

State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

INTEROFFICE MEMORANDUM

For Routing To District Offices And/Or To Other Than The Addressee		
To: _____	Loctn.: _____	
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To: _____	Loctn.: _____	
From: _____	Date: _____	
Reply Optional []	Reply Required []	Info. Only []
Date Due: _____	Date Due: _____	

TO: Terry Cole

FROM: Rick Garrity *Rick G.*

DATE: December 3, 1984

SUBJECT: Pinellas County Resource Recovery Ash Residue Sampling

RECEIVED

DEC 7 1984

Office of the Secretary

Our staff has examined ash residue from the above referenced site and the laboratory analysis is attached. We apologize for the delay in obtaining the data but we did want to do our own sampling as opposed to relying totally on past data. I have already called Senator McPherson's office (have not reached him yet) and will send him these results in a cover letter.

What to do with such ash residue is currently being debated by those in the resource recovery business. They, of course, would like to "use it" as opposed to disposing of it. Uses include things as diverse as roadbed material, ingredients in building blocks, and landfill cover. Currently DER permits only the disposal of the residue in a Class I landfill. Ray Moreau is aware of attempts to consider reuse and is interested in pursuing any "use" possibilities. I also am interested since we will have three of these plants operating in our district and I plan to pursue the possibilities further with Ray Moreau's involvement and the involvement of the affected parties.

RDG/jdj

Attachments

cc: Ray Moreau



STEVEN JOHN ALEXANDER
SPECIAL ASSISTANT
OFFICE OF THE SECRETARY

STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL REGULATION
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32301

TELEPHONE
(904) 488-4805
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TO: Dr. Garrity
FROM: Don Moores *Don Moores*
DATE: November 30, 1984 *laj*
SUBJECT: Pinellas County Resource Recovery Ash Residue Sampling

Samples of the ash residue were collected on October 8th and sent to the SPANLab for metals analysis. Today, Randy Armstrong called me to relay the results. Written confirmation will follow. The results are expressed as two numbers; since the sample was rather unhomogeneous, duplicate analyses were performed. All results are expressed as mg per kg:

	<u>Replicate 1</u>	<u>Replicate 2</u>
Arsenic	3.5	4.1
Barium	53	98
Cadmium	10.2	13.3
Chromium	38	49
Lead	473	717
Nickle	71	48
Selenium	0.11U*	0.11K*
Silver	1.76	3.34
Zinc	1400	585

*U means something was detected but the number expressed is the lower detection limit. K means that there was more than the minimum detection limit, but an exact number is not available.

While I was collecting the sample, I discussed it with Mr. Acenbrack. Only one sample was collected since they only had one kind available; they do not always remove metals and cannot guarantee metals removal, so it is all treated the same.

He told me that the County hoped to use the ash for low-grade roads since oyster shell is no longer readily available. It was observed, however, that the material is also being used as daily cover for the landfill.

Memo to Dr. Garrity
November 30, 1984
Page 2

The data reported on the ash indicate priority metals concentrations are extremely high. This does not, however, indicate what would happen to groundwater after rainfall leached through the material in the context of a road or a landfill. It is also questionable whether the material is impermeable enough to be appropriate as daily landfill cover.

For the purpose of evaluating the potential impacts of leachate in a landfill situation, I suggest that the County have an E-P Toxicity test performed. I believe ES & E can do this test and is acceptable to the Department.

I have not been able to find anyone who knew of any special test which would simulate road-building conditions. It is impossible to predict the pH which might exist when the material was exposed to rainfall or rising groundwater. It may be possible to analyze the E-P Toxicity test at a variety of pH conditions in order to approximate the potential impact on groundwater.

At the minimum, an E-P Toxicity is absolutely essential, now that it has been placed in the landfill.

DM/laj
cc: Andy Berry

July 6, 1984

RECEIVED
JUL 9 1984

DIV. ENVIRONMENTAL
PERMITTING

Dr. Dick Garrity, District Manager
State Department of Environmental Regulation
Southwest District Office
7601 Highway 301, North
Tampa, FL 33610-544

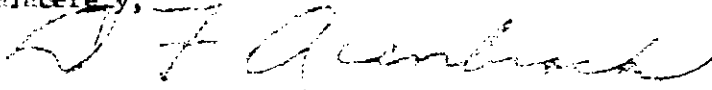
Re: Emission Test Report—1984

Gentlemen:

Enclosed please find the initial Air Emissions Test Report for the Pinellas County Refuse to Energy Plant. The Report is submitted in compliance with Section XIV. A. #.c. of the Conditions of Certification, Case PA 78-11. The period covered is May 1983 to 1984.

If you have any questions, please contact me at your convenience.

Sincerely,



D. F. Acenbrack, Director
Solid Waste Management

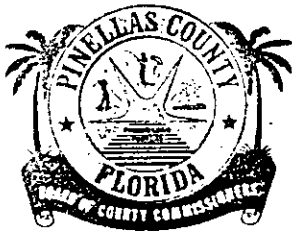
ACE:lt10083

Encl

cc: Buck Owen, w/c encl

HDK, w/encl

W. H. Dasher, Dir, PW Ops, w/c encl



W. GRAY DUNLAP
COUNTY ATTORNEY

OFFICE OF COUNTY ATTORNEY
PINELLAS COUNTY, FLORIDA

PHONE (813) 462-3354 • 315 COURT STREET • CLEARWATER, FLORIDA 33516

Received DER

APR 13 1984

R.P.S

April 11, 1984

William E. Williams
Hearing Officer
Division of Administrative Hearings
2009 Apalachee Parkway
Tallahassee, Florida 32301

Re: Pinellas County Power Plant Certification
Application 83-18

Dear Mr. Williams:

Enclosed for filing please find a certified copy of the verbatim transcript of the administrative hearing held in this matter in Clearwater, Florida, on February 29, 1984.

Very truly yours,

Van B. Cook

Van B. Cook
Chief Assistant County Attorney

VBC:dtr
Enc.

cc: Julia D. Cobb, Assistant General Counsel
C. Laurence Keesey, Dept. Community Affairs
Karen A. Lloyd, SPWMD
Bonnie E. Davis, Public Service Commission
Hamilton S. Oven, Dept. Environmental Regulation

ADMINISTRATIVE HEARING RE PINELLAS COUNTY RESOURCE RECOVERY PROJECT
APPLICATION FOR POWER PLANT SITE CERTIFICATION - CASE #83-2355 -
PINELLAS COUNTY COURTHOUSE, CLEARWATER, FLORIDA 2/29/84 10:10 A.M.
Tape #1 Mitchell

VERBATIM TRANSCRIPT

WILLIAMS:

For the record, my name is William E. Williams. I'm a Hearing Officer from the Division of Administrative Hearings. And we're here today for the purpose of conducting a final hearing in Division of Administrative Hearings Case #83-2355 in re Pinellas County Resource Recovery Project Application for Power Plant Site Certification. Before proceeding further at this point, counsel for the parties will please enter their appearances first for the applicant, Pinellas County.

COOK:

My name is Van B. Cook, I'm the Chief Assistant County Attorney for Pinellas County.

WILLIAMS:

Any additional appearances for the County, Mr. Cook?

COOK:

Not of counsel...

WILLIAMS:

All right, thank you sir. For the Department of Environmental Regulation.

COBB:

For the record, my name is Julia D. Cobb, Assistant General Counsel for the Department of Environmental Regulation.

WILLIAMS:

Could you spell your last name, please ma'am.

COBB:

C O B B.

WILLIAMS:

Thank you Ms. Cobb. For the Department of Community Affairs.

KEESEY:

I'm C. Lawrence Keeseey, Senior Attorney, Department of Community Affairs, Tallahassee.

