

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: HILLSBOROUGH COUNTY )  
RESOURCE RECOVERY FACILITY )  
EXPANSION POWER PLANT SITING ) Case No. 05-4347EPP  
APPLICATION NO. PA 83-19A )  
\_\_\_\_\_ )

SITE CERTIFICATION RECOMMENDED ORDER

Pursuant to notice, the Division of Administrative Hearings, by its Administrative Law Judge, J. Lawrence Johnston, held a certification hearing in the above-styled case on July 12, 2006, in Hillsborough County, Florida.

APPEARANCES

For Petitioner Hillsborough County (the "County")

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For the Florida Department of Environmental Protection  
("Department" or "DEP")

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STATEMENT OF THE ISSUE

The issue to be determined in this case is whether a site certification should be issued to Hillsborough County for the construction and operation of a fourth municipal waste combustor unit ("Unit No. 4") at Hillsborough County's Resource Recovery

Facility, in accordance with the provisions of the Florida Electrical Power Plant Siting Act.

PRELIMINARY STATEMENT

Hillsborough County owns the Hillsborough County Resource Recovery Facility ("Facility"), an existing electrical power plant that burns municipal solid waste ("MSW") to generate electricity. The Facility currently consists of three municipal waste combustor ("MWC") units. On November 21, 2005, the County filed an application with DEP for certification to authorize the construction and operation of an additional MWC unit at the Facility (the "Project").

The County's application is subject to review under the Florida Electrical Power Plant Siting Act ("PPSA"), Sections 403.501-.518, Florida Statutes.<sup>1</sup> The Department transmitted the County's application to the Division of Administrative Hearings (DOAH) for appropriate proceedings under the PPSA.

On May 26, 2006, the DEP issued its written Staff Analysis Report ("Staff Analysis") concerning the Project, in compliance with Section 403.507(4), Florida Statutes (see p. 21, e.g.). The DEP's Staff Analysis included reports from other agencies and proposed conditions of certification ("Conditions of Certification") for the Project.

DEP subsequently issued a revised Staff Analysis and Conditions of Certification (dated July 7, 2006).<sup>2</sup>

On June 30, 2006, a "Prehearing Stipulation for Land Use and Certification Hearings" ("Prehearing Stipulation") was filed by the County, DEP, the Florida Department of Community Affairs ("DCA"), the Florida Department of Transportation ("DOT"), the Florida Public Service Commission ("PSC"), the Florida Fish and Wildlife Conservation Commission, the Southwest Florida Water Management District ("SWFWMD"), and the Tampa Bay Regional Planning Council ("TBRPC"). In the Prehearing Stipulation, all of the signatories either recommended certification of the Project or took no position concerning certification of the Project, provided the Project is built and operated in compliance with the Conditions of Certification.

On July 12, 2006, a certification hearing (the "Certification Hearing") was conducted in compliance with Section 403.508(3), Florida Statutes. At the Certification Hearing, the County called three witnesses: Jason M. Gorrie (accepted as an expert concerning solid waste management systems and resource recovery facilities); Donald F. Elias (accepted as an expert concerning air pollution and air pollution control systems); and Paul C. Chrostowski (accepted as an expert concerning environmental science and engineering, including the

health and ecological impacts resulting from the operation of resource recovery facilities). The County introduced Exhibits 1-8 (A, B, C, and D), 9, 10 (A and B), 11-50, and 52-60, into evidence, without objection.

By Order dated July 6, 2006, the Administrative Law Judge granted the County's request to take official notice of various documents. These documents were included with the County's exhibits and were introduced into evidence at the Certification Hearing.

No one contested the evidence presented by the County and DEP at the Certification Hearing. None of the signatories to the Prehearing Stipulation participated at the Certification Hearing, except the County and DEP. Except for the County and DEP, the parties to this proceeding did not call any witnesses or proffer any exhibits at the Certification Hearing. No one from the general public attended, testified, or proffered any exhibits during the Certification Hearing.

The transcript of the Certification Hearing was filed with DOAH on July 18, 2006, and the parties were allowed until July 21, 2006, to submit proposed recommended orders. The County and DEP timely filed a Joint Proposed Recommended Order on July 21, 2006. No other party filed a proposed recommended order.

