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**BEFORE THE FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION**

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

**Biomass Gas and Electric of Tallahassee, LLC  
3500 Parkway Lane , Suite 440  
Atlanta, Ga. 30092**

**Tallahassee Renewable Energy Center  
Air Permit No. 0730109-001-AC  
Leon County, Florida**

**PETITION FOR ADMINISTRATIVE HEARING**

Petitioners, Anita and Morris Davis, hereby petition, pursuant to sections 120.569, and 120.57, Florida Statutes, the Florida Department of Environmental Protection ("FDEP") for an administrative hearing in which they might challenge the FDEP's Notice of Intent to Issue a Draft Air Construction Permit in this proceeding, and state:

1. The name and address of the agency affected by this petition is  
  
Florida Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, Florida 32399-3000
2. The agency's file number is 0730109-001-AC
3. The address of petitioners is 708 Bragg Drive, Tallahassee, Florida 32305.
4. Petitioners received notice of this agency action when FDEP issued a Notice of Intent to Issue An Air Construction Permit via email on October 28, 2008.
5. Petitioners object to the determination by the agency that the applicant has provided reasonable assurance that this project will not adversely impact the community's air quality, and the project will comply with applicable legal standards.
6. The agency proposes to authorize operation of the first plant of this type to be established in this region of the country. With little actual operational experience for an operation such as this, the agency has unreasonably relied upon assertions by the applicant as to the operation of the

proposed plant. The agency has further granted waivers and exemptions for this plant without adequate justification, that increase the risk of harm to air quality. Petitioners are aware that the operation of a similar plant in another region of the country posed substantial concerns to air quality, as well as public health and safety.

7. If the proposed plant is allowed to operate, Petitioners live in close proximity to the site, and will experience the detrimental impact to air quality caused by the plant. In addition, Petitioners will experience extreme nuisances from the plant in the form of noise, odor and property intrusion.

8. Petitioners own a homestead in an area directly affected by the operation of the plant. As such, their substantial interests are directly affected if the agency authorizes the construction permit.

9. The interests of Petitioners are the type of interests this proceeding is designed to protect, *Agrico Chemical Co. v. Department of Environmental Regulation*, 406 So.2d 478 (Fla. 2d DCA 1981), reh. denied, 415 So.2d 1359 (Fla. 1982).

10. Petitioners expressly dispute all facts and evidence put forth by the applicant purporting to establish that no adverse impact to the air quality will result from the operation of the proposed plant.

11. Petitioners assert that the application in this proceeding should be denied because it does not support a conclusion that the proposed plant will not be adverse to this community's air quality, as set provided in applicable law.

12. Petitioners therefore request that a formal hearing be scheduled to contest the evidence put forth by the applicant, and that at the conclusion of that hearing that the application for an air permit be denied.

Dated this 11-10-08 day of November, 2008.

Anita L Davis  
Anita Davis

Morris Davis  
Morris Davis