

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



Petition No.: DOA1992-014B
Petitioner: New Hope Power Partnership
Owner: Okeelanta Corp.
Agent: Gary Brandenburg, PA
Telephone No.: 561-627-8100
Project Manager: Bradley Dunker, Planner II
Maryann Kwok (Assigned May 10, 2004)

Location: Approx. 2 miles west of US 27 and 3 miles south of Bolles Canal (**Okeelanta Co-Gen Facility**).

Title: Development Order Amendment. **Request:** To add land area, reconfigure site plan and modify/delete conditions of approval.

PETITION SUMMARY: Proposed is a Development Order Amendment for the Okeelanta Co-generation plant. This facility was approved by the Board of County Commissioners in March 1993. The petitioner is requesting to add 15.66 acres of land to the 66.46-acre subject property for a total of 82.12 acres. Also requested is the addition of 136,255 square feet of power generation facility for a total of 354,055 square feet to accommodate additional power generation equipment. The electrical production will also increase from 65 net mega watts to 140 net mega watts of power output. The petitioner is requesting the deletion and modification of several conditions of approval, which are not applicable or necessary because they have been incorporated into the existing permits for the facility. Access to the site will remain from US 27.

ISSUES SUMMARY:

- o Previous conditions of approval

The petitioner is requesting the following previous conditions of approval to be modified:

1. Previous Condition B.1 (Health - Air quality) which currently states:

Petitioner shall:

- a. **Prior to initial start up, install all air pollution control devices and processes required by the Florida Department of Environmental Regulation (DERM), the United States Environmental Protection Agency (EPA), and as described in the environmental report attached hereto and made a part hereof (Exhibit A) to include, but not be limited to:**
 - (1) **an electrostatic precipitator, designed for at least 98% removal of particulate matter or equivalent;**
 - (2) **a thermal D-Nox system designed for at least 40% removal of oxides of nitrogen, or equivalent; and,**
 - (3) **an activated carbon injection system for control of mercury emissions, or equivalent.**

- b. Continuously monitor and record exhaust gas opacity, oxides of nitrogen, and carbon monoxide.
- c. Test stack emissions according to DER and EPA standards at least once every six months for particular matter, oxides of nitrogen, carbon monoxide, sulfur dioxide, lead, mercury and volatile organic compounds for the first two years of operation. If the test results for the first two years of operations indicate the facility is operating in compliance with the terms of approval and of applicable permits and regulations, the test will thereafter occur as required by the respective DER and EPA permits, with the exception that stack emissions will be tested annually for mercury. In the event the results of the first two years of testing show non-compliance, then the frequency of testing shall continue to occur once every six months until the facility achieves a sustained two-year period of compliance.
- d. Not exceed the total actual annual emissions from the existing boilers and those currently permitted for construction at this facility. Except for particulate matter and sulfur dioxide, the following figures represent the best available estimates for the actual current emissions. These emissions, in tons per year, by pollutant, are:
 - (1) Particulate Matter: 311.3
 - (2) Oxides of Nitrogen 478.9
 - (3) Carbon Monoxide: 5,895.4
 - (4) Volatile Organic Compounds: 218.1
 - (5) Mercury: 0.0141
 - (6) With regard to sulfur dioxide emissions, the following conditions shall apply:
 - (a) If used, coal shall be of the low sulfur variety, and shall not exceed 0.7% sulfur by weight..
 - (b) Fuel oil shall be limited to low sulfur No. 2 distillate oil and shall not exceed 1% sulfur by weight.
 - (c) Coal consumption shall not exceed 25% of the total heat input in any calendar quarter.

(Paragraphs (d) through (h) apply to total sulfur dioxide emissions for the combined facilities of petitions 92-13 and 92-14.)

- (d) Shall not exceed the current emissions of the proposed project (an average of 1000 tons of sulfur dioxide. If the life of the project exceeds thirty years, the total allowable lifetime emissions will be adjusted proportionately.
- (e) For the case that the Palm Beach County government makes available 200,000 tons of biomass fuel per year to the cogeneration facilities in Petitions 92-13 and 92-14, under the same terms and conditions as those in the existing Okeelanta/Palm Beach Solid Waste Authority Wood-waste Agreement, the petitioner shall:
 - 1) not exceed 1500 tons of sulfur dioxide for that year.
 - 2) not exceed an average of 1300 tons of sulfur dioxide for each five year incremental period.
- (f) For the case that the Palm Beach County government cannot make available the 200,000 tons of biomass fuel per year to the cogeneration facilities in Petitions 92-13 and 92-14, the petitioner shall:

- 1) not exceed 1700 tons of sulfur dioxide for that year.
 - 2) not exceed an average of 1500 tons of sulfur dioxide for each ten year incremental period.
- (g) The allowable average sulfur dioxide emissions for the five and ten year incremental periods described above shall be calculated on a weighted average for any period in which both cases occur (years in which biomass is made available/years in which biomass is not made available.)
- (h) Sulfur dioxide emissions shall include all emissions from the proposed projects in Petitions 92-13 and 92-14 and the currently existing boilers at the Okeelanta and Osceola facilities if in operation during initial project operation.
- e. **Employ all methods to control unconfined dust and particulate emissions, required by local, state and/or federal agencies.**
- f. **Request in all applications to DER and EPA that the above conditions become part of the corresponding permits.**

Petitioner's justification - When the original project was approved in 1993, the facility had not received air permits from the Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (FDEP). Now the project is fully permitted, and the conditions are handled more appropriately in the permit conditions than Condition B.1. The permits will also be amended during the Power Plant Siting Act process. The Health Department will be involved with the permitting process to make sure that all issues are addressed.

Staff response – Health Department has no objection to the modification of this condition, however has imposed several new conditions to ensure air quality meets the FDEP, EPA requirements. Emission will also be continuously monitored. See Conditions D.2-D.5.

2. Previous Condition C.2 (Intensity) which currently states:

Prior to site plan certification, the site plan shall be amended to indicate a maximum five (5) acre building envelope on the site and the square footage to be contained therein. All construction and development of the principal structure and accessory facilities shall occur within this envelope. All accessory uses indicated on the site plan outside of the building envelope shall be subject to the requirements and regulations of Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review). Uses and building locations within the envelope shall not be subject to this requirement.

Proposed amended condition states:

Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be amended to indicate a maximum of 8.2 acre building envelope on the site and the square footage to be contained therein. All construction and development of the principal structure and accessory facilities shall occur within this envelope. All accessory uses indicated on the site plan outside of the building envelope shall be subject to the requirements and regulations of Section 2.E. Uses and building locations within the envelope shall not be subject to this requirement.

