



Board of County Commissioners

ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS

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County Manager

July 2, 2001

The Honorable Rod Smith
2727 NW 43rd Street, Ste. 2A
Gainesville, FL 32606

Re: *Gaps in Regulation and Permitting of Air Pollution Sources*

Dear Senator Smith:

Over the past few years, the local officials, staff, and citizens of Alachua County have learned a great deal about the air pollution permitting process in effort to protect public health and welfare within the County and region. It has become all too obvious through the experiences with the permitting of the Florida Rock Industries cement plant in Alachua County and the Suwannee American cement plant in our neighboring Suwannee County that some serious gaps exist in the state and federal regulatory and permitting processes, allowing for the emission of unnecessarily high levels of harmful pollutants.

Most significantly, the effects of atmospheric deposition of air pollutants upon surface waters, even those designated for special protection, are not considered in the air permitting process. This is so even for mercury emissions that inevitably are deposited to nearby surface waters and bioaccumulate in fish that people catch and eat. Residents of Alachua County and the north-central Florida region are particularly concerned about the atmospheric mercury deposition issue due to documented mercury contamination in fish from the Santa Fe River, designated an "Outstanding Florida Water". It is evident that there is no communication or input being provided by those persons in the USEPA and State of Florida Department of Environmental Protection charged with protecting water quality to the people who review and issue the air permits. The legal or regulatory justification given for this "disconnect" between water and air quality protection efforts is that the atmospheric deposition of air pollutants to surface waters is not considered a "discharge" under the Clean Water Act. The National Ambient Air Quality Standards with which the regulatory agency air permitting engineers and staff concern themselves are directed only at regional air quality, and not impacts on local water quality. Until the connection is made that "what goes up must come down," as was ultimately acknowledged in the case of sulfuric deposition in the form of acid rain, local water quality and public health will continue to be placed at risk by the permitting of major stationary sources of air pollution. It is, therefore, the strong and urgent recommendation



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of the Alachua County Board of County Commissioners that federal and state legislation be passed to broaden the definition of "discharge" under the Clean Water Act, and to require sources that are permitted under the Clean Air Act to demonstrate compliance with water quality standards.

Another substantial gap in the air permitting process is that for certain pollutants for which no specific emission limiting standard has been adopted, permits are being issued that arbitrarily set a maximum level of emissions that falls just below the regulatory threshold for Prevention of Significant Deterioration (PSD) review. Again, using mercury as an example, permits are being issued for 199 lbs. per year of mercury emissions, just below the PSD threshold of 200 lbs., even though natural gas or lower mercury-content coal is readily available to reduce mercury emissions to a mere fraction of such inflated levels. Ironically, if the projected emissions exceeded the PSD threshold by even one pound, the Best Available Control Technology (BACT) emission limitation would be required to achieve such reductions. But in the case of emissions that do not trip the PSD threshold, the air permitting engineers and staff apparently do not even attempt to encourage pollution prevention or promote readily achievable reductions in emissions, perhaps on account of a perceived lack of authority. It is, therefore, also recommended by the Alachua County Board of County Commissioners that federal and state legislation and programs be adopted to require pollution prevention for major stationary sources of air pollution so as to attain achievable reductions in emissions, rather than merely setting emission limits by default at or just below arbitrary regulatory thresholds for regional ambient air quality.

Your efforts to safeguard public health and environmental protection from slipping through these illogical gaps in the air pollution regulatory and permitting process will be greatly appreciated.

Yours truly,



Dave Newport, Chair
Alachua County Commission

DCS:eeh

file:chr01.068

cc: Randall Reid, County Manager
Chris Bird, Director of Environmental Protection
David Schwartz, Assistant County Attorney
Howard Rhodes, FDEP, 3900 Commonwealth Blvd., Tallahassee, 32399
Ernie Frey, FDEP, NE District, 7825 Baymeadows Way, Suite B200, Jacksonville 32256