Based on all of the evidence of record, the following findings of fact are determined:

FINDINGS OF FACT

The Applicant

1. The Applicant, Hillsborough County, is a political subdivision of the State of Florida. The County owns the existing Facility and will own the proposed Project. The Facility was designed, built, and is operated by a private company pursuant to a long-term contract with the County. It is anticipated that a private company will design, construct, and operate the Project for the County.

Hillsborough County's Existing Solid Waste System

2. The County has adopted a solid waste Comprehensive Master Plan (the "Master Plan") in conjunction with the Cities of Tampa, Temple Terrace, and Plant City. The Master Plan provides for state-of-the-art technology and innovative approaches to recycling, waste reduction, and waste disposal. In accordance with the Master Plan, the County has developed: (a) an aggressive recycling program that significantly reduces the quantity of materials requiring disposal; (b) a resource recovery facility for waste reduction and energy recovery from those materials that are not recycled; and (c) a landfill for the disposal of ash and by-pass waste (i.e., materials that are

not recycled or processed in the Facility). Hillsborough County and the three cities have used a cooperative, regional approach to solid waste management issues, while providing environmentally protective, cost-efficient programs for local residents.

3. Despite the County's comprehensive recycling program, the amount of solid waste generated in the County has increased each year since the Facility began operation, primarily due to population growth. The amount of solid waste generated in the County now significantly exceeds the Facility's design capacity. Consequently, large quantities of solid waste currently are being diverted from the Facility to the County landfill.

4. In 2005, the Board of County Commissioners decided to expand the Facility, consistent with the County's long-standing Master Plan, rather than dispose of ever-increasing amounts of solid waste in a landfill. The Board's decision was based on a thorough evaluation of the County's solid waste disposal options.

5. For these reasons, on November 21, 2005, the County filed an application with DEP for the construction and operation of Unit No. 4.

#### The Site

6. The Facility is located next to Falkenburg Road in an

unincorporated area in the County. The Facility is southeast of the City of Tampa, west of Interstate 75 ("I-75"), and north of the Crosstown Expressway and State Road 60.

7. The Facility was built on a 50.4-acre site ("Site"), which is in the southern portion of a 353-acre tract of land owned by Hillsborough County.

#### The Surrounding Area

8. The Facility is surrounded by a variety of governmental and industrial land uses. The Facility is bounded: on the south by the County's Falkenburg Road Wastewater Treatment Plant and a railroad track that is owned by the CSX railroad company; on the west by a 230 kilovolt transmission line corridor and easement owned by Tampa Electric Company ("TECO"); on the north by vacant improved pasture land, the Falkenburg Road Jail, the Hillsborough County Department of Animal Services, and the Hillsborough County Sheriff's Office (District 2); and on the east by Falkenburg Road and vacant land. The Facility is compatible with the adjacent and surrounding land uses.

9. The nearest residential area is approximately 1 mile away from the Facility. It is located on the opposite (east) side of I-75.

#### Zoning and Land Use

10. In 1984, the Siting Board determined that the Site and

Facility were consistent and in compliance with the applicable land use plans and zoning ordinances. The Siting Board's determination was based on the County's plans for the construction and operation of four MWC units at the Facility. The Site is currently zoned "Planned Development", and is designated "Public/Quasi-Public" under the County's comprehensive land use plan, specifically to allow the Facility and the Project to be built and operated on the Site.

#### The Existing Facility

11. The Facility currently has three MWC units. Each MWC unit has a nominal design capacity of 400 tons per day ("tpd") of municipal solid waste (440 tpd when burning a reference fuel with a higher heating value of 4500 British thermal units ("Btu") per pound). The three MWC units are located inside a fully enclosed building, which also contains the air pollution control systems for the MWC units, the "tipping floor," the refuse storage pit, and a turbine generator. The Facility also includes an ash management building, cooling tower, stack, stormwater management ponds, water treatment system, transformer yard, electrical transmission lines, and ancillary equipment and facilities.

12. Municipal solid waste (e.g., household and commercial garbage) is delivered to the Site in trucks, which drive inside



the refuse storage building to the tipping floor, where the trucks dump the MSW into the refuse storage pit. Two overhead cranes mix the waste in the refuse storage pit and then load the waste into the charging hoppers that feed the three MWC units. The combustion of the municipal solid waste produces heat, which is used to produce steam. The steam is used in a turbine generator to produce approximately 29.5 megawatts ("MW") of electricity.