Petitioner's justification -The petitioner also requested to modify this condition because the site plan and building envelope need to be amended to add additional acreage for additional equipment, including an additional turbine.

Staff response – Staff has no objection to the proposed amended condition. However, it is important to note that the Florida Department of Environmental Protection (FDEP) Prevention of Significance Deterioration (PSD) permit referenced in these conditions (PSD-FL-196(O)) allows for increased emissions beyond what was required in Resolution R-99-004, under which this facility currently operates. Based on the air quality impact analysis performed for the PSD permit, the emissions from this facility will neither result in a significant degradation in air quality, nor cause or contribute to a violation of any national ambient air quality standard.

3. Previous Condition G.3 (Health - Biomass waste) which currently states:

Cogeneration boiler fuels shall be limited to Biomass, as defined in Condition K.9. and fossil fuels. The use of fossil fuels shall be limited in accordance with conditions A.1.d.(6)(a), A.1.d.(6)(b) and A.1.d.(c). The use of Biomass Wastes shall include provisions for the substantial exclusion of painted and chemically treated wood, household garbage, toxic or hazardous materials or wastes and special wastes. This specification must be reviewed and approved by the Palm Beach County Public Health Unit prior to site plan approval.

Proposed amended condition states:

Cogeneration boiler fuels shall be limited to Biomass, as defined in Condition K.9 and fossil fuels. The use of fossil fuels shall be limited to natural gas and low sulfur distillates not to exceed 1% sulfur by weight or as approved in the FDEP AND EPA permits. The use of Biomass Wastes shall include provisions for the substantial exclusion of painted and chemically treated wood, household garbage, toxic or hazardous materials or wastes and special wastes. This specification must be reviewed and approved by the Palm Beach County Public Health Unit prior to site plan approval.

Petitioner's justification - The petitioner is requesting this condition to be deleted since it is redundant, this requirement has been addressed in the previous Condition B.1 The petitioner also indicated that natural gas is expected to be added to the site, and is a cleaner fuel.

Staff response – Health Department has considered the petitioner's request, and has amended the condition to meet current air quality standards as shown in condition D 10.

4. Previous Condition G.5 (Health- Ash Management Plan)

Prior to site plan approval, a detailed ash management plan shall be submitted by the petitioner and approved by the Palm Beach County Public Health Unit. This plan must detail contingencies plans, testing and monitoring of the ash, ash handling and disposal methods, planned spreading locations and identification of environmental impacts and proposed measures for mitigating these impacts.

Proposed amended condition states:

Facility shall revise the current management plan to incorporate the revised testing procedures for the ash as submitted to the Palm Beach County Public Health Department. This facility shall request that the revised ash management plan be included in the Title V operating permit.

Petitioner's justification -The petitioner is requesting this condition to be deleted because requirement of this condition has been completed.

Staff Response - Health Department has considered the petitioner's request, however, recommended an amended condition to meet current air quality standards as shown in Condition D.12.

5. Previous Condition G.6 (Health - Ash Management Plan) which currently states:

Prior to site plan approval of the operation of the facility, a detailed fuel management plan shall be submitted and approved by the Palm Beach County Public Health Unit. This plan shall detail location, size, handling procedures, transportation, dust control and fire protection.

Proposed amended condition states:

Facility shall revise the current fuel management plan to incorporate "The Inclement Weather Operating Procedures" and "Wood Bagasse and Ash, Inspection and Testing Plan" as submitted to the Palm Beach County Health Department on March 30th, 2004. The facility shall request that the revised fuel management plan be included on the Title V operating permit. Revisions to this plan can be made in concurrence with palm Beach County Health Department.

Petitioner's justification - The petitioner is requesting this condition to be deleted because requirement of this condition has been completed.

Staff response - Health Department has considered the petitioner's request, however, recommended an amended condition to meet current air quality standards as shown in Condition D.13.

6. Conditions G.7 (Liquid Waste), G.8 (Domestic wastewater management plan), G.9 (Storm water management plan) and G.10 (Industrial wastewater management plan) were also requested to be deleted since these requirements have been completed.

Petitioner's justification - The petitioner is requesting these conditions to be deleted because requirement of these conditions have been completed.

Staff response - Health Department has no objection to deleting these conditions as these are being addressed by Florida Department of Environmental protection and South Florida Water Management District.

o Consistency with Comprehensive Plan

Contingent upon the BCC's determination of compliance with siting criteria for power plants, the proposed request would be consistent with the parcel's Agricultural Production land use designation. Additionally, the site is located within the Glades Tier.

o Compatibility with Surrounding Land Uses

The site is completely surrounded by sugar cane farms with an Agricultural production future land use designation.

o Traffic

Total traffic expected from this project is an additional 166 trips per day during the non-grinding sugar cane season.

o Development Order Amendment - Changed Circumstances

The petitioner indicated in the justification statement that land area is added to the site to allow increase of power generation equipment. When the petition was initially approved, the facility had not received EPA or FDEP air permits. Now the existing project is fully permitted and the conditions are handled more appropriately in the permit conditions. The increase power output will require this amendment to go through the Power Plant Siting Act.

