# Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary


*Electronically Sent – Received Receipt Requested*

John M. Eustermann, Senior Vice President, General Counsel
Harvest Power, Inc.
221 Crescent Street, Suite 402
Waltham, Massachusetts 02453

Re: Draft Air Permit No. 0951340-001-AC (PSD-FL-418)
Harvest Energy Garden - Orlando
Biogas-to-Energy and Fertilizer Project

Dear Mr. Eustermann:

On March 22, 2012, you submitted a permit application to construct Harvest Energy Garden – Orlando, which will be a new biogas-to-energy/fertilizer plant. Primarily, the proposed plant will include an anaerobic digestion system to convert digested organic materials into biogas and fertilizer and two engine/generator sets to produce a nominal 3.2 megawatts of power to the electrical grid. The proposed project will be collocated with the Reedy Creek wastewater treatment plant in Orange County at 2151 Bear Island Road in Lake Buena Vista, Florida. The Department determined that your project is subject to the preconstruction review requirements for the Prevention of Significant Deterioration (PSD) of Air Quality pursuant to Rule 62-212.400, Florida Administrative Code. Enclosed are the following documents: Written Notice of Intent to Issue Air Permit; Public Notice of Intent to Issue Air Permit; Technical Evaluation and Preliminary Determination; and Draft Permit with Appendices.

The Public Notice of Intent to Issue Air Permit is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project. If you have any questions, please contact the Project Engineer, David Read, at 850/717-9075.

Sincerely,

*(Electronic Signature)*

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

Jeffery F. Koerner
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Enclosures

JFK/jbg/dlr

# WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

*In the Matter of an*
*Application for Air Permit by:*

Harvest Power, Inc.
221 Crescent Street, Suite 402
Waltham, Massachusetts 02453

*Authorized Representative:*
John M. Eustermann, Senior Vice President, General Counsel

Draft Permit No. 0951340-001-AC
PSD-FL-418

Harvest Energy Garden - Orlando
Biogas-to-Energy and Fertilizer Project
Orange County, Florida

**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**: Primarily, the proposed plant will include an anaerobic digestion system to convert digested organic materials into biogas and fertilizer. Two engine/generator sets will produce a nominal 3.2 megawatts of power to the electrical grid. The project is subject to the preconstruction review requirements of the Prevention of Significant Deterioration (PSD) of Air Quality in accordance with Rule 62-212.400, Florida Administrative Code (F.A.C), for carbon monoxide and volatile organic compounds. Details of the project are provided in the application and the enclosed Technical Evaluation and Preliminary Determination.

**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.

**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.

**Public Notice**: Pursuant to Section 403.815, F.S. and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Permit (Public Notice). The Public Notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The newspaper used must meet the requirements of Sections 50.011 and 50.031, F.S. in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Permitting Authority at

the address or phone number listed above. Pursuant to Rule 62-110.106(5) and (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within 7 days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

**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 the applicant or any of the parties listed below must be filed within 14 days of receipt of this Written Notice of Intent to Issue Air Permit. 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 the attached Public Notice or within fourteen 14 days of receipt of this Written Notice of Intent to Issue Air Permit, 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 Written 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.

Executed in Tallahassee, Florida.
*(Electronic Signature)*

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

Jeffery F. Koerner
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## CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Intent to Issue Air Permit package (including the Written Notice of Intent to Issue Air Permit, the Public Notice of Intent to Issue Air Permit, the Technical Evaluation and Preliminary Determination and the Draft Permit with Appendices) was sent by electronic mail, or a link to these documents made available electronically on a publicly accessible server, with received receipt requested before the close of business on the date indicated below to the following persons.

Mr. John M. Eustermann, Harvest Power, Inc.: jeustermann@harvestpower.com
Mr. Alex MacFarlane, Harvest Power Orlando, LLC: amacfarlane@harvestpower.com
Mr. Philip D. Cobb, P.E., Golder Associates, Inc.: pcobb@golder.com
Mr. Robert Manning, Hopping Green & Sams: rmanning@hgslaw.com
Ms. Caroline Shine, Central District: caroline.shine@dep.state.fl.us
Ms. Cindy Mulkey, DEP Siting Office: cindy.mulkey@dep.state.fl.us
Ms. Kathleen Forney, EPA Region 4: forney.kathleen@epa.gov
Ms. Heather Ceron, US EPA Region 4: ceron.heather@epa.gov
Ms. Ana M. Oquendo, EPA Region 4: oquendo.ana@epa.gov
Ms. Barbara Friday, DEP OPC: barbara.friday@dep.state.fl.us
Ms. Lynn Scearce, DEP OPC: lynn.scearce@dep.state.fl.us

Clerk Stamp

**FILING AND ACKNOWLEDGMENT FILED**, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.
*(Electronic Signature)*

DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLORIDA

Lynn Scearce
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