### The Project

13. The Project involves the construction and operation of a fourth MWC unit at the Facility. The new unit will be substantially the same as the three existing MWC units, but larger. The new unit will be designed to process approximately 600 tpd of municipal solid waste (660 tpd @ 5000 Btu/lb). A new turbine generator also will be installed, which will increase the Facility's electrical generating capacity by approximately 18 MW, thus increasing the Facility's total net generating capacity to approximately 47 MW. In addition, the Facility's cooling tower will be expanded, the refuse and ash management buildings will be expanded, two lime silos and a carbon silo will be installed, a new settling basin will be installed, and other related improvements will be made.

#### Construction of Unit No. 4

14. The Facility was designed and built to accommodate the addition of a fourth MWC unit, thus making the construction of Unit No. 4 relatively simple, without disrupting large areas of the Site. Unit No. 4 will be located adjacent to the three existing MWC units. The construction of the other Facility improvements also will occur adjacent to the existing components of the Facility. Only about 0.3 acres of the Site will be converted from open space to a building or similar use.

15. Construction of Unit No. 4 will occur in previously disturbed upland areas on the Site that are already used for industrial operations. Construction of Unit No. 4 will not affect any wetlands or environmentally sensitive areas.

16. No new electrical transmission lines will need to be built to accommodate the additional electrical power generated by Unit No. 4. No new pipelines or other linear facilities will need to be built for the Project.

17. The construction of Unit No. 4 will not expand the Facility beyond the boundaries of the Site that was certified by the Siting Board in 1984.

#### Operation of Unit No. 4

18. The basic operation of the Facility will not change when Unit No. 4 becomes operational. Municipal solid waste will

be processed at the Facility in the same way it is currently processed.

19. The Facility has operated since 1987 and has an excellent track record for compliance with all applicable regulations, including regulations concerning noise, dust, and odors. All of the activities involving solid waste and ash occur inside enclosed buildings. The tipping floor and refuse storage pit are maintained under negative air pressure, thus ensuring that dust and odors are controlled within the building. Since the operations at the Facility will remain the same after Unit No. 4 becomes operational, no problems are anticipated in the future due to noise, dust, or odors.

20. The Facility's basic water supply and management system will remain the same after Unit No. 4 becomes operational. Treated wastewater from the County's co-located Falkenburg Road Wastewater Treatment Plant ("WWTP") will be provided via an existing pipeline to satisfy the Facility's need for cooling water. Potable water will be provided to the Facility via an existing pipeline from the City of Tampa's water supply plant. The Facility does not use groundwater or surface water for any of its operations.

21. The Facility will not discharge any industrial or domestic wastewater to any surface water or groundwater. Most

of the Facility's wastewater will be recycled and reused in the Facility. Any excess wastewater will be discharged to the Falkenburg Road WWTP.

22. Stormwater runoff from the Project will be collected and treated in the existing system of swales and ponds on the Site. The County will modify two existing outfall weirs to provide improved treatment of stormwater and to ensure compliance with water quality standards.

23. A traffic analysis was performed to evaluate the potential traffic impacts associated with the operation of the Facility, after the Project is completed. The analysis demonstrated the Facility will not have any significant impacts on the surrounding roadway network, even when Unit No. 4 is operational.

#### Air Quality Regulations

24. The County must comply with federal and state New Source Performance Standards ("NSPS") and Best Available Control Technology ("BACT") requirements, both of which impose strict limits on the Facility's airborne emissions. The County also must comply with Ambient Air Quality Standards ("AAQS") and Prevention of Significant Deterioration ("PSD") standards, which establish criteria for the protection of ambient air quality.

## Best Available Control Technology

25. BACT is a pollutant-specific emission limit that provides the maximum degree of emission reduction, after taking into account the energy, environmental, and economic impacts and other costs. As part of the BACT determination, all available and feasible pollution control technologies being used worldwide are evaluated.

26. The Department performed a BACT determination for the Project. As part of its BACT analyses, DEP determined that (a) a flue gas recirculation system and a selective non-catalytic reduction system ("SNCR") will control NO<sub>x</sub>; (b) a spray dryer with lime injection will control MWC acid gas; (c) an activated carbon injection system ("ACI") will control MWC organic compounds; (d) a fabric filter baghouse will control particulate matter and MWC metals; and (e) proper facility design and operating methods will control other pollutants.