TABULAR DATA

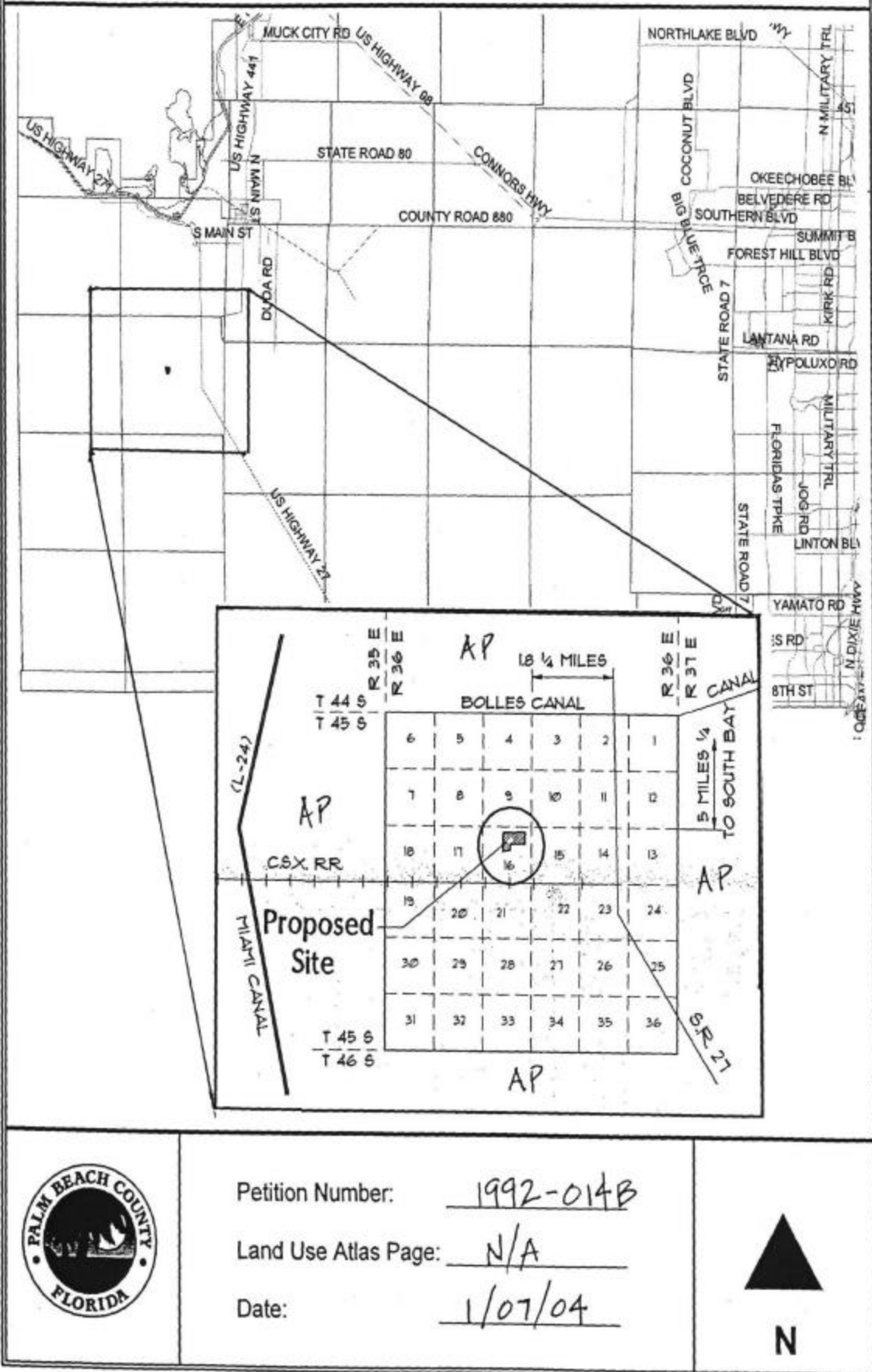
	EXISTING	PROPOSED
Property Control Number(s)	00364516000001010	Same
Tier:	Glades Tier within the Rural Service Area (RSA)	Same
Land Use Designation:	Agricultural Production (AP)	Same
Zoning District:	Agricultural Production (AP)	Same
Use:	Co-generation Facility	Same
Acreage:	66.46 acres	82.12 acres (+15.66 acres)
Access:	US 27	Same

PUBLIC COMMENT SUMMARY: At time of publication, staff had received no correspondence from the public regarding the requests.

RECOMMENDATION: Staff recommends approval of the request, subject to 40 conditions as indicated in Exhibit C.

MOTION: To recommend approval for a Development Order Amendment to add land area, reconfigure site plan and modify/delete conditions of approval.

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE

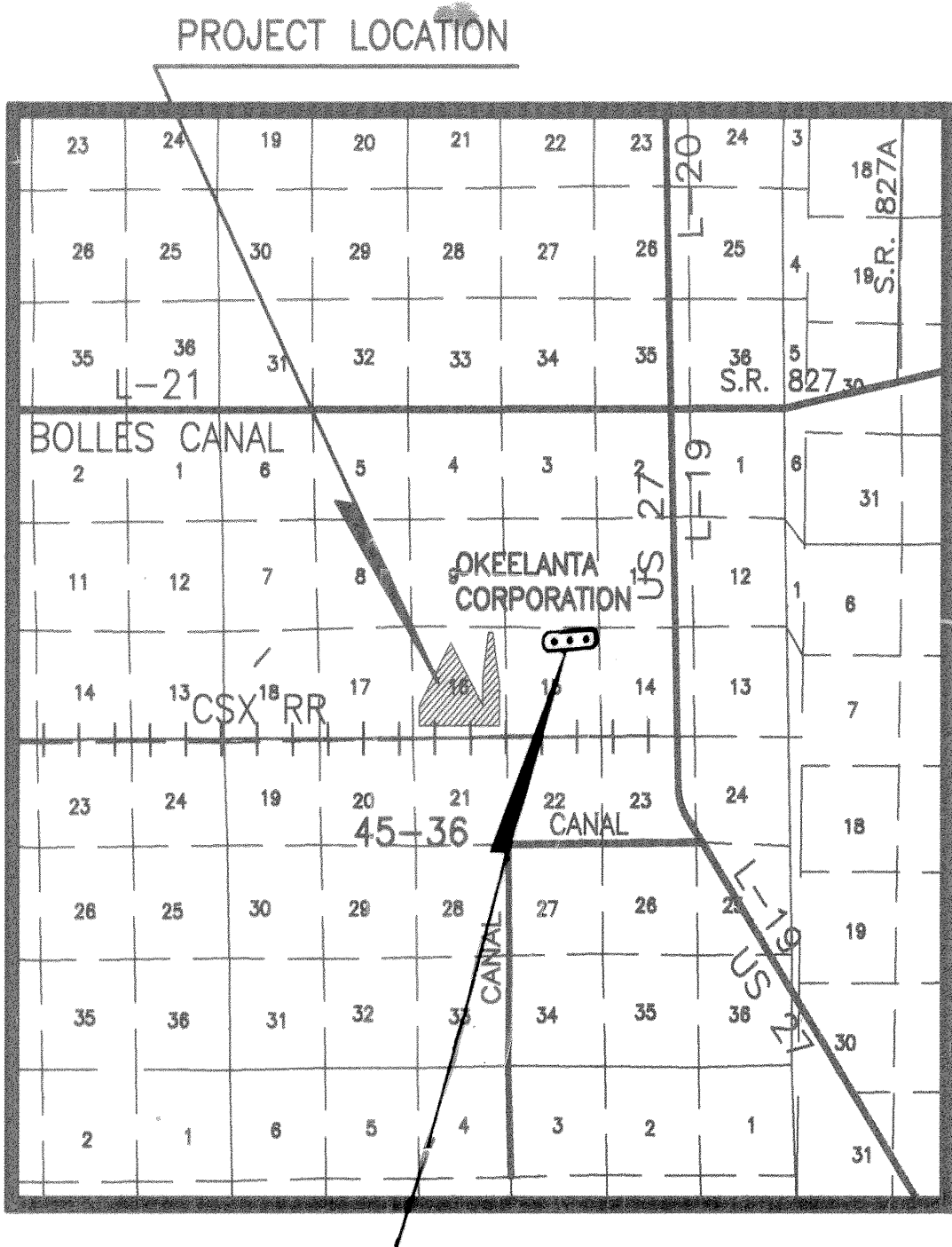


Petition Number: 1992-014B
 Land Use Atlas Page: N/A
 Date: 1/07/04



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There is no Zoning Quad Map. Here is a general location map.



