will be evaluated by the SFWMD following two years of data collection.

<u>Monitoring Type Schedule</u>	<u>Parameters</u>
1. General (Quarterly)	Total Organic Carbon, Dissolved Oxygen, pH, Turbidity, Specific Conductance, Chemical Oxygen Demand, Alkalinity, Total Suspended Solids
2. Organics (Semi-annual)	Trichloroethylene, Tetrachloro-Ethylene, Carbon Tetrachloride, Vinyl Chloride, 1,1,1-Trichloroethane, 1,2-Dichloroethane, Benzene, Ethylene Dibromide
3. Metals (Semi-annual)	Aluminum, Antimony, Beryllium, Cadmium, Copper, Cyanide, Iron, Lead, Mercury, Nickel, Selenium, Silver, and Zinc

C. Water Use

1. Final water use rates and sources of water for process and irrigation shall be submitted to the SFWMD when the final plant design is determined.

2. No dewatering operation shall be allowed, unless the Permittee can demonstrate to the District's written satisfaction / ^{that} no adverse water resource impacts will occur as a result of the operation.

XVIII. WATER MANAGEMENT DISTRICT -- INFORMATIONAL REQUESTS

A. Prior to Construction of

1. Resource Recovery Facility

- a. At least 60 days prior to the commencement^{of} construction, the SFWMD staff must have received and reviewed any pertinent additional information required to be submitted under the SFWMD's site specific standards and the conditions of certification, and must issue a written approval for the desired construction.
- b. Prior to construction of the Resource Recovery Facility, the Permittee shall agree in writing to the Department of Environmental Regulation and the District that no incinerator ash from this Resource Recovery Facility will be disposed of in any landfill cell not previously approved by the Department of Environmental Regulation and South Florida Water Management District for said ash disposal.
- c. Prior to construction of the Resource Recovery Facility, a complete set of paving, grading, and drainage plans with supporting calculations for each phase (if applicable) must be submitted to the SFWMD, for a determination of compliance with Chapter 40E-2 and 40E-4, FAC. Said plans shall include the following:
 - (1) Paving, grading and drainage plans with special attention to perimeter site grading; and
 - (2) Drainage calculations including:
 - (a) Design storms used including depth, duration and distribution;
 - (b) Off-site inflows;
 - (c) Stage-storage computations for the project and stage-discharge computations for the outfall structure(s);
 - (d) Acreages and percentage of property proposed as:

- (i) impervious surfaces (excluding water bodies)
- (ii) pervious surfaces (green areas)
- (iii) lakes, canals, retention areas, etc.
- (iv) total acreage of the project
- (e) Runoff routing calculations showing discharges, elevations, and volumes detained during applicable storm events;
- (f) Calculations used to determine minimum building floor and road elevations; and
- (g) Description of liner specifications and installation procedures for the elastomeric liner under the dry detention area.

2. Hazardous Waste Storage Facility

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

3. Transmission Line Corridor

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

4. Wet Scrubbing System

If the installation of a wet scrubbing system for air pollution control is required, the Permittee shall submit the following to the SFWMD for review and approval:

- a. Design and supporting documentation for the wet scrubber system, including chemical and physical properties of any possible waste products generated by the system and the method of disposal of such waste.
- b. Calculations and supporting documentation of the effect, if any, that the disposal of the wet scrubber waste product will have on the surface water management system or storm water runoff quality.
- c. Calculations and supporting documentation for any additional water use as a result of construction and operation of the wet scrubber system.
- d. Proposed source of water for the wet scrubber system. If the proposed source of water is on-site withdrawal of groundwater, the applicant shall meet the requirements of Chapter 373, Part II, F.S.
- e. If the proposed source of wet scrubber water is a public water supply system, the Permittee shall receive approval by the SFWMD prior to construction of the wet scrubber system.

B. General

Subsequent modifications to the drawings and supporting calculations submitted to the SFWMD which alter the quantity or quality of the discharge of water off-site shall be pursuant to Section 403.516, F.S., and Rule 17-17.211, FAC, and shall be submitted to the SFWMD for a determination that the modifications are in compliance with Chapters 40E-2, 40E-3 and 40E-4, FAC.

XIX. WATER MANAGEMENT DISTRICT - ADDITIONAL PERMITTING REQUIREMENTS

Off-site supporting facilities (landfill, part of previously permitted ditch, etc.) which are referenced in the North Broward Resource Recovery power plant application are considered by the SFWMD for permitting purposes as separate from this Certification and subject to permitting requirements of Chapter 373, Florida Statutes.

XX. OPERATIONAL CONTINGENCY PLANS

A. Operating Procedures

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

B. Contingency Plans

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

C. Current Engineering Plans

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

D. Application Modifications

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

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

If contractual rights are transferred under this certification, Notice of such transfer or assignment shall immediately

be submitted to the Department of Environmental Regulation and South Florida Water Management District by the previous certification holder (Permittee) and Assignee. Included within the Notice shall be the identification of the entity responsible for compliance with the certification. Any assignment or transfer shall carry with it full responsibility for the limitations and conditions of this certification.

XXII. PROPRIETARY DOCUMENTS OR INFORMATION - CONFIDENTIALITY

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

XXIII. COOLING TOWER

A. The North Broward Resource Recovery Facility may utilize treated sewage or stormwater runoff as a source of cooling water. If the Permittee wishes to use another source of cooling water other than treated sewage or stormwater runoff, the Permittee must submit a modification request pursuant to 403.516(2), Florida Statutes, to the Department and to the South Florida Water Management District and obtain approval of the Siting Board.

B. Prior to use in the cooling tower, treated sewage effluent shall be disinfected by use of chlorine or other suitable biocide to achieve a 1.0 mg/l concentration of total chlorine residual after a 15 minute contact time.