PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection
Division of Air Resource Management, Office of Permitting and Compliance

Draft Air Permit No. 0951340-001-AC / PSD-FL-418
Harvest Power Orlando, LLC, Harvest Energy Garden - Orlando
Orange County, Florida

Applicant: The applicant for this project is Harvest Power Orlando, LLC. The applicant's authorized representative and mailing address is: John M. Eustermann, Senior Vice President, General Counsel, Harvest Power, Inc., Harvest Energy Garden - Orlando, 221 Crescent Street, Suite 402, Waltham, Massachusetts 02453.

Facility Location: Harvest Power Orlando, LLC. proposes to construct the new Harvest Energy Garden – Orlando plant, which will be collocated with the Reedy Creek Wastewater Treatment Plant in Orange County at 2151 Bear Island Road in Lake Buena Vista, Florida.

Project: Harvest Energy Orlando, LLC proposes to construct and operate a biogas-to-energy and fertilizer plant. The proposed operation will receive food waste, thickened wastewater activated sludge, and similar organic waste materials. The organic materials will be digested and converted into a biogas and fertilizer. The biogas will be scrubbed and filtered to remove hydrogen sulfide and water before being fired in two nominal 1.6 engine/electrical generator sets to produce power for sale to the grid. When the engines are unavailable, the biogas will be sent directly to an open flare for combustion. Fertilizer produced will be sold locally. The new plant will consist of five main sections: a feedstock receiving and pre-treatment process; an anaerobic digestion process; a biogas, power generation, and heat recovery process; an odor removal process; and a digestate management/fertilizer production process. Construction is scheduled to commence in 2012 and be completed in 2013.

The Department considers this project to be an expansion of the Reedy Creek Improvement District's existing facility, which is an existing major stationary source pursuant to Rule 62-212.400, Florida Administrative Code (F.A.C.) for the Prevention of Significant Deterioration (PSD) of Air Quality. The project will result in the following approximate potential emissions: 228 tons/year of carbon monoxide (CO); 39 tons/year of nitrogen oxides (NO_X); 3 tons/year of particulate matter (PM), PM with a mean particle diameter of 10 microns or less (PM_{10}) and PM with a mean particle diameter of 2.5 microns or less ($PM_{2.5}$); 39 tons/year of sulfur dioxide (SO_2); 65 tons/year of volatile organic compounds (VOC); and 1 ton/year of hydrogen sulfide (H_2S). Potential emissions of CO and VOC from the proposed project exceed the PSD significant emission rates and the project is subject to PSD preconstruction review for these pollutants. Accordingly, determinations of the Best Available Control Technology (BACT) and an air quality analyses are required for CO and VOC emissions.

Emission sources associated with the proposed plant include two 1.6 megawatt reciprocating internal combustion engine/electrical generator sets, a backup open "candlestick-type" flare, and a bio-scrubber. The draft permit specifies the following preliminary BACT determinations: CO and VOC emissions from the engines will be minimized by the lean-burn combustion design and air-to-fuel controller system; CO and VOC emissions from the backup flare will be minimized by the good combustion design required by the federal New Source Performance Standard for flares in Subpart A, Part 60, Title 40 of the Code of Federal Regulations; VOC emissions from the receiving building, three holding tanks, and the digestate handling/drying system will be minimized by the installation of a bio-scrubber designed for at least 90% efficiency.

The Department conducted the required air quality analysis for CO and VOC emissions. The analysis predicted no significant impacts for any pollutants in the nearest PSD Class I area (Chassahowitzka National Wildlife Refuge) or in the Class II area. Therefore, a multi-source modeling analysis for PSD Class I and II increment was not required. Based on the analysis, emissions from the project will not cause or contribute to a violation of any ambient air quality standards.

Based on the maximum operating scenarios, the project will be a major source of hazardous air pollutants with total potential emissions of 20 tons/year, of which 19 tons/year are formaldehyde emissions from the engines. Based on the criteria and hazardous air pollutant emissions, the facility will be Title V major source of air pollution in accordance with Chapter 62-213, F.A.C.

(Public Notice to be Published in the Newspaper)

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Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212, F.A.C. The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Division of Air Resource Management's Office of Permitting and Compliance is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/717-9000.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available on the following web site by entering draft air permit number: http://www.dep.state.fl.us/air/emission/apds/default.asp.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the proposed Draft Permit and requests for a public meeting for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 30-day period. In addition, if a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received comments result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service

purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent to Issue Air Permit. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available in this proceeding.