VICINITY MAP

PROPOSED WELL LOCATIONS
N.E. QUARTER OF SECTION 15

AERIAL PHOTOGRAPH



STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: Agricultural Production (AP)

Underlying Land Use: None

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request for Development Order Amendment (DOA) to add land area, reconfigure the site plan, and modify/delete conditions of approval (increase building envelop acreage (5 acres to 8.12 acres); increase land area (50 acres to 81.28 acres (less FPL sub-station parcel), increase square footage (217,800 square feet to 354,055 square feet); megawattage (mgw) (65 mgw to 140 mgw), and increase fuel yard acreage (35 acres to 45 acres); delete Health Dept. conditions relating to air quality since EPA and FDEP air permit have now been obtained; and delete truck/vehicle washing facility) to a previously approved co-generation facility. Future Land Use Element (FLUE) **Policy 2.2.9-d**, "Transportation and Utilities uses, with the exception of power plants, shall be permitted in all future land use designations subject to special siting criteria set forth in the Unified Land Development Code....(54-FLUE)." However, the Implementation Section of the FLUE regarding the AP FLU designation further states.."5...Institutional uses and Utilities and Transportation designed to serve Countywide, regional and/or state needs may be permitted subject to the siting criteria of the appropriate regulatory authority(ies) and any special review and siting criteria adopted by the Board of County Commissioners of Palm Beach County.. (94-FLUE)." Please note that since this request involves increases in square footage and land area, Staff will be providing a motion for the BCC to make a determination on the site 's compliance with the above mentioned sitting criteria. Contingent upon the BCC's determination, the proposed request would be consistent with the parcel's AP FLU designation.

Using the acreage figure on the survey with the FPL sub-station parcel not included, the existing building envelop (351,841 square feet) and the proposed building square footage request with a maximum of 354,055 square feet, as modified in Condition L.1., is consistent with the maximum Floor Area Ratio (FAR) of .10 allowed for a project with an AP FLU designation (81.28 acres X 43,560 X .10= 354,055 square feet maximum).

TIER: The subject property is in the Glades Tier within the Rural Service Area (RSA).

FUTURE ANNEXATION AREAS: The subject site is not in a future annexation area identified within an adopted Comprehensive Plan.

INTERGOVERNMENTAL COORDINATION: N/A

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: None

FINDINGS: Contingent upon the BCC's determination of compliance with siting criteria for power plants, the proposed request would be consistent with the parcel's Agricultural Production land use designation.

ENGINEERING COMMENTS:

MAJOR THOROUGHFARES

Total traffic expected from this project is an additional 166 trips/day during the non-grinding sugar cane season.

Required Engineering Related Permits:

The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

TRAFFIC:	US 27
SEGMENT:	Project Entrance – SR 80
PRESENT: (Peak season Daily Count)	11,927
HISTORICAL GROWTH TRAFFIC:	--
OTHER DEVELOPMENT TRAFFIC:	--
FROM PETITION:	166 additional trips per day
TOTAL:	12,093
PRESENT CAPACITY AT LEVEL OF SERVICE "D":	32,500
PRESENT LANEAGE:	4 Lane

PALM BEACH COUNTY HEALTH DEPARTMENT:

WATER: Water service is available to the property. Therefore no well shall be permitted on the site to provide potable water. All existing onsite potable water systems shall be abandoned in accordance with Palm Beach County ECR-II.

SEWER: Sewer service is available to the property. Thus no On site sewage treatment and disposal system(OSTDS) shall be permitted on the site. All existing OSTDS shall be abandoned in accordance with Rule 64-5FAC and Palm Beach County ECR-I.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site is currently developed and contains no significant native vegetation.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93-3. Any non-stormwater discharge or the maintenance or use of a connection that results in a non-stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

FINDINGS: The request is consistent with the environmental criteria pursuant to ULDC Article 4.D (Excavation) and 14 (Environmental Standards).

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire/Rescue will provide fire protection.

SCHOOL IMPACTS: No comments.

PARKS AND RECREATION: No comments.

CONCURRENCY:

FINDING: The request is in compliance with Article 2.F (CONCURRENCY (Adequate Public Facilities)) of the ULDC.

DEVELOPMENT REVIEW EVALUATION:

SITE FACTORS: A 82 –acre site, approximately 2,48 feet in depth, and 1,809 feet in width. The site currently supports a power plant facility (co-generation facility).

ADJACENT LAND USE AND ZONING:

NORTH: Comprehensive Plan: Agricultural Production (AP)
Zoning District: Agricultural Production (AP)
Supporting: Agricultural Production

SOUTH: Comprehensive Plan: Agricultural Production (AP)
Zoning District: Agricultural Production (AP)
Supporting: Agricultural Production

EAST: Comprehensive Plan: Agricultural Production (AP)
Zoning District: Agricultural Production (AP)
Supporting: Agricultural Production

WEST: Comprehensive Plan: Agricultural Production (AP)
Zoning District: Agricultural Production (AP)
Supporting: Agricultural Production

ZONING REQUIREMENTS: Pursuant to the Unified Land Development Code (ULDC), the Development Review Officer (DRO) shall approve a final site plan. The DRO review will assure compliance with the Board of County Commission conditions of approval, and applicable sections of the ULDC.

PROJECT HISTORY:

Okeelanta Corporation and Osceola Farms Company have been growing sugar cane and operating sugar mills for many years in the western County area. Both of these facilities have operated as cogeneration facilities for many years since they burn bagasse and supplemental fuels to generate steam and electricity required by the sugar mill grinding and refining process.