27. These air pollution control technologies (except flue gas recirculation) and methods are currently used in the three existing MWC units and they have performed extremely well. Unit No. 4 will have better, more modern, and more sophisticated versions of these air pollution control systems, plus a flue gas recirculation system.

28. In its analysis of the Project, DEP determined the

emission limits for the Project that represent BACT. All of the emission limits determined by DEP for Unit No. 4 are as low as or lower than the emission limits established in 2006 by the U.S. Environmental Protection Agency ("EPA") in the NSPS (40 CFR 60, Subpart Eb) for new MWC units. The NSPS are based on the use of Maximum Achievable Control Technology ("MACT"). Unit No. 4 will be subject to the lowest NOx emission limits imposed on any MWC unit in the United States.

29. The Facility will use an array of continuous emissions monitors to help ensure that the Facility is continuously in compliance with the DEP's emission limits. Indeed, Unit No. 4 will be the first MWC unit in the United States to be equipped with a continuous emissions monitor for mercury.

#### Protection of Ambient Air Quality

30. The EPA has adopted "primary" and "secondary" National Ambient Air Quality Standards ("NAAQS"). The primary NAAQS were promulgated to protect the health of the general public, including the most susceptible groups (e.g., children, the elderly, and those with respiratory ailments), with an adequate margin of safety. The secondary NAAQS were promulgated to protect the public welfare, including vegetation, soils, visibility, and other factors, from any known or anticipated adverse effects associated with the presence of pollutants in

the ambient air. Florida has adopted EPA's primary and secondary NAAQS, and has adopted some Florida AAQS ("FAAQS") that are more stringent than EPA's NAAQS.

31. The County analyzed the Project's potential impacts on ambient air quality, using conservative assumptions that were intended to over-estimate the Project's impacts by a wide margin. These analyses demonstrate that the maximum impacts from Unit No. 4 will be less than one percent of the amount allowed by the ambient air quality standards. The maximum impact from the Facility (i.e., all four units) will be less than 2.5 percent of the amount allowed by the FAAQS and NAAQS. For these reasons, the emissions from Unit No. 4 and the Facility are not expected to cause adverse impacts on human health or the environment. The maximum impacts of Unit No. 4 and the Facility, when operating under worst case conditions, will be immeasurably small and will be indistinguishable from ambient background conditions.

#### Human Health and Ecological Risk Assessments

32. The County performed a human health and ecological impact assessment of the risks associated with the Facility's airborne emissions. The County's risk assessment evaluated the impacts of the entire Facility, with all four MWC units in

operation. The risk assessment was designed to over-estimate the potential impacts of the Facility.

33. The County's risk assessment was conducted in compliance with current EPA guidance. The risk assessment considered hypothetical human receptors (e.g., infants, children, and adults) that were engaged in different types of behavior (e.g., a typical resident; a beef farmer; a subsistence fisherman) and were exposed through multiple pathways (e.g., inhalation; ingestion of soil; ingestion of local produce, beef, and/or fish) to chronic long term impacts from the Facility. The risk assessment also considered the Facility's potential impacts on sensitive environmental receptors, including aquatic life (benthic dwelling aquatic organisms), wood storks, and river otters.

34. The County's risk assessment demonstrates that the potential risks associated with the Facility's emissions will not exceed, and in most cases will be much less than, the risks that are deemed acceptable by the EPA and DEP for the protection of human health and the environment.

35. The County's assessment is consistent with the findings in environmental monitoring studies, epidemiological studies, and risk assessments that have been performed for other modern waste-to-energy ("WTE") facilities in the United States.



The County's findings also are consistent with the determinations made by the EPA, which has concluded that WTE facilities equipped with modern pollution control systems are a "clean, reliable, renewable source of energy."

36. The evidence presented by the County in this case demonstrates that the Facility is not likely to have any adverse effect on human health or the environment, even when all four MWC units are operational, if the Facility is built and operated in compliance with the Conditions of Certification.

#### Potential Impacts on Water Quality

37. The Facility's emissions of nitrogen oxides (i.e., NO<sub>x</sub>) will not cause or contribute to violations of any water quality standards in any surface waterbody.