WILLIAMS:

Spell your last name for the record, Mr. Keeseey.

KEESEY:

K E E S E Y.

WILLIAMS:

Thank you sir. For the Public Service Commission. I understand there's no one planning to be here from the Public Service Commission. And likewise, no one from the Southwest Florida Water Management District is planning to attend. First in the way of preliminary matters, Mr. Cook, will I get a transcript of this proceeding? Are you planning to file a transcript?

COOK:

Yes sir.

WILLIAMS:

All right, thank you sir. I have been handed, this morning, a motion for continuance of this hearing filed by the Department of Environmental Regulation relating to an apparent modification being suggested by the permit applicant insofar as sulfur dioxide emissions are concerned. Ms. Cobb, do you wish to go ahead and speak to that motion at this point?

COBB:

Yes sir, counsel for the County, and I have discussed this...

RECORDER:

Excuse me sir, if you want this for the record, we need them to speak into the microphone.

WILLIAMS:

If you would please, ma'am.

COOK:

I was planning to use that, one of the chairs for the witnesses, and then the counsel could use this microphone.

WILLIAMS:

Okay, good, Ms. Cobb, if you would please, ma'am.

COBB:

Mr. Cook and I discussed the motion this morning, your Honor, and if it is agreeable to you the County has agreed to the comeback

provision which you see, the third alternative, to go ahead and continue with the hearing today and allow them to come back at a later date and give us the adequate information on the air.

WILLIAMS:

That would be by way of a request for modification.

COBB:

Yes sir.

WILLIAMS:

In other words, you all would anticipate me conducting the hearing today, entering a recommended order based on the record that is made before me, and then you all coming back for a modification as to sulfur dioxide emissions, is that correct? Assuming of course, that the recommended order would include the sulfur dioxide emissions contained in the original application. Is that what you all are saying? Mr. Cook.

COOK:

If I may elaborate.

WILLIAMS:

Sure. You better come up toward the microphone there.

COOK:

Basically that's right. What we're really seeking here is a motion or an amendment to a particular provision of the conditions of certification entitled The Modification of Conditions. And I discussed this with counsel and I believe we're in agreement as to the appropriate wording, although to finalize that wording it would actually appear in the recommended order we would submit to you. In effect, what we are asking for is authority delegated by the Board to the Secretary, to modify emission limitations as adopted in your recommended order, subject to a point of entry for interested persons or other parties, and preserving the 120 and 403 provisions, but not requiring the Governor or Cabinet to approve a particular emission limitation change from what you would hear today. That's the essence of that.

WILLIAMS:

Does that fairly characterize your agreement? All right, let me

suggest to you, it appears from reviewing the prehearing stipulation that there are aren't, insofar as the statutory parties at this point are concerned, disputes of fact. You all are essentially in agreement as to the facts. What I suggest to you all that you do then, usually in contested cases both sides will submit a proposed recommended order setting forth what you consider the appropriate factual findings to be, and the appropriate legal conclusions. If it turns out, after we conduct the hearing today, that you all are still in agreement as to the Findings of Fact and Conclusions of Law, I suggest to you that you submit a stipulated proposed recommended order to me incorporating all of the factual findings that you all deem appropriate for consideration by the Governor and Cabinet, including the wording that you all might agree on with respect to the sulfur dioxide emissions. Does that sound acceptable?

COBB:

Yes sir.

COOK:

That was our intent. In fact, it is our intention to actually provide you with that stipulated recommended order no later than this Friday, which would mean you would not of course have a transcript, but I believe that you will see at the conclusion of this hearing that the parties are basically in agreement on almost every matter of fact and law.

WILLIAMS:

If you all can submit it to me in the form that you would both like to see entered, or all of you would like to see entered, it would help. I'm supposed to start a 3-week DER hearing on Monday, and I'm going to be pretty much tied up from Monday forward. So if we can do it in that fashion, subject of course to any disputes that might arise today that none of us can predict at this point: All right?

COBB:

Fine.

COOK:

Thank you.

as an exhibit in this proceeding so you're offering the application as Petitioner's Exhibit No. 1?

COOK:

Yes sir.

WILLIAMS:

All right, if you would so mark it. Any objection? Without objection it will be received as Petitioner's Exhibit No. 1.

COOK:

Mr. Acenbrack, did you review this application prior to its submittal to the Department?

ACENBRACK:

I did.

COOK:

Are you familiar with its contents?

ACENBRACK:

Yes.

COOK:

All right, I'd like to spend a few minutes then going through this application with you. I'll be referring to various sections of the application, and asking you for some comment. It would probably be helpful to all of the parties and the Hearing Officer if you would refer to specific page numbers as appropriate. I would like you to begin with a brief description of the site as contained in Chapter 2 starting at page 6 of the application to acquaint everyone with a general feeling for what resource recovery under the current site certification is comprised of.

ACENBRACK:

Basically the overall site is approximately 230 acres size. The site of the plant itself is approximately 20 acres. The ah, without a drawing it's difficult to go into details but the approximate eastern boundary of the site is at 28th Street North, the southern boundary is 102nd Avenue North, the northern boundary is approximately 114th Avenue North, and the western boundary is approximately 34th Street North.

opportunity to present any additional evidence should they deem it necessary.

WILLIAMS:

Thank you Mr. Cook. Ms. Cobb.

COBB:

I'll waive my statement.

WILLIAMS:

All right, Mr. Keeseey.

KEESEY:

I have no statement.

WILLIAMS:

All right, Mr. Cook, call your first witness.

COOK:

I call Mr. Acenbrack.

WILLIAMS:

If you'll come up and have a seat in one of these chairs up here please Mr. Acenbrack. Would you raise your right hand please sir. (Duly sworn). State your name please sir.

ACENBRACK:

My name is Donald F. Acenbrack.

WILLIAMS:

Spell your last name please.

ACENBRACK:

A C E N B R A C K.

WILLIAMS:

And your address, please.

ACENBRACK:

1926 Sever Drive, Clearwater.

WILLIAMS:

Mr. Cook.

COOK:

Mr. Acenbrack, would you tell us about your current employment.

ACENBRACK:

I'm the Director of Solid Waste Management for Pinellas County.

WILLIAMS:

All right, that would appear to me then to obviate the Motion for Continuance so we'll dispense with that. Now, one other problem that we discussed briefly, I think at the prehearing conference, and it became apparent to me in reviewing my file this morning is the 45-day notice requirement contained in Chapter 403. You all need to correct me if I'm wrong, but it appears to me that the notice in the newspaper was not published 45 days prior to today's hearing. Now please correct me if I'm wrong. This is just based on review of my file. And if that is the case we need to consider the question of the Hearing Officer's authority to alter that time frame under the Department's rules. Mr. Cook.

COOK:

Yes, I believe the 45 days pertains to the land use and zoning hearing, which the parties have stipulated and agreed is not applicable here. I believe the Certification Hearing notice is 30 days, and when Mr. Oven testifies as to the notices and they're received into evidence you will note that one of the notices is not timely by approximately 3 days, and at that time we will move to waive that defect.

WILLIAMS:

All right, good, good. All right, are there any additional preliminary matters that we need to take up at this point? All right; Mr. Cook, do you wish to make an opening statement?

COOK:

Very briefly. Just to acquaint the Hearing Officer and the members of the public who are in attendance here today, I propose to call three individuals on behalf of Pinellas County to briefly summarize and go through the County's petition or application for site certification which is a modification or expansion of an existing facility previously approved under the Power Plan Siting Act. At the conclusion of those County witnesses we would then call Mr. Oven from the Department of Environmental Regulation to again briefly review the required DER staff analysis report and recommendations and conditions of certification, and then there would be DER's

COOK:

How long have you held that position?