In 1992, these 2 companies proposed to replace the existing co generators (i.e. boilers, steam turbine generation and related equipment) with equipment utilizing newer environmental control technology. The new facilities have continued to supply the process steam requirements for the sugar mill and also sold electric power to FPL.

Petition 1992-014 – Special Exception for a public and private utility service (electric power facility) approved by the BCC on July 30, 1992. Approval adopted via Resolution 1993-340.

Petition 1992-014(A) – On January 7, 1999, the BCC approved a DOA for the Okeelanta Co-generating facility to modify a condition. Condition (K.10) required the boilers at the adjacent sugar mill facility to be subject to all the permits issued by DERM. Approval was adopted via Resolution 1999-04.

FINDINGS:

1. **Consistent with Comprehensive Plan.** The request is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;
2. **Complies with supplementary use standards.** The request complies with all relevant and appropriate portions of Sec. 6.6, Supplementary Regulations of the Code;
3. **Compatibility.** The request is compatible as defined in the Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development;
4. **Design minimizes adverse impact.** The design of the proposed site plan minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands;
5. **Adequate public facilities.** The request complies with Article 2.F, CONCURRENCY (Adequate Public Facilities);
6. **Design minimizes environmental impact.** Environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment have been evaluated, and the request will not result in any additional impacts to the above requirements.
7. **Development patterns.** The request will result in logical, timely and orderly development patterns.
8. **Other relevant standards of the Code.** The request complies with all standards imposed on it by all other applicable provisions of the Code for use, layout, function, and general development characteristics.
9. **Consistency with neighborhood plans.** N/A.
10. **Changed circumstances.** See Petition Summary.

EXHIBITS

- Exhibit A: Legal Description (NA - attached to resolution)
- Exhibit B: Vicinity Sketch
- Exhibit C: Conditions of Approval
- Exhibit D: Accident History Report

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition A.1 of Resolution R-99-4, Petition 1992-014(A) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-93-340 (Petition 92-014), have been consolidated herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING- Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-1999-4 (Petition 1992-014(A) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated April 15, 2004. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING-Zoning)

B. BUILDING AND SITE DESIGN

1. **Maximum total floor area shall be limited to 10% of the total lot area of the subject property.** (BUILDING-Zoning) (Previous Condition C.1 of Resolution R-99-4, Petition 1992-014(A))

2. Condition B.3 of Resolution R-99-4, Petition 1992-014(A) which currently states:

Prior to site plan certification, the site plan shall be amended to indicate a maximum five (5) acre building envelope on the site and the square footage to be contained therein. All construction and development of the principal structure and accessory facilities shall occur within this envelope. All accessory uses indicated on the site plan outside of the building envelope shall be subject to the requirements and regulations of Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review). Uses and building locations within the envelope shall not be subject to this requirement. (ZONING)

Is hereby amended to read:

Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be amended to indicate a 8.12 acre building envelope on the site and the square footage to be contained therein. All construction

and development of the principal structure and accessory facilities shall occur within this envelope. All accessory uses indicated on the site plan outside of the building envelope shall be subject to the requirements and regulations of Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review). Uses and building locations within the envelope shall not be subject to this requirement. (DRO:ZONING-Zoning)

3. Condition K.5 of Resolution R-99-4, Petition 1992-014(A) which currently states:

The maximum height, from grade to highest point, for all fuel storage areas shall not exceed fifty (50) feet. (BLDG. PERMIT – BLDG. -Zoning)

Is hereby amended to read:

The maximum height from finished grade to highest point, for all fuel storage structures/areas, shall not exceed fifty (50) feet. (BLDG. PERMIT – BLDG. -Zoning)

4. **With the exception of clearing for access roads, survey lines, construction trailers, equipment staging areas, fencing, and specific building sites, construction shall commence within 90 days after completion of clearing and grading. Any cleared zones or areas not necessary to the operation of the site shall be planted in grass within 90 days after establishment of finished grade. (CO:LANDSCAPE-Zoning) (Previous Condition B.3 of Resolution R-99-4, Petition 1992-014(A))**

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Plans for all underground and above ground storage tanks must be approved by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (BLDG. PERMIT – ERM- ERM) (Previous Condition D.1 of Resolution R-99-4, Petition 1992-014(A))**
2. **Secondary containment for stored Regulated Substances, including but not limited to fuels, oils, solvents, or other hazardous chemicals, is required. Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures. (BLDG. PERMIT – ERM- ERM) (Previous Condition D.2 of Resolution R-99-4, Petition 1992-014(A))**
3. **All new excavated lakes shall possess a littoral shelf area. A littoral shelf shall be an area with a slope not greater six (6) feet horizontal to one (1) foot vertical, ranging in depth from ordinary high water (OHW) or the controlled water level (CWL) to four feet below OHW or CWL. A minimum of 30% of the surface area of all lakes shall be planted with native aquatic vegetation on a minimum of three foot centers.**
 - a. **A littoral shelf planting plan and maintenance plan shall be submitted to the Department of Environmental Resources Management concurrent with Site Plan Review application and approved by ERM prior to Site Plan certification. This information shall also be provided on a mylar for the Zoning Division as part of the site plan application. (ERM)**

- b. **Prior to the issuance of a Certificate of Occupancy and within three working days of the completion of littoral plantings ERM shall be notified. This planting shall not be credited as compensation required by wetland permits. (BLDG. PERMIT – ERM- ERM) (Previous Condition D.3 of Resolution R-99-4, Petition 1992-014(A))**
4. **Areas disturbed as a result of the construction of the cogeneration facility and transmission lines shall be continually maintained to be free of Brazilian Pepper, Australian Pine and Melaleuca. (BUILDING-Zoning) (Previous Condition F.1 of Resolution R-99-4, Petition 1992-014(A))**

D. HEALTH

1. Condition B.1 of Resolution R-99-4, Petition 1992-014(A) which currently states:

Petitioner shall:

- a. **Prior to initial start up, install all air pollution control devices and processes required by the Florida Department of Environmental Regulation (DERM), the United States Environmental Protection Agency (EPA), and as described in the environmental report attached hereto and made a part hereof (Exhibit A) to include, but not be limited to:**
 - (1) **an electrostatic precipitator, designed for at least 98% removal of particulate matter or equivalent;**
 - (2) **a thermal D-Nox system designed for at least 40% removal of oxides of nitrogen, or equivalent; and,**
 - (3) **an activated carbon injection system for control of mercury emissions, or equivalent.**
- b. **Continuously monitor and record exhaust gas opacity, oxides of nitrogen, and carbon monoxide.**
- c. **Test stack emissions according to DER and EPA standards at least once every six months for particular matter, oxides of nitrogen, carbon monoxide, sulfur dioxide, lead, mercury and volatile organic compounds for the first two years of operation. If the test results for the first two years of operations indicate the facility is operating in compliance with the terms of approval and of applicable permits and regulations, the test will thereafter occur as required by the respective DER and EPA permits, with the exception that stack emissions will be tested annually for mercury. In the event the results of the first two years of testing show non-compliance, then the frequency of testing shall continue to occur once every six months until the facility achieves a sustained two-year period of compliance.**
- d. **Not exceed the total actual annual emissions from the existing boilers and those currently permitted for construction at this facility. Except for particulate matter and sulfur dioxide, the following figures represent the best available estimates for the actual current emissions. These emissions, in tons per year, by pollutant, are:**

(1)	Particulate Matter:	311.3
(2)	Oxides of Nitrogen	478.9

- (3) Carbon Monoxide: 5,895.4**
- (4) Volatile Organic Compounds: 218.1**
- (5) Mercury: 0.0141**
- (6) With regard to sulfur dioxide emissions, the following conditions shall apply:**
 - (a) If used, coal shall be of the low sulfur variety, and shall not exceed 0.7% sulfur by weight..**
 - (b) Fuel oil shall be limited to low sulfur No. 2 distillate oil and shall not exceed 1% sulfur by weight.**
 - (c) Coal consumption shall not exceed 25% of the total heat input in any calendar quarter.**

(Paragraphs (d) through (h) apply to total sulfur dioxide emissions for the combined facilities of petitions 92-13 and 92-14.)

- (d) Shall not exceed the current emissions of the proposed project (an average of 1000 tons of sulfur dioxide. If the life of the project exceeds thirty years, the total allowable lifetime emissions will be adjusted proportionately.**
- (e) For the case that the Palm Beach County government makes available 200,000 tons of biomass fuel per year to the cogeneration facilities in Petitions 92-13 and 92-14, under the same terms and conditions as those in the existing Okeelanta/Palm Beach Solid Waste Authority Wood-waste Agreement, the petitioner shall:**
 - 1) not exceed 1500 tons of sulfur dioxide for that year.**
 - 2) not exceed an average of 1300 tons of sulfur dioxide for each five year incremental period.**
- (f) For the case that the Palm Beach County government cannot make available the 200,000 tons of biomass fuel per year to the cogeneration facilities in Petitions 92-13 and 92-14, the petitioner shall:**
 - 1) not exceed 1700 tons of sulfur dioxide for that year.**
 - 2) not exceed an average of 1500 tons of sulfur dioxide for each ten year incremental period.**
- (g) The allowable average sulfur dioxide emissions for the five and ten year incremental periods described above shall be calculated on a weighted average for any period in which both cases occur (years in which biomass is made available/years in which biomass is not made available.)**
- (h) Sulfur dioxide emissions shall include all emissions from the proposed projects in Petitions 92-13 and 92-14 and the currently existing boilers at the Okeelanta and Osceola facilities if in operation during initial project operation.**

- e. **Employ all methods to control unconfined dust and particulate emissions, required by local, state and/or federal agencies.**
- f. **Request in all applications to DER and EPA that the above conditions become part of the corresponding permits.** (ONGOING:HEALTH-Health)

Is hereby deleted RESAON [Replaced by new Health conditions D.2-D.5].

- 2. This facility shall operate and maintain, all air pollution control devices and processes required by the Florida Department of Environmental Protection (FDEP) and the United States Environmental Protection Agency (EPA). (ONGOING: MONITORING-Health)
- 3. Continuous Emission Monitors shall be operated in accordance with Air Permit No. PSD-FL-196 (O), Project No. 0990332-016-AC issued on October 29, 2003 by FDEP. (ONGOING: MONITORING-Health) (Previous Condition G.1 of Resolution R-99-4, Petition 1992-014(A))
- 4. Stack tests shall be conducted in accordance with Air Permit No. PSD-FL-196 (O), Project No. 0990332-016-AC issued on October 29, 2003 by FDEP. (ONGOING: MONITORING-Health)
- 5. The total annual emissions for this facility shall be in accordance with Air Permit No. PSD-FL-196 (O), Project No. 0990332-016-AC issued on October 29, 2003 by FDEP. The property owner shall not deviate from the emission limiting requirements specified in permit PSD-FL-196(O) without prior authorization from the Board of County Commissioners. (ONGOING: MONITORING-Health)
- 6. **During land clearing and site preparation, wetting operations or other soil treatment techniques appropriate for controlling unconfined particulates, including grass seeding and mulching of disturbed areas, shall be undertaken and implemented by the Petitioner to comply with state and federal air standards.** (ONGOING: HEALTH-Health) (Previous Condition B.2 of Resolution R-99-4, Petition 1992-014(A))
- 7. **The petitioner shall comply at all times with the requirements of all permits issued by all agencies having jurisdiction over the facility.** (ONGOING:MONITORING-Health/Erm) (Previous Condition B.4 of Resolution R-99-4, Petition 1992-014(A))
- 8. **Potable water supply for the proposed project is to be provided by a reverse osmosis non-transient non-community water supply system in accordance with Chapter 17-550 & 17-555, F.A.C.** (ONGOING: MONITORING-Health) (Previous Condition G.1 of Resolution R-99-4, Petition 1992-014(A))
- 9. **The industrial waste stream generated by this site shall be disposed of in accordance with all applicable Florida DER regulations.** (HEALTH) (Previous Condition G.2 of Resolution R-99-4, Petition 1992-014(A))
- 10. **Cogeneration boiler fuels shall be limited to Biomass, as defined in Condition K.9. and fossil fuels. The use of fossil fuels shall be limited in accordance with conditions A.1.d.(6)(a), A.1.d.(6)(b) and A.1.d.(c). The use of Biomass Wastes shall include provisions for the substantial exclusion of painted and chemically treated wood, household garbage, toxic or hazardous materials or wastes and special wastes. This specification must be reviewed and approved**

by the Palm Beach County Public Health Unit prior to site plan approval. (ONGOING: MONITORING-Health) (Previous Condition G.3 of Resolution R-99-4, Petition 1992-014(A))

Is hereby amended to read:

Cogeneration boiler fuels shall be limited to Biomass Waste as defined in condition D23, and approved fossil fuels.

