



July 23, 2003

June Bruce ✓

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BUREAU OF AIR REGULATION

BOARD OF COUNTY
COMMISSIONERS

Winston A. Smith, Director
Air, Pesticides and Toxics Management Division
USEPA Region 4
61 Forsyth Street
Atlanta, GA 30303-8960

Re: Bay County, Florida Resource Recovery Facility

Dear Director Smith:

This letter is in reference to the Bay County Resource Recovery Facility (the "RRF") which was derated by the Environmental Protection Agency (the "EPA") in the Fall of 1999. Since the derating, Bay County has been on schedule to retrofit the RRF with acid gas scrubbers so that it will be in compliance with Federal and State requirements.

At this time, Bay County is at crucial decision making point with regard to the disposal of solid waste within Bay County. The issue is whether or not the County should continue to incinerate its Municipal Solid Waste ("MSW") or should the County begin to landfill all of its MSW. The County is at the point where it is ready to issue task orders which will be the beginning point to the expenditure of approximately \$18 million dollars for the retrofit of the RRF.

With the above in mind, the Board of County Commissioners directed me to contact the EPA and the Florida Department of Environmental Protection to ascertain whether or not Bay County may have an extension of time to bring the RRF into compliance. Essentially, the County would suspend the pursuit of the retrofit in order to conduct the appropriate studies to determine whether or not incineration or landfilling is in the best interests of the citizens of Bay County. By permitting Bay County to delay the retrofitting of the RRF, the EPA would allow the Board time to conduct the above studies and arrive at its decision without expending, perhaps unnecessarily, \$18 million.

Additionally, by extending the deadline for a retrofit, the EPA would give the Board the time needed to complete its electricity sales contract with Florida Power & Light ("FPL") which will eliminate a \$26 million contingent liability that the Board has with FPL. The contingent liability is not relieved until December 31, 2006. Or, in the alternative, the Board will have the time to renegotiate the FPL electricity sales contract with FPL and the Florida Public Service Commission to terminate the electricity sales contract and eliminate the contingent liability at an earlier date.

POST OFFICE BOX 1818
PANAMA CITY, FLORIDA 32402

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COUNTY MANAGER

Winston A. Smith, Director
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The Board is set to consider moving forward with the retrofit contracts in early August. Your response prior to that would be greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry L. Girvin". The signature is fluid and cursive, with the first name "Jerry" being particularly prominent and stylized.

Jerry L. Girvin, Chairman
Bay County Board of County Commissioners

JLG/MSB/PDB/kr

cc: Board of County Commissioners
Pamela D. Brangaccio, County Manager
Michael S. Burke, County Attorney
✓ C.H. Fancy, Division of Air Resources, FDEP
Travis Windham, Utility Services Director
Bill Hudson, Solid Waste Manager



Florida
Department of
Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David Struhs
Secretary

F A X T R A N S M I T T A L S H E E T

DATE: 7-29-03

TO: Foy Majumder

PHONE: 404/562-9121

FAX: (404) 562-9095

FROM: Bruce Mitchell

PHONE: 850/413-9198

Division of Air Resources Management

FAX: **850.922.6979**

RE: Bay Co BRF

CC: _____

Total number of pages including cover sheet: 3

Message

Foy,

Please give me a call to discuss. Florida wants to be kept
in the loop for the decision making, where possible. Many
thanks. Take care.

Sincerely,

Bruce Mitchell

Florida DEP

If there are any problems with this fax transmittal, please call the above phone number.

"Protect, Conserve, and Manage Florida's Environmental and Natural Resources"

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