#### Environmental Benefits of the Project

38. The addition of Unit No. 4 will provide significant environmental benefits to the County. Unit No. 4 will reduce the volume of processible solid waste by approximately 90 percent. By reducing the volume of processible waste, Unit No. 4 and the Facility will greatly extend the useful life of the County's landfill, thus postponing the need to build a new landfill. The Facility also will convert putrescible waste into a relatively inert ash, which poses less threat to groundwater resources.

39. The Project will also provide environmental benefits to the State of Florida. For example, the Facility will produce electricity from discarded materials. In this manner, Unit No. 4 will reduce the need to use fossil fuels to generate electricity at traditional power plants. Unit No. 4 will eliminate the need to use approximately 4 million barrels of oil and thus will save approximately \$200 million in oil purchases over the next 20 years.

#### Socioeconomic Benefits of the Project

40. The local economy and labor market will benefit from approximately \$100 million that the County will spend to construct the Project. A significant amount of construction supplies, goods, and services are anticipated to be purchased from local businesses.

41. The Project will provide jobs for construction workers. The daily workforce is expected to average between 25 and 75 people over a period of approximately 21 months. The addition of Unit No. 4 will also provide approximately 8 new permanent jobs at the Facility.

#### WTE Criteria in Section 403.7061

42. Section 403.7061, Florida Statutes, establishes several criteria that must be satisfied before an existing waste-to-energy facility may be expanded. The County has

provided reasonable assurance that the Project will satisfy all of the standards and criteria in Section 403.7061, Florida Statutes. Among other things, the County has demonstrated that the County's waste reduction rate has consistently exceeded the State's 30 percent recycling goal.

#### Consistency With Land Use Plans and Zoning Ordinances

43. As required by Section 403.508(2), Florida Statutes, the County demonstrated that the Site is consistent and in compliance with the Hillsborough County comprehensive land use plan and Hillsborough County's applicable zoning ordinances.

#### Compliance with Environmental Standards

44. The Department has concluded and the evidence demonstrates that the County has provided reasonable assurance the Project will comply with all of the nonprocedural land use and environmental statutes, rules, policies, and requirements that apply to the Project, including but not limited to those requirements governing the Project's impacts on air quality, water consumption, stormwater, and wetlands. The County has used all reasonable and available methods to minimize the impacts associated with the construction and operation of the Facility. The location, construction, and operation of the Project will have minimal adverse effects on human health, the environment, the ecology of the State's lands and wildlife, and

the ecology of the State's waters and aquatic life. The Project will not unduly conflict with any of the goals or other provisions of any applicable local, regional, or state comprehensive plan. The Conditions of Certification establish operational safeguards for the Project that are technically sufficient for the protection of the public health and welfare, with a wide margin of safety.

#### Agency Positions Concerning Certification of the Project

45. On May 4, 2006, the PSC issued a report concluding that the Project was exempt from the PSC's need determination process, pursuant to Section 377.709(6), Florida Statutes.

46. The DEP, DOT, and SWFWMD recommend certification of the Project, subject to the Conditions of Certification. The other agencies involved in this proceeding did not object to the certification of the Project. The County has accepted, and has provided reasonable assurance that it will comply with, the Conditions of Certification.

#### Public Notice of the Certification Hearing

47. On December 19, 2005, the County published a "Notice of Filing of Application for Electrical Power Plant Site Certification" in the Tampa Tribune, which is a newspaper of general circulation published in Hillsborough County, Florida.

48. On May 25, 2006, the County published notice of the Certification Hearing in the Tampa Tribune.

49. On December 23 and December 30, 2005, the Department electronically published "Notice of Filing of Application for Power Plant Certification."

50. On May 26, 2006, the Department electronically published notice of the Certification Hearing.

51. The public notices for the Certification Hearing satisfy the informational and other requirements set forth in Section 403.5115, Florida Statutes, and Florida Administrative Code Rules 62-17.280 and 62-17.281(4).

#### CONCLUSIONS OF LAW

52. The Division of Administrative Hearings has jurisdiction over the parties to and subject matter of this proceeding pursuant to Sections 120.569, 120.57(1), 403.508, and 403.517, Florida Statutes.