- a. The use of Biomass Wastes shall include provisions for the substantial exclusion of painted and chemically treated wood, household garbage, toxic or hazardous materials or wastes and special wastes. (ONGOING: MONITORING- Health)
- b. The use of fossil fuels shall be limited to pipeline natural gas or new low sulfur distillate with sulfur content not more than 0.05% sulfur by weight. The facility will consider replacing this fuel with ultra low sulfur fuel of sulfur content not greater than 0.0015 % by weight as secondary fuel when it becomes available. The burning of coal as an alternate fuel shall be prohibited. [Note: It is expected that ultra low sulfur distillate fuel will be widely available by 2006 due to federal regulations for highway fuel as outlined in Federal Register / Vol. 66, No. 12 / Thursday, January 18, 2001 / Rules and Regulations, on the Fuel Quality Standards.1]. (ONGOING: MONITORING-Health)

11. **All fly ash and bottom ash from the facility which is produced during any period in which fossil fuels are used, and thereafter for a reasonable time shall be segregated and managed as set forth in the ash management plan.** (ONGOING:MONITORING-Health) (Previous Condition G.4 of Resolution R-99-4, Petition 1992-014(A))
12. **Prior to site plan approval, a detailed ash management plan shall be submitted by the petitioner and approved by the Palm Beach County Public Health Unit. This plan must detail contingencies plans, testing and monitoring of the ash, ash handling and disposal methods, planned spreading locations and identification of environmental impacts and proposed measures for mitigating these impacts.** (HEALTH) (Previous Condition G.5 of Resolution R-99-4, Petition 1992-014(A))

Is hereby amended to read:

The facility shall revise the current ash management plan to incorporate the revised testing procedures for the ash as submitted to the Palm Beach County Health Department. The facility shall request that the revised ash management plan be included in the Title V operating permit. (DRO: HEALTH-Health)

13. **Prior to site plan approval of the operation of the facility, a detailed fuel management plan shall be submitted and approved by the Palm Beach County Public Health Unit. This plan shall detail location, size, handling procedures, transportation, dust control and fire protection.** (ONGOING:HEALTH-Health) (Previous Condition G.6 of Resolution R-99-4, Petition 1992-014(A))

Is hereby amended to read:

The facility shall revise the current fuel management plan to incorporate "The Inclement Weather Operating Procedures" and "Wood, Bagasse and Ash, Inspection and Testing Plan" as submitted to the Palm Beach County Health Department on March 30, 2004. The facility shall request that the revised fuel management plan be included in the Title V operating permit. Revisions to this plan shall be made in concurrence with Palm Beach County Health Department. (DRO: HEALTH-Health)

14. Condition G.7 of Resolution R-99-4, Petition 92-14(A) which currently states:

Prior to site plan approval, the petitioner shall identify all liquid waste streams and provide a complete physical and chemical characterization of the waste streams which shall include, at a minimum, the following information:

- a. **A description of the source or process associated with the waste stream.**
- b. **Volume and flow rates.**
- c. **Physical parameters including temperature, pH, and total dissolved solids.**
- d. **Expected concentrations of pollutants or contaminants, including but not limited to, Nitrogen, Phosphorous and other nutrients, mercury, lead and other trace metals, volatile or semi-volatile organic compounds, etc.**
- e. **A description and detail of any treatment system utilized.**
- f. **A description of the disposal or reuse method and identification of all points of discharge. (DRO:HEALTH- Health)**

Is hereby deleted. REASON: [Regulated by FDEP].

15. Condition G.8 of Resolution R-99-4, Petition 92-14(A) which currently states:

Prior to site plan approval, a detailed domestic wastewater management plan shall be submitted and approved by the Palm Beach County Public Health Unit. (DRO:HEALTH- Health)

Is hereby deleted. REASON: [Regulated by FDEP].

16. Condition G.9 of Resolution R-99-4, Petition 92-14(A) which currently states:

Prior to site plan approval, a detailed storm water management plan shall be submitted by the petitioner to the South Florida Water Management District (SFWMD) and Palm Beach County Public Health Unit for review and approval. Staff shall coordinate its review with the SFWMD. (DRO:HEALTH- Health)

Is hereby deleted. REASON:[Regulated by SFWMD].

17. **Prior to site plan approval, a detailed industrial wastewater management plan must be submitted to the Department of Environmental Regulation (DER) and the Palm Beach County Public Health Unit for review and approval. Staff shall coordinate its review with the DER. (DRO:HEALTH- Health) (Previous Condition G.10 of Resolution R-99-4, Petition 92-14(A))**

Is hereby deleted. REASON: Regulated by FDEP].

18. Condition G.11 of Resolution R-99-4, Petition 92-14(A) which currently states:

Prior to site plan approval, all applicable environmental permits or applications for permits must be obtained or submitted.
(DRO:HEALTH- Health)

Is hereby deleted. REASON:[The facility has in compliance with the requirements].

19. **Onsite storage shall be contained within the area designated on Exhibit 48 and shall be processed and stored in a manner which controls fugitive and dust particulate emissions.** (Previous Condition L.6 of Resolution R-99-4, Petition 1992-014(A)) (ONGOING:CODE ENF-Health)
20. **The storage of fuel on site shall be limited to the areas designated on the certified site plan and shall be limited to the storage of bagasse and biomass waste only.** (Previous Condition L.8 of Resolution R-99-4, Petition 1992-014(A)) (ONGOING:CODE ENF-Health)
21. **"Biomass Waste", as referred to herein, shall mean bagasse, vegetative and woody matter, including material resulting from landscaping, maintenance, land clearing operations, clean wood, cellulose material, tree and shrub trimmings, grass clippings, palm fronds, trees, tree stumps, wood from land development operations, clean wood debris from demolition operations; it shall not include trash, garbage or sludge (FAC 17-701), biohazardous waste (17-712 FAC), or biological waste (17-712 FAC).** (Previous Condition L.9 of Resolution R-99-4, Petition 1992-014(A)) (ONGOING:CODE ENF-Health)
22. **The existing boilers at the adjacent sugar mill facility shall be subject to the conditions contained within the permits issued by the State of Florida Department of Environmental Protection (DERM).** (ONGOING:DERM/HEALTH - Zoning) (Previous Condition L.10 of Resolution R-99-4, Petition 1992-14(A)).