ACENBRACK:

Since October, '76.

COOK:

And would you describe your educational background briefly please.

ACENBRACK:

I have a Bachelor of Science degree in Civil Engineering from the University of Miami and I have a Master degree in Education from the University of South Florida.

COOK:

Did you participate in the original Site Certification of the original Resource Recovery Facility here in Pinellas County?

ACENBRACK:

I did.

COOK:

Do you have a copy of the County's application that was submitted to DER?

ACENBRACK:

I do.

COOK:

Mr. Williams, may I inquire as to whether you have a copy in the record?

WILLIAMS:

I do not in my file. We'll have to introduce a copy into the record. I think there was a copy that was sent over with the letter from DER. If you all don't have readily available another copy, what I could do simply is receive it as Petitioner's Exhibit No. 1 and simply mark it when I get back to the office and include that application as the exhibit, if you all want to do it in that fashion Mr. Cook.

COOK:

I could tender to you a copy of the application, and if any party objects to this, it's just a duplicate of it.

WILLIAMS:

All right. We'd need to mark it so it will be included in the record

COOK:

What facilities currently, or facility structures, that kind of thing, currently exist or are under construction at the site at this time?

ACENBRACK:

Well the plant itself is up and operational. The County has an Administration Building for the Solid Waste Department, there is a material storage building, the landfill called Bridgeway Acres II is constructed and operational. There's also an entrance facility which includes a scale house, having 3 scales. There's also a restroom facility along with the scale house. There's also a citizens disposal site that we refer to as a mini refuse station. Of course there's associated roads and utilities. We have 3 sources of water, one potable source and two treated water sources. In addition to that we have a spray irrigation system, and then also on the total County-owned site but not within the certified area, there is a station. We also have the, what we call the tie line, or the high tension transmission line from the site to the Gandy substation. We have various signs including a very large informational identification sign telling what is at the site. We have security fences and of course storm drainage, in addition to a road network.

COOK:

When did the existing plant become operational?

ACENBRACK:

The existing plant became operational in May, 1983.

COOK:

Okay, now turning your attention back to Chapter 1, what is the, essentially the purpose of the application for additional or expansion site certification?

ACENBRACK:

Well beginning on page 2, since the submittal of the site application for the original two-boiler plant was made in 1978, the refuse generation in the County has increased faster than was anticipated, therefore, to meet these additional demands on the process and capability of the plant, an additional boiler is required.

COOK:

Would you describe briefly the load characteristics as contained in the application?

ACENBRACK:

On page 3, a proposed third boiler expansion would increase the total solid waste processing to pass the other plant to 3150 tons per day, or approximately 1.1 million tons per year based on having a fuel quality of 5,000 BTU's per pound of solid waste. This added capacity will allow the incineration of all Class 1 material, or garbage, through the 1990's.

COOK:

Solid waste is disposed of in one of, basically two different ways. Is that correct, at the plant?

ACENBRACK:

Yes, it's either disposed of through the plant, or at one of the two landfills associated with the plant. There is a Class 1 landfill called Bridgeway Acres 2 that currently takes the residue from the plant as well as the regular garbage or Class 1 material when for one reason or another the plant is not operational or the amount being delivered is beyond the capacity of the plant to handle.

COOK:

In addition to the third boiler, the additional boiler, what other equipment is ancillary to that?

ACENBRACK:

Well in addition to the third boiler, there will be an additional electrostatic precipitator, exhaust stack, there will be an increase in the size of the electrical switch yard and there will be two additional cells added to the cooling tower and there will be ah, not to exceed 29 megawatt additional generator installed. The existing transmission line is already sufficient capacity to handle the increase in electrical generation.

COOK:

So there's no impact then on transmission lines in this application?

ACENBRACK:

That's correct.

COOK:

Does the third boiler proposal also provide you with a reserve capability or a back-up capability?

ACENBRACK:

Yes. The installation of a third boiler will provide additional system redundancy in case of just any malfunction, and of course also during routine boiler maintenance. If routine shut downs are scheduled during periods of low solid waste inflow, and the duration of what we call the semi-annual shutdown is approximately 2 weeks per year for boiler.

COOK:

In addition to disposal of solid waste, what other objectives or positive accomplishments are achieved by the plan in the proposed expansion?

ACENBRACK:

Well of course the primary objective of the plant is to dispose of solid waste. In doing this inverse impacts on the environment are minimized with respect to landfill activities. We have some secondary objectives including the sale of electricity and the recovery and sale of marketable combusted materials and of course a reduction in requirement for the use of our limited landfill capacity.

COOK:

How many Class 1 landfills, other than at the site that's been certified, are currently in operation?

ACENBRACK:

None in Pinellas County.

COOK:

Were there Class 1 landfills in operation prior to the operation of the Resource Recovery Facility?

ACENBRACK:

Yes, there was one at the plant site called Bridgeway Acres 1, there was a Toytown Landfill. Those were both closed either prior to or concurrently with the opening of the new plant last May.

COOK:

Are any new lands contemplated to be added pursuant to this certification here?

ACENBRACK:

No.

COOK:

How about new roads, pipelines, drainage structures or other landfills?

ACENBRACK:

There will be some construction of what we call a pumping system to utilize the water from the retention pond that's part of the cooling water make-up, but there will be no other construction, ancillary construction, projects within the certified area.

COOK:

What about storm water holding ponds, aeration oxidation ponds? What can you tell us about that?

ACENBRACK:

Well those are up and operational at the present time. The need for additional size or construction of that type facility is not anticipated.

COOK:

Where is your office located?

ACENBRACK:

My office is located in the new Administration Building on the site, just south of the plant itself.

COOK:

Would you give us a general description please, based on your knowledge, of the existing land uses in the immediate vicinity. And by that I mean within several miles of the plant site.

ACENBRACK:

To the north and west, most of the land is zoned industrial. To the south and southwest, the land is zoned residential.

COOK:

What is the actual zoning of the site itself?

ACENBRACK:

The actual zoning of the site is industrial.

COOK:

And is that site location in the unincorporated area of the County?

ACENBRACK:

The plant site itself is in the unincorporated area of the County, however, the Bridgeway Acre 2 landfill site is in the corporate limits of the City of Pinellas Park.

COOK:

Okay, calling your attention to page 11 of the application, would you describe briefly for us the affects on potable and non-potable water as a result of this proposed addition, and the sources of those waters.

ACENBRACK:

Well the proposed change at the plant would increase the non-potable water consumption by approximately 50%. There are existing water mains from St. Petersburg and from Largo carrying reclaimed water, they're capable of carrying the antiflow. We don't think there'd be much more than a slight increase in the consumption of the potable water, anticipated in this expansion. And this water will continue to come from Pinellas County Water System.

COOK:

Is it possible that storm water would also be considered an alternative cooling water source?

ACENBRACK:

Yes. We're doing some engineering study at the present time to put plans to utilize this water from the storm water retention as part of what we call the cooling water makeup.

COOK:

Are you aware of any potable waters which exist in the presently certified site.

ACENBRACK:

We have a potable water line, a 12-inch water line.

COOK:

No, I mean wells.

ACENBRACK:

No, there are no potable wells within the site that I'm aware of.

COOK:

Are you aware of any historic, scenic, cultural or national landmarks located on the site that's presently certified?

ACENBRACK:

None to my knowledge.

COOK:

I'd like to discuss for a moment the visibility of the site from adjacent roadways and areas. Will you comment on that please.

ACENBRACK:

The plant is approximately 100 feet tall and therefore, can be seen from long distances. It's been estimated that it can be seen approximately a maximum 6 miles away. However, in the near vicinity because of the large stand of pines in the area, it's difficult to see it for more than approximately a half a mile away.