53. The County and DEP provided timely public notices concerning the Project and the Certification Hearing, which satisfied the notice requirements contained in the PPSA, Chapter 120, Florida Statutes, and Florida Administrative Code Rule Chapter 62-17. All necessary and required governmental agencies participated in the certification process, and the required

reports and studies were issued by the DEP and the other agencies, in accordance with their statutory duties.

54. Pursuant to Section 377.709, Florida Statutes, the Project is a "solid waste facility" and is exempt from the requirement that the PSC issue a determination of need under Section 403.519, Florida Statutes.

55. The issue for determination in this case is whether site certification should be granted to the County to construct and operate Unit No. 4 at Hillsborough County's Resource Recovery Facility. Under Section 403.502, Florida Statutes, the following criteria are to be considered when determining whether an electrical power plant should be certified under the PPSA:

the state shall ensure through available and reasonable methods that the location and operation of electrical power plants will 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 and will not unduly conflict with the goals established by the applicable local comprehensive plans. It is the intent to seek courses of action that will fully balance the increasing demands for electrical power plant location and operation with the broad interests of the public. Such action will be based on these premises:

(1) To assure the citizens of Florida that operation safeguards are technically sufficient for their welfare and protection.

(2) To effect a reasonable balance between the need for the facility and the environmental impact resulting from construction and operation of the facility, including air and water quality, fish and wildlife, and the water resources and other natural resources of the state.

(3) To meet the need for electrical energy as established pursuant to s. 403.519.

The competent, substantial, and uncontested evidence presented by the County and DEP at the Certification Hearing demonstrates that the Project has met all of the criteria required to obtain certification under the PPSA. The County has provided reasonable assurance that the Project, if constructed and operated in accordance with the Conditions of Certification, will comply with all of the non-procedural requirements that are applicable to the Project. The County has also provided reasonable assurance that the Project will satisfy all of the criteria and standards in Section 403.7061, Florida Statutes. Certification of the Project will serve and protect the broad interests of the public, and the benefits of the Project will outweigh the negative impacts. The County has accepted, and demonstrated that it will comply with, the Conditions of Certification.

56. In the PPSA review process and the Conditions of Certification for the Project, the State of Florida has ensured through available and reasonable methods that the location,

construction, and operation of the Project will 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. If the Project is built and operated in accordance with the Conditions of Certification, the Project will not unduly conflict with the goals in any applicable local, regional or state comprehensive plan. The Conditions of Certification establish safeguards that are technically sufficient for the protection and welfare of Florida's citizens, and the Conditions of Certification ensure that the potential adverse effects of the Project will be minimized.

57. Certification of the Project is consistent with the legislative intent to balance the demand for electrical power with the broad interests of the public. Certification of the Project reasonably balances the need for the Project with the environmental and other impacts resulting from the construction and operation of the Project.

#### RECOMMENDATION

Based on the foregoing Findings of Facts and Conclusions of Law, it is RECOMMENDED that the Governor and Cabinet, sitting as the Siting Board, enter a Final Order granting a site certification for the construction and operation of Unit No. 4 at the Hillsborough County Resource Recovery Facility, in



accordance with the Conditions of Certification contained in DEP Exhibit 2.

DONE AND ENTERED this 2nd day of August, 2006, in Tallahassee, Leon County, Florida.



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J. LAWRENCE JOHNSTON  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 2nd day of August, 2006.

ENDNOTES

<sup>1/</sup> All of the citations herein refer to the 2005 Florida Statutes. The PPSA was amended during the 2006 Session of the Florida Legislature, but the 2006 amendments do not apply to the County's application. The 2006 PPSA amendments provide that any application filed under the PPSA "shall be processed under the provisions of the law applicable at the time the application was filed", subject to certain exceptions that are not relevant in this case. See Ch. 2006-230, Laws of Fla. (Fla. SB 888, § 42). Since the County's PPSA application was filed in 2005, the 2005 version of the PPSA governs this case.

<sup>2/</sup> Conditions of Certification were previously issued under the PPSA for Units No. 1, 2, and 3. The Conditions of Certification for Units No. 1, 2, and 3 were supplemented and updated by the Department to address Unit No. 4. The Department's proposed changes to the Conditions of Certification are indicated by

underlining (additions) and striking through (deletions) the existing text.

COPIES FURNISHED:

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.