E. ENGINEERING

1. **The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board.** (ONGOING:CODE-Eng) (Previous Condition E.1 of Resolution R-99-4, Petition 1992-014(A))
2. **If required by the County Engineer or the South Florida Water Management District the Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site** (ONGOING:MONITORING- Eng) (Previous Condition E.2 of Resolution R-99-4, Petition 1992-014(A))

F. LANDSCAPING

1. Condition H.1 of Resolution R-99-4, Petition 92-14(A)) which currently states:

Prior to site plan certification, the petitioner shall submit a Landscape Betterment Plan for review and approval by the Zoning Division. The Landscape Betterment Plan shall demonstrate conformance to all Landscape Code requirements and conditions of approval. (DRO:LANDSCAPE-Zoning)

Is hereby deleted. [REASON: Completed].

2. **As an alternative, the petitioner may landscape the site and provide off-site improvements in accordance with the ULDC, upon adoption. (DRO:LANDSCAPE-Zoning) (Previous Condition H.2 of Resolution R-99-4, Petition 92-14(A))**

Is hereby deleted. [REASON: Completed].

3. **The petitioner shall utilize all drought-tolerant plants in landscaping on the subject property. (BLDG.PERMIT:LANDSCAPE-Zoning) (Previous Condition M.2 of Resolution R-99-4, Petition 1992-014(A))**

Is hereby deleted. [REASON: Completed].

G. LIGHTING

1. Condition I.1 of Resolution R-99-4, Petition 92-14(A) which currently states:

All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed downward.

Is hereby deleted. REASON:[building code].

H. PARKING

1. Condition J.1 of Resolution R-99-4, Petition 92-14(A) which currently states:

Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives.

Is hereby deleted. REASON: [superceded by Condition A.2, and on-site parking is a code-requirement].

I. TRANSMISSION LINES

1. **All transmission lines required by this facility are to be constructed in accordance with the National Electric Safety Code. (Previous Condition J.1 of Resolution R-99-4, Petition 92-14(A))**
2. **All transmission lines leaving the site and required by this facility shall not exceed 138 KV. (Previous Condition J.1 of Resolution R-99-4, Petition 92-14(A))**

J. USE LIMITATIONS

1. Condition J.1 of Resolution R-99-4, Petition 92-14(A) which currently states:

Use of the site shall be limited as follows:

Land Area	50.00 acres
Total Floor Area	217,800 square feet

Maximum Floor Area	10%
Electrical Production	65 mega watt maximum
Fuel Yard	35 acre max. net land area

Is hereby amended to read:

a. Use of the site shall be limited as follows:

Land Area	81.28 acres
Total Floor Area	354,055 square feet
Maximum Floor Area	10%
Electrical Production	140 net mega watt maximum
Fuel Yard	45 acre max. net land area
(DRO/BLDG.PERMIT:DRO/BLDG-Zoning)	

b. Prior to site plan approval by the Development Review Officer (DRO), the site plan shall be revised to reflect the most updated condition consistent with the use limitation condition as identified on J.1.a. (DRO:DRO-Zoning)

2. Condition K.2 of Resolution R-93-340, Petition 92-14 which currently states:

Prior to site plan certification, the site plan shall be amended to indicate the location of a truck/vehicle wash facility. This wash facility shall utilize a 100% water recycling system. (ZONING-Building)

Is hereby deleted. REASON: [no vehicle wash facility will be constructed].

3. **There shall be no repair or maintenance of vehicles on site.** (Previous Condition K.3 of Resolution R-99-4, Petition 1992-014(A)) (ONGOING:CODE ENF-Zoning)

4. **No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site.** (Previous Condition K.4 of Resolution R-99-4, Petition 1992-014(A))

5. **All vehicles utilizing public rights-of-way to carry biomass waste (i.e. vegetative matter) to the site shall be equipped, at a minimum, with covering or screens over top of the open bed of the vehicle to prevent the loss of material during transportation to the facility.** (Previous Condition K.6 of Resolution R-99-4, Petition 1992-014(A)) (ONGOING:CODE ENF-Zoning)

K. WATER SUPPLY

1. Condition M.1 of Resolution R-99-4, Petition 1992-014(A) which currently states:

Construction shall not commence on the project site until it has been demonstrated to the satisfaction of the South Florida Water Management District that an acceptable and sustainable supply of water during drought periods is available to serve the project over and above that necessary to serve already approved development. (BLDG.PERMIT: MONITORING-SFWMD)

Is hereby amended to read:

Prior to the issuance of a building permit for Petition 1992-014(B), the property owner shall obtain approval from the South Florida Water Management District (SFWMD) that an acceptable and sustainable supply of water during drought periods is available to serve the project exceeding the requirement necessary to serve the approved development. (BLDG.PERMIT: MONITORING-SFWMD)

2. Condition M.3 of Resolution R-99-4, Petition 1992-014(A) which currently states:

The petitioner shall use water-saving plumbing fixtures and other water conserving devices in restrooms and employee locker rooms, as specified in the Water Conservation Act, Section 553.14, F.S. (BUILDING)

Is hereby amended to read:

The property owner shall use water-saving plumbing fixtures and other water conserving devices in restrooms and employee locker rooms, as specified in the Water Conservation Act, Section 553.14, F.S. (BLDG. PERMIT: BLDG-Zoning)

L. COMPLIANCE

1. **In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning) (Previous Condition N.1 of Resolution R-99-4, Petition 1992-014(A)).**
2. Conditions N.2 of Resolution R-99-4, Petition 1992-014(A) which currently states:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. **The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or**
- b. **The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or**
- c. **A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or**
- d. **Referral to code enforcement; and/or**
- e. **Imposition of entitlement density or intensity.**

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

Is hereby amended to read:

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOIGN: MONITORING - Zoning)

EXHIBIT D

ACCIDENT HISTORY REPORT

**One Year
Accident History Report
Zoning Petition**

Petition No. 1992-014B

Project Name OKEELANTA CO-GENERATION

Intersection BOLLES CANAL ROAD & S.R. 27

Total Number of Accidents /Year N/A - 02/01/03 – 01/31/04

Breakdown of Accidents:

<i>Rear End</i>	_____
<i>Head On</i>	_____
<i>Right Angle</i>	_____
<i>Left Turn</i>	_____
<i>Side Swipe</i>	_____
<i>Backing Up</i>	_____
<i>Fixed Object</i>	_____
<i>Ped./Bicycle</i>	_____
<i>Other</i>	_____

<i>Total Daily Volume Through Intersection</i>	11,927
<i>Project Daily Traffic Using Intersection</i>	366
<i>Project Daily Traffic as % of Total</i>	3%
<i>Intersection Ranking by Number of Accidents</i>	N/A – 03
<i>Intersection Ranking by Rate of Accidents</i>	N/A – 03