



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

March 19, 2008

The Honorable Bill Proctor
Leon County Commission
301 South Monroe Street
Tallahassee, Florida 32301

FILE COPY

Dear Commissioner Proctor:

I received a copy of your letter to Governor Charlie Crist regarding the proposed waste-to-energy facility, Biomass Gas and Electric (BG&E). At the request of Secretary Michael Sole, I would like to update you on our interactions with the facility.

To date, the Florida Department of Environmental Protection (DEP) has not received any permit applications associated with this facility. However, on January 17, 2008 and February 19, 2008, representatives from DEP met with BG&E representatives to discuss the proposed project and DEP's permitting process. The 45 megawatt facility is proposed to be located near Innovation Park in Tallahassee. The facility is proposing to use wood waste, yard clippings and fuel crops as fuel sources, and anticipates using 800,000 to 900,000 gallons of water per day in their process. To satisfy the water demand, BG&E is currently evaluating the possibility of using reclaimed water from the City of Tallahassee as their water source.

BG&E's facility will produce less than 75 megawatts of electricity, so it is not subject to the State's Power Plant Siting Act process. However, the proposed project does require air, stormwater management and domestic wastewater permits from DEP. DEP's permitting process includes public notification of DEP actions, as well as a process for citizens to challenge agency actions. In addition, DEP's Division of Air Resource Management also requires the applicant to publish a notice upon filing of the application in a newspaper of local circulation and will post such applications on its webpage at: <http://www.dep.state.fl.us/Air/permitting/construction.htm>.

Whether a facility goes through the power plant siting process or DEP's permitting process, the ability to regulate where a facility is located rests with the local government. DEP's environmental permitting standards do not contain provisions to evaluate compliance with local land use regulations.

"More Protection, Less Process"

www.dep.state.fl.us

The Honorable Bill Proctor

Page Two

March 19, 2008

I am very sensitive to your concerns, and would be happy to meet with you if you have additional questions. I can be reached at (850) 245-2037.

Sincerely,



Mimi Andrew
Deputy Secretary, Regulatory Programs and Energy

cc: Dick Fancher, Director, Northwest District, DEP
Joseph Kahn, Director, Division of Air Resource Management, DEP

"More Protection, Less Process"

www.dep.state.fl.us