COOK:

Are there berms constructed around the parameters of the site?

ACENBRACK:

Yes there are 12 to 15-foot high berms on both the southern and western portion of the certified area.

COOK:

Are those berms landscaped?

ACENBRACK:

Yes they are, and planted with a stand of pines.

COOK:

Okay, I'd like to talk then now about the anticipated effects of construction, specifically as they pertain to noise. What is your evaluation of that aspect?

ACENBRACK:

The noise is, should be no louder than the noise that's already existing in the area, well within the industrial standards. It will be some noise from time to time as construction goes on, but the ambient noises from traffic and from ongoing operations, both in the plant and landfilling, should provide no significant increases.

COOK:

What about impacts on the land itself during construction, and how do you propose to deal with those impacts?

ACENBRACK:

Well, there will be no required caring of trees or rather grubbing operations taking place on the plant site, therefore, except for some possible dust during dryer weather, we anticipate no negative impact of construction as far as the land is concerned.

COOK:

How would you control dust?

ACENBRACK:

By water spray trucks, during times as such activities are necessary.

COOK:

Do you contemplate any adverse impact on human populations during construction?

ACENBRACK:

The proposed construction site is already on land that is an industrial setting. The construction work force will be composed almost totally of local hirings, however, we don't anticipate any additional demand on housing, therefore, or transportation, education facilities, or any other municipal services. The only other impact is that there will be some increase in traffic along the nearby roadway during construction when such activities as pouring concrete takes place, and it's estimated that about a maximum of 12 delivery trucks per hour will be involved in such an activity, but that's only for a few days time period.

COOK:

What erosion control measures will you anticipate initiating as necessary during construction?

ACENBRACK:

Well erosion control we would put down such thing as straw bale filters as they're called, around ditches and swales and holding ponds to minimize the water movement ... over the ground. Of course, we would establish by sodding or otherwise, the reestablishment of vegetation on any bare soil. And of course we'd divert around any

areas where erosion situations are likely to occur.

COOK:

Okay, thank you. I'd like to call your attention now to Chapter 7 and I'd like you to discuss briefly economic and social effects of plant operations, specifically what the benefits to be derived from this proposal to added third boiler are.

ACENBRACK:

Well the capacity afforded by a third boiler would minimize the land filling of class one solid waste. Of course this is the stated policy of the Board of County Commissioners. And based on current waste generation estimates, all class one material can be incinerated by the three boiler plant through the mid 1990's. As far as specific benefits from the operation, we expect that the land requirements will be drastically reduced for disposal of solid waste. Of course that will also result in some savings in real estate costs. The land filling of the boiler residue is not expected to contaminate ground water as could be expected if we had the landfill raw garbage. Since the boiler residue doesn't attract sea gulls we expect the disease factors of public health and aviation safety will be enhanced thereby. Of course the increase in electrical generation capacity will reduce need for foreign oil imports and we anticipate that we could save about 4 1/2 million gallons of oil during a 10-year period and considerably save approximately 135 million dollars thereby. The new turbo generator has the capacity to handle energy requirements of 8 or 9,000 Pinellas County homes.

COOK:

Is there an airport nearby the site?

ACENBRACK:

Yes, there's an airport approximately 2 miles to the north of the site.

COOK:

Can you estimate for us the approximate cost of this proposed expansion?

ACENBRACK:

The construction cost contractually are 53 1/2 million dollars, plus

the addition of escalation during the time of construction.

COOK:

How is the facility existing and expanded paid for? Is it funded by taxpayer dollars?

ACENBRACK:

No it is not, it is ah, initially the funds are made available through the issuance of a revenue bond, and the revenues produced from electricity and from tipping fees and part of it from the expected income from the sale of recovered metals together with investment incomes from required standby funds, make up our sources of income to pay for both the operation and the debt service on the plant.

COOK:

Do you anticipate any particular problems with traffic or traffic congestion as a result of the proposed expansion?

ACENBRACK:

There has been a steady increase in automobile and truck traffic in the vicinity of the site, and of course this is a result of growth of light industry, especially along 49th Street. Presently the waste haulers and plant personnel arrive at the site via two directions, actually three now, and that's eastward from 49th Street along 118th Avenue and then south on 28th Street, and then south on Roosevelt Boulevard, and also north from Gandy Boulevard. To date no traffic congestion has been observed in these roadways in the vicinity of the plant. We also have routine patrols by the County's Sheriff Department, and things so far trafficwise have been smooth around the plant.

COOK:

Okay, thank you Mr. Acenbrack. I have no further questions at this time. I would like to reserve the right to recall Mr. Acenbrack at the conclusion of Mr. Oven's testimony.

WILLIAMS:

All right, fine Mr. Cook. Cross-examination, Ms. Cobb?

COBB:

No questions.

WILLIAMS:

Mr. Keeseey?

KEESEY:

No questions.

WILLIAMS:

Thank you, Mr. Acenbrack, you may step down. Call your next witness.

COOK:

Mr. Vandeman, please.

WILLIAMS:

Raise your right hand, please sir. (Duly sworn) State your name please.

VANDEMAN:

My name is Robert Vandeman.

WILLIAMS:

If you would spell your last name for the record, please sir.

VANDEMAN:

The last name is spelled V A N D E M A N.

WILLIAMS:

And your address please, Mr. Vandeman.

VANDEMAN:

1728 72nd Avenue Northeast, St. Petersburg.

WILLIAMS:

Thank you sir. Mr. Cook.

COOK:

Mr. Vandeman, would you discuss your occupation, who you are employed by.

VANDEMAN:

I'm employed by the engineering firm of Henningson, Durham and Richardson in their St. Petersburg office. I'm the Office Manager and the Project Manager for the Pinellas County Resource Recovery System.

COOK:

Is that pursuant to a contract with the County?

VANDEMAN:

Yes it is.

COOK:

And how long have you been associated with the County's Resource Recovery Facility in that capacity?

VANDEMAN:

Approximately 3 years.

COOK:

Did you have the opportunity to review Pinellas County's application for a third boiler prior to its submittal to the Department of Environmental Regulation?

VANDEMAN:

Yes, I did.

COOK:

Are you familiar with its content?

VANDEMAN:

Yes.

COOK:

And would you describe briefly your educational background, how many degrees you have.

VANDEMAN:

I'm a graduate of Purdue University, a Bachelor's degree in Industrial Engineering with a mechanical concentration. I have a professional engineer's license for the State of Indiana and for the State of Florida.

COOK:

Thank you. I'd like to call your attention to Chapter 3 of the County's application which discusses the plant. And I'd like to go into a little detail about the plant, physical characteristics, specifically with regard to the proposed expansion. If you would, describe for us in general terms what the existing plant consists of at this point.

VANDEMAN:

The plant as it is currently operating, has been in operation incinerating refuse for more than a year. The equipment that is in

existence right now consists of one stack, it consists of two incinerators which have a nominal rating of 1,050 tons per day each. There are two electrostatic precipitators. There is one 50.9 turbine generator and a single cooling tower structure that consists of three cells. The proposed expansion would add to that facility a second stack of similar height. It would add a second turbine generator with a rating not to exceed 29 megawatts. It would add to the existing cooling tower structure an additional two cells bringing the total number of cells to 5. It would add a third electrostatic precipitator. That basically is what happens to the plant itself.

COOK:

And what is the source of fuel for this plant?

VANDEMAN:

The source of fuel is municipal solid waste that's collected throughout the County by various collection agencies.

COOK:

You heard Mr. Acenbrack discuss the potable and non-potable water requirements of the existing and proposed facility. Do you concur in his statements with that regard?

VANDEMAN:

Yes I do.

COOK:

Would you describe basically for us the heat dissipation system changes as a result of the proposed expansion?

VANDEMAN:

Yes. The heat dissipation at the power plant is achieved through the use of the cooling tower structure. I mentioned earlier that there's an existing 3 cell cooling tower which will be expanded to a 5 cell structure. The purpose of the cooling tower is to receive waters heated by the turbine generator condenser and to cool those waters so that they may be recycled and serve that function. At present, that recirculation stream is approximately 33,400 GPM. The addition of a third incinerator will cause the heat load to go up and to accommodate that the waterflow through the cooling tower will increase to approximately 50,100 GPM.

COOK:

What about the steam production rate after expansion?

VANDEMAN:

The steam production from the third incinerator will increase the total steam production of the plant by approximately 50%. It is currently approximately 50,000 pounds per hour. It will increase to approximately 750,000 pounds per hour.

COOK:

I'd like you to take just a moment to tract through for us basically the cooling system from non-potable water coming into the facility to the time it comes out. Can you briefly describe that process for us.

VANDEMAN:

Yes. Schematically the process is shown in the application by figure 3-1, I believe in the application that follows page number 21. There are two sources of water used in total to operate the plant. Potable water which is used after expansion will be used at the approximate rate of 149 gallons per minute, and non-potable water which will be used at a total input rate of approximately 1,590 gallons per minute. The source of the potable water is the, ultimately is the Pinellas County Water system. The source of the non-potable water is one of two, either the City of St. Petersburg Northeast Treatment Plant or the City of Largo Treatment Plant. Basically, the potable water is not used in the process, it's used for just domestic use within the plant. The non-potable water, whether it is from either Largo or the City of St. Petersburg, is used in the cooling tower, and is used after treatment for boiler makeup water. As the water proceeds through the plant, it is used, well the domestic water becomes sanitary sewerage, the non-potable water, either leaves the plant in the form of drift and evaporation from the cooling towers, or else leaves the plant in the form of blow down which goes to the sanitary sewer, or may leave the plant as quench water remaining on recovered materials. Ultimately, the sanitary sewer flow is to the City of Pinellas Park, which in turn transmits it to the Pinellas County facility which is called South Cross Bayou.

END OF TAPE #1 (Mitchell)

ANDREWS:

James C. Andrews, Jr.

WILLIAMS:

And your address, Mr. Andrews.

ANDREWS:

440 Bell Lane, Milton, Florida 32570

WILLIAMS:

Thank you, sir. Mr. Cook.

COOK:

Mr. Andrews, would you describe your occupation and current employment?

ANDREWS:

Yes sir. I am an Environmental Engineer with the consulting engineering firm of Henningson, Durham and Richardson.

COOK:

How long have you been employed in that capacity?

ANDREWS:

A little over seven years.

COOK:

Are you familiar with the Pinellas County Resource Recovery facility?

ANDREWS:

Yes sir, I am.

COOK:

How long have you been associated with that project?

ANDREWS:

Approximately six years.

COOK:

Would you describe your educational background for us, please.

ANDREWS:

I have a Bachelor of Science Degree in Biology from the University of West Florida and a Master of Engineering Degree from the University of Florida in Environmental Engineering.

COOK:

Mr. Williams, at this time I would tender Mr. Andrews as an expert

COOK:

Would you tell us what happens to the boiler residue?

VANDEMAN:

Yes. The plant is a mass burn facility and as such all the refuse that is received at the plant is taken through the incineration process. Having been incinerated, it physically is collected from several points completely within the plant, ah, so having collected a total or complete residue, that stream in total is sent to a material recovery system. The material recovery system extracts out of that total residue products which we call ferrous an iron product, a second product, heavy non-ferrous, a third product, aluminum. It also separates out some concrete blocks and logs which are clearly put to the landfill and having made those separations it produces a product which we call aggregate. The aggregate is currently used at the plant site for use in building haul roads and for daily cover at the Class 1 fill. I think that about covers it.

COOK

Okay, thank you. I have no further questions.

WILLIAMS:

Cross examination. Ms. Cobb?

COBB:

No, thank you.

WILLIAMS:

Mr. Keeseey?

KEESEY:

No questions.

WILLIAMS:

All right, thank you, Mr. Andrews. You may step down. Call your next witness, Mr. Cook.

COOK:

Mr. Andrews.

WILLIAMS:

Raise your right hand please, sir. (duly sworn)

ANDREWS:

I do.

witness in environmental engineering.

WILLIAMS:

Any objection?

COBB:

No objection.

KEESEY:

No objection.

WILLIAMS:

All right. He'll be accepted as an expert in that area. Go ahead Mr. Cook.

COOK:

Thank you. Mr. Andrews, did you have the opportunity to review the County's application for site certification of an additional boiler and related structure prior to submittal to the Department of Environmental Regulation?

ANDREWS:

Yes sir, I did.

COOK:

Did you in fact author a portion or most of this report?

ANDREWS:

Yes sir, I did.

COOK:

Would you describe briefly for us existing and any change in the site geology.

ANDREWS:

Well there were no changes in site geology per se. The actual geology there is very typical of this type of coastal landform. You basically have a top surficial layer of sand mixed in with shell which grades gradually to clay and marl the deeper you go at a depth ranging anywhere from fifteen to forty feet below land surface you encounter a fairly continuous clay hardpan which averages thirty-seven feet in thickness underneath the site. Beneath this hardpan layer is the first of the many successional limestone formations which are termed the Florida aquifer.

COOK:

Okay. Would you also likewise describe the site hydrology.

ANDREWS:

The hydrology of the site is it's a very complex mixture of gravel water from the surface aquifer and surface waters. That is the two really can't be distinguished. The flow is very sluggish throughout most of the sites. In the open lands which have not been developed yet for landfills, runoff flow is by sheet flow to either canals, intercepted ditches or existing ponds that are out there. In the developed areas there is a drainage system that basically conveys all of the storm water runoff to a twenty acre holding pond.

COOK:

Would you describe the basic ecology of the area including the immediate area and including the site.

ANDREWS:

Most of the site lands are disturbed in one form or another, the plant site of course and the landfill areas which are in a disturbed man altered state. The only remaining what you might call pristine or virgin lands at the site are in the southern portions of the total 230 acre site and these consist of pine flat woods and what we term wet weather ponds. The actual fauna and flora again in the undisturbed areas are typical of these Florida landforms and pine flat wood type terrain, slash pines and those sorts of animals, crows, bobcats, raccoons, that you find in those type areas. In the disturbed lands which are vegetated your standard Florida exotic species like Brazilian Peppers have invaded those areas.

COOK:

Does this proposal impact on any of that significantly or appreciably?

ANDREWS:

No sir. It does not.

COOK:

Okay, thank you. I would now like to have you comment on the cooling water and blow down with regard to what the proposed and existing safeguards are to minimize any adverse environmental

impact in that area?

ANDREWS:

Well the blow down supply as Mr. Vandeman had mentioned is entirely discharged to the sanitary line. The quality of that blow down stream if I had to coin it, it represents a slightly salty type water that is high and total as all solids but that's due to the actual makeup itself coming from reclaimed water sources but all the flow per se is discharged to the sanitary line excepting of course for that which evaporates into the atmosphere.

COOK:

And how does this monitor control?

ANDREWS:

As far as the actual blow down per se, the blow down is sampled for quality. The receiving sewage treatment plant has indicated in the application that the quality of the effluent is adequate and does not cause any problems therein.

COOK:

Okay, with regard to the boiler and cooling tower, are anti corrosion and anti fouling aid employed?

ANDREWS:

Yes, as standard plant operations they add certain chemicals to either destroy bacteria in the process waters or in some cases to neutralize or treat the waters such that they do not attack the actual metals that are in the processes, things like oxygen strippers, that sort of thing. I might add that the blow down itself is neutralized prior to discharge.

COOK:

Okay, thank you. Now I'd like to turn your attention to Chapter 4 of the application and specifically the environmental effects of construction and ask you to comment on the construction effects as they pertain to water quality firstly.

ANDREWS:

The most significant effect that could be anticipated would be due to silt or sediments from the construction sites getting into surface waters. These of course would be mitigated by the use of

such erosion control methods as straw ... filters and grass mulches, that sort of thing.

COOK:

How about the effects on air quality during construction?

ANDREWS:

The primary effect would be what is termed fugitive emissions and dust that are kicked up by heavy equipment, actually moving over barren soils and during dry periods there could be significant dust levels. Mitigating measures here again, as Mr. Acenbrack mentioned, will be the use of water sprays to keep the dust levels down during these dry periods.

COOK:

How about the impact on solid waste generation and disposal?

ANDREWS:

Any debris that is generated by construction of course if it is a processable type debris such as cardboard boxes and that sort of thing will be sent to the plant like all solid waste non-processable construction debris will be landfilled.

COOK:

What do you anticipate the proposed impacts during construction are on water bodies and uses?

ANDREWS:

We don't anticipate any significant impacts.

COOK:

Okay, I would like then now to draw your attention to the operational environmental effects in Chapter 5 of the application and I believe Mr. Vandeman commented on the heat dissipation system. Do you have anything further to add or elaborate on in that regard?

ANDREWS:

No sir, I don't.

COOK:

What about the effects of off stream cooling during operation?

ANDREWS:

The effects again of the off stream coolants would be the actual

evaporated material in the air. Most of the drift I think the number we used before was something like 75 to 80 percent of all that drift is going to fall on site. Again, with the chemical treatments and the disinfectant treatment that's afforded, not only at the treatment plant but also at the cooling towers, we don't anticipate any adverse environmental impacts due to the cooling tower ...

COOK:

Thank you. I believe you heard Mr. Acenbrack comment on operational impacts on noise. Do you concur with those comments?

ANDREWS:

Yes sir. We have taken measurements at the site during the construction of units 1 and 2 and we found no significant increase in noise.

COOK:

All right, I'd like to now discuss as indicated in Chapter 6, some brief discussion on the environmental measurements and monitoring programs that are associated with the existing plant and the proposed expansion.

ANDREWS:

As part of the conditions of certification for units 1 and 2, there was a comprehensive monitoring plan that was required for various things. Those required included groundwater monitoring, monitoring of sediments in the aeration oxidation pond. Surface water analysis. These programs have been implemented. The groundwater monitoring plan is now in one hundred percent operation. Some other programs that the County implemented on their own behalf which were not required by the DER includes such things as noise monitoring and also there was a monitoring program of the influent to the cooling towers and conducted by the State of Florida's epidemiology research lab where they independently come over to the plant on a regular basis and extract samples of the cooling tower makeup and analyze them for virus or other pathogen which could in fact though a remote possibility they could be there.

COOK:

Directing your attention to Table 6.2. Would you comment on those

requirements and frequency of analysis.

ANDREWS:

Okay, the analyzing of the water quality in the pond and the sediments and the groundwater data, these are basically quarterly type measurements that again as I mentioned have been implemented as of last November. These data are collected basically to establish what impact the existing treatment systems at site, that is the aeration oxidation system, has on groundwater. The analysis of the sediments in the pond and the tissues of the vegetation in the pond is of course to monitor the uptake of potential pollutants by these and exactly to guide what the management technique will be for these materials. Other things that are associated with the monitoring include solid waste reports which are submitted monthly to the District Department of Environmental Regulation and the virus monitoring program as I mentioned is done approximately on a monthly basis, but again it's very random. They just come out as part of their overall sewage treatment plant monitoring program.

COOK:

Are there any monitoring wells at the site?

ANDREWS:

Yes sir, there are a total of seventeen monitoring wells installed as part of the conditions of certification. There are many other wells that were installed prior to that by the U.S. Geological Survey.

COOK:

What's the basic purpose of those monitoring wells?

ANDREWS:

To analyze for potential contamination of well water due to activities at the site.

COOK:

On Page 46 of the application there are some comments about continuous sampling of pond water and sediments in groundwater. Is that any different from previously testified to?

ANDREWS:

No sir, it isn't.

COOK:

I would now call your attention to Appendix 1 which refers to air quality. I'd like you to basically just comment on that entire appendix.

ANDREWS:

Appendix 1 was the best available control technology or simply put BACT analysis for the air emissions at the plant. The BACT is an evaluation whereby in this case the Department of Environmental Regulation strives to set the lowest achievable emission rate for various potential air pollutants based not only on environmental considerations but also on economics and energy consumption. For unit 3 we analyzed several parameters or potential pollutants in the BACT analysis and specifically particulate matter, sulfur dioxides, nitrogen oxides, carbon monoxides, lead and beryllium, particularly mercury, hydrogen fluoride and gaseous mercury. In that application we evaluated various control technologies and recommended to the department various control technologies or other means as best available control technology in this case. Specifically for particulate matter, lead and beryllium and particularly mercury, we proposed to utilize an electrostatic precipitator. For sulfur dioxides, specifically we cited the fact that the use of municipal solid waste as a fuel and as the exclusive fuel at the facility be a low sulfur containing material represents the best available control technology in that case. For nitrogen oxides and carbon monoxides, the operating of the boiler, the actual mode of operation in the boiler is proposed as the control technology for those. They are dependent or their emission rates are dependent on boiler operation per se. We selected the electrostatic precipitator for several reasons. Of these include the fact that there is one out there the two units for the existing plants whereby the operators will be familiar with it. We have shown that the electrostatic precipitator performs well in cleaning particulate matter from the stack flue gas. It generates very little residue compared to other control technologies and of course with existing precipitators at the plant you have a ready supply of spare parts in case of malfunctions.

COOK:

Did you propose certain emission limitations for these various air emission parameters.

ANDREWS:

Yes sir. What we did as far as particulate matter, we proposed to meet a grain loading in the design of the precipitator of .03 grains per dry standard cubic feet at twelve percent CO₂, adjusted to twelve percent CO₂.

COOK:

I take it you performed air quality analysis for all these parameters prior to coming up with this figure?

ANDREWS:

Yes sir, appendix 2 actually details the air modeling program that went along with this. We've looked basically at all of the, what we call criteria pollutants, particulate matter, sulfur dioxides, carbon monoxide, nitrogen oxides and lead. The modeling program in a general sense consisted of using two long term models. There were some prior screening models that were used. One is termed the Cresta(sp) model. One is termed the ISCST model and basically the Cresta(sp) model was utilized to identify at what time periods based on actual meteorological data from the Tampa weather service, at what times we would note the highest pollutant concentrations. The ISCST model was actually used to refine those results a lot more clearly. For example, and particularly in terms of building down wash and building wake effect which is included in the ISCST modeling, we analyzed for the highest and second highest short term concentrations and we evaluated this in terms of the prevention of significant deterioration or PSE increment consumption as well as the ambient air quality standards established both by EPA and further refined by the State of Florida. The PSE analysis was conducted for particulate matter and sulfur dioxides and units 1 and 2 and unit 3, as well as the McKay Bay Resource Recovery Facility in Tampa and the TECO Big Ben Plant were included in that PSE analysis. The basic result of the PSE evaluation was that installation and

operation in unit 3 will not cause a violation of PSE increment. As far as the ambient air quality standard analysis which basically is the governing of all situations, we executed this for all of the criteria pollutants that I mentioned before and included at least as I recall fourteen major measures in that analysis all around the Tampa Bay region and again we also looked at potential impacts to two nonattainment areas, one being over in Tampa for particulate matter. One being near Tarpon Springs for sulfur dioxides and we analyzed our impact on those areas and also on a Class 1 area located approximately 75 kilometers north of the site which is a national wildlife refuge and again as with the PSE increment, the modeling indicated that no violations at the ambient air quality standards could be demonstrated even in the critical nonattainment or the Class 1 areas. Furthermore, in appendix 3 of that document we looked at whether it would cause additional impacts, basically to look at what affects criteria and what we call non-criteria pollutants would have on visibility, would have on soils and would have on vegetation. The visibility analysis was specifically directed towards potential impairments of visibility at this national wildlife refuge and again it showed that the chances of a visibility impairment due to unit 3 and as well as units 1, 2 and 3 together was extremely unlikely at that area. We also evaluated and took a look at what types of sensitive areas as far as agriculture or backyard gardens, that sort of thing, could be affected by this and again we found that no adverse effects are likely.

COOK:

Have you had the opportunity to review the Department's Proposed Conditions of Certification?

ANDREWS:

Yes sir, I have.

COOK:

Do the emission limitation standards they propose conform to those that you propose?

ANDREWS:

The emission limitations that the Department has proposed were the

limitations utilized in the air quality modeling.

COOK:

Is there a possibility in your opinion that through further discussions and use of further data and other modeling techniques that different emission limitation standards could be attained that would still result in no adverse impact?

ANDREWS:

Yes, the modeling results really pointed out the fact that the accumulative impact of our facility plus all the other say fourteen emission sources that I mentioned before, the accumulative impact is at a certain number and our facility is actually such a small factor in that that different emission rates would really not have much of a significant change in the overall air quality, the model air quality.

COOK:

Are the statements contained in the application to the best of your knowledge accurate and represent the intentions and purposes of Pinellas County in filing this application?

ANDREWS:

Yes sir.

COOK:

At this time I would move that the application be received into evidence as Exhibit #1.

WILLIAMS:

So received.

COOK:

I have no further questions.

WILLIAMS:

All right. Cross examination?

COBB:

No questions.

WILLIAMS:

Mr. Keeseey?

KEESEY:

No questions.

WILLIAMS:

All right, Mr. Cook. Call your next witness.

COOK:

I call Mr. Oven.

WILLIAMS:

Mr. Oven? Raise your right hand please, sir. (duly sworn)

OVEN:

I do.

WILLIAMS:

State your name, please.

OVEN:

My name is Hamilton S. Oven, Jr.

WILLIAMS:

Spell your last name please, Mr. Oven.

OVEN:

O-v-e-n.

WILLIAMS:

And your address please.

OVEN:

I work at 2600 Blair Stone Road, Tallahassee, Florida, 32301

WILLIAMS:

All right, thank you Mr. Oven. Mr. Cook?

COOK:

Thank you. Mr. Oven, would you briefly describe your educational background and experience.

OVEN:

I have a Bachelor's Degree in Civil Engineering with a Sanitarium Engineering Option, University of Florida. A Master's Degree in Environmental Engineering specializing in air pollution control from the University of Florida. I worked for one year with the Federal Power Commission in Washington, D.C. dealing with air pollution and types of power plants. I spent fourteen and-a-half months as Air Pollution Control Engineer with the City of Jacksonville. Another nine months as Water Pollution Control Engineer for the City of Jacksonville. Another two years as the Director of Air and Water

Pollution Control in the City of Jacksonville. I spent fourteen and-a-half months as a Deputy Executive Director of the Florida Department of Pollution Control at which time I set up the power plant siting program for that Department. In June of 1974 I became a professional engineer directly in charge of the power plant siting program which I've continued to date.

COOK:

At this time, Pinellas County would stipulate to Mr. Oven's expertise in the areas of environmental engineering and power plant siting.

WILLIAMS:

Any objection?

COBB:

No-objection.

KEESEY:

No objection.

WILLIAMS:

All right, he will be accepted in those areas, Mr. Cook.

COOK:

Mr. Oven, did you have occasion to receive and review Pinellas County's application for a power plant site certification pertaining to expansion of a third boiler commonly referred to.

OVEN:

I did.

COOK:

And as part of that procedure, did you cause notices of this hearing to be published?

OVEN:

Yes.

COOK:

Do you have those notices with you today?

OVEN:

Yes I do.

COOK:

May I see them? (Mr. Oven submits documents to Mr. Cook)

Mr. Williams, at this time I would move the introduction of these notices into evidence.

WILLIAMS:

As composite Exhibit 2. Any objection?

KEESEY:

No objection.

COBB:

No objection.

WILLIAMS:

All right. It will be marked and received as Petitioner's Composite Exhibit #2.

COOK:

Thank you.

WILLIAMS:

Mr. Cook?

COOK:

And at this time I would call your attention, Mr. Williams, to the notice published in the Florida Administrative Weekly. I believe the notice requirement is thirty days and this didn't quite make that. I think it was published on the 2nd or the 3rd for the hearing on the 29th which constitutes approximately a three or four day defect in that notice requirement although the other two notices do comply with the thirty day requirement and I would move at this time to waive that defect pursuant to your authority under the power plant siting act, if there is no objection to same.

WILLIAMS:

Any objection to the waiver of the thirty day notice requirement with respect to the certification hearing?

COBB:

No objection.

KEESEY:

No objection.

WILLIAMS:

All right, so ruled.

COOK:

Thank you. Mr. Owen, I am looking at a copy of a report entitled "State of Florida, Department of Environmental Regulation,

Electrical Power Plant Site Certification Review, Staff Analysis" signed by Terry Coe(?) on January 27, 1984. Do you have a copy of that document?

OVEN:

Yes I do.

COOK:

Has a copy been furnished to your knowledge to the Hearing Officer?

OVEN:

Yes, I have another copy here if you would like,

WILLIAMS:

I have my copy.

OVEN:

Ah, I would say that this copy has more up-to-date conditions of certification than the Hearing Officer's.

WILLIAMS:

I'll have to take your copy then, Mr. Oven.

COOK:

... submission of amended ...

WILLIAMS:

I'll tell you what I'll do. To avoid having to take two copies back to Tallahassee, I'll just trade copies with you. How's that?

OVEN:

That's fine.

WILLIAMS:

All right. (Mr. Oven and Mr. Williams exchange copies of document)

All right, are you moving this in, Mr. Cook?

COOK:

I move that in as Petitioner's Exhibit 3.

WILLIAMS:

Any objection?

COBB:

No objection.

KEESEY:

No objection.

WILLIAMS:

All right, it will be marked and received as Petitioner's Exhibit #3.

COOK:

Mr. Oven, we would like you to comment on your involvement in the preparation of this report. What I'm basically asking you is are you the primary author of this report?

OVEN:

Yes I am.

COOK:

I would like, Mr. Oven, with your permission to go through the majority of this report in much the same manner the County went through their application for the purpose of the interest of the people in the audience and the hearing officer. Starting with Page 1, the introduction, let me preface that by asking, were you involved with and are you familiar with the previous site certification of this facility?

OVEN:

I participated in the review and the department's analysis of that previous certification, yes.

COOK:

Thank you. You heard testimony regarding the general description of the site and the existing proposed facilities. Do you agree with that or do you have any comments on that?

OVEN:

I agree. I might clarify one thing. Mr. Acenbrack mentioned a savings in gallons, I believe it's barrels. And a barrel being forty-two gallons.

COOK:

Thank you. You've indicated in page 3 of your analysis a need for the expanded facility and you heard Mr. Acenbrack talk about some of the objectives and some of the benefits. Do you concur that this type of facility is in fact beneficial because number one, it reduces required landfill areas for garbage in other areas of the County and that it also produces other beneficial side effects such as the reduction and the need for foreign oil and covered metals and that type of thing?

OVEN:

Yes I do.

COOK:

Thank you. Are you in disagreement with the testimony you heard regarding the general characteristics of the land use in the immediate vicinity?

OVEN:

No.

COOK:

I understand from your report that you submitted copies of the County's application to a number of agencies or departments of the State indicated on Page 7. There were approximately eleven of them. Is that correct?

OVEN:

That is correct.

COOK:

Okay, I would like to beginning on page 8 briefly go through with you just in general the kind of substance or the comments you received back. I take it you did receive statutory required reports?

OVEN:

Yes we did.

COOK:

And you have them with you today?

OVEN:

Yes, they are incorporated in this report.

COOK:

Okay, thank you. I believe, Mr. Williams, if we can move introduction of the Public Service Commission's Report since it was an administrative hearing as referenced in Mr. Oven's report.

WILLIAMS:

Is that contained in the DER staff analysis?

OVEN:

Yes it is.

COOK:

Also attached is an appendix I believe.

OVEN:

This is summarized in my report and attached is an appendix.

WILLIAMS:

All right, unless there is some objection, I'll simply review that in the course of reviewing Petitioner's Exhibit #3 and it's contained in Petitioner's Exhibit #3 for purposes of the record for consideration by the Governing Cabinet unless there is some contrary indication. Ms. Cobb or Mr. Keeseey?

COBB:

No objection.

KEESEY:

No objection.

COOK:

I believe that the truth or veracity of the statements contained in the PSC report may be judicially noticed as opposed to the other report.

WILLIAMS:

All right, fine. Thank you.

COOK:

Turning then to the next report you received from the Department from Community Affairs, could you summarize, first of all let me ask you this question. These reports that you received, I take it they played a role in your final analysis and recommendation or conclusion. Is that correct?

OVEN:

Yes they do.

COOK:

Was there any particularly significant adverse comments received from the Department of Community Affairs that would have played an important role in your decision?

OVEN:

No there was not.

COOK:

How would you summarize the comments of the Department of Community Affairs?

OVEN:

Basically they found that the proposed facility was in conformance with the majority of the element in the State Comprehensive Plan.

COOK:

It appears that they had to weigh a few benefits versus negative impacts pertaining to some state policies. I call your attention to quote that the increased negative land use and other impacts generated by the proposed facility expansion are outweighed by the benefits the expansion would provide in reducing the amount of landfill area needed, recovering metals and producing electrical power. Do you concur in that?

OVEN:

Yes I do.

COOK:

Thank you. I would move the introduction of that report in same manner as previously.

WILLIAMS:

All right, I will consider it.

COOK:

A summary of it is at least contained in the DER report.

WILLIAMS:

All right.

OVEN:

The entire report is contained as an appendix in the rear of the document as well.

WILLIAMS:

I was just flipping through that report as a matter of fact. Go ahead Mr. Cook.

COOK:

Did you receive a report from the Southwest Florida Water Management District?

OVEN:

Yes.

COOK:

And what was their conclusions?

OVEN:

They concluded that the use of reclaimed water for industrial ... needs reduces the demand for potable water and for most water conservation and they encourage the use of reclaimed water for this in several projects.

COOK:

Would you characterize their responses as favorable?

OVEN:

Yes.

COOK:

Thank you. There's no actual report I don't believe. Did they not just basically submit you a letter?

OVEN:

They submitted a letter. That's correct.

COOK:

I'd like the record to reflect that that was contained in the report.

WILLIAMS:

All right, Mr. Cook.

COOK:

Did you also receive a comment from the Department of Health and Rehabilitative Services?

OVEN:

Yes I did.

COOK:

And what was the substance of that comment?

OVEN:

They felt that the public impacts of the proposed facility were favorable.

COOK:

Thank you. Are you aware of any archaeological or historical sites in that immediate vicinity?

OVEN:

No I am not.

rules promulgated thereunder. Would you then as I bring up each topic just provide me with some brief comments starting with the accessibility to transmission.

OVEN:

The new facility will utilize existing transmission facilities, therefore, there is no adverse impact.

COOK:

Thank you. How about the fuel?

OVEN:

Well the use of solid waste as a fuel reduces the use of foreign oil and reduces the amount of material that must be disposed of in landfills therefore it conserves land space.

COOK:

Okay, thank you. How about the proximity to and impacts on transportation systems?

OVEN:

The facility is located within a good network of roads. There are sufficient roads available around the site that there should be no adverse impacts on traffic.

COOK:

Thank you. Cooling system requirements.

OVEN:

The proposed facility will utilize a mechanical draft cooling tower similarly designed to the existing cooling tower which appears to be operating satisfactorily and should cause no adverse impacts on the environment.

COOK:

Thank you. How about soil and foundation conditions?

OVEN:

The examination of soil and foundation conditions indicate there are no adverse conditions existing that would cause a hazard to the site.

COOK:

Thank you. You've heard the testimony regarding the sources and availability of potable and non-potable water. Do you agree with

COOK:

Was this confirmed by the Department of State, Division of Archives, History and Records Management?

OVEN:

Yes.

COOK:

Thank you. Did the Department of Natural Resources provide you with any adverse comments?

OVEN:

No.

COOK:

Did the Game and Fresh Water Fish Commission provide you with any comments?

OVEN:

They did.

COOK:

And what was the substance of their conclusion?

OVEN:

They felt that the impacts of proposed project on fish and wildlife resources were expected to be minimal.

COOK:

Thank you. How about any reports or comments from the Department of Agriculture and Consumer Service?

OVEN:

They had no adverse impacts.

COOK:

Thank you. How about the Department of Commerce?

OVEN:

The Department of Commerce felt that the proposed project was beneficial.

COOK:

Thank you. Now beginning on Page 27, your staff report discusses the Department's evaluations and actually beginning on Page 28 I believe you addressed the criteria that you are supposed to review pursuant to state statute on power plant siting and the appropriate

those comments?

OVEN:

I do.

COOK:

And are those satisfactory?

OVEN:

Yes

COOK:

You've heard testimony regarding proposed site modifications. Do you have any disagreement or differences of opinion with that testimony?

OVEN:

No.

COOK:

Thank you. Do you anticipate or foresee or expect any adverse impacts on plant and animal communities or rare and endangered species?

OVEN:

No adverse impacts.

COOK:

Thank you. You have reviewed the applicant's existing and proposed surface water safeguards or treatments especially pertaining to storm water runoff. Are you satisfied that what exists on the site and what is proposed will meet those surface water safeguards?

OVEN:

Yes.

COOK:

Have you addressed the impact of the existing and proposed expansion of the facility with respect to groundwater?

OVEN:

Yes.

COOK:

Are you satisfied that the applicant's proposals will ensure that water quality standards beyond the boundaries of the site are met?

OVEN:

I have.

COOK:

Are there safeguards and conditions incorporated in the enclosed conditions of certification pertaining to this subject?

OVEN:

That is correct.

COOK:

Would the same be true ... storm water treatment itself?

OVEN:

Yes.

COOK:

Now addressing air quality. You did an extensive analysis of air quality, proposed impacts as a result of the proposed expansion of the site. You've heard Mr. Andrews testify as to the studies done by the County and the data that formed the basis for their submittal in the application, would you like to spend a few minutes and comment on how you reviewed that data and what you came up with?

OVEN:

Certainly. The Department is required by the rules of the Department to perform analysis of the impact on air quality and also a determination of whether or not the facility will utilize the best available control technology. One is sort of dependent upon the other. Determining which is best available control technology will determine the emissions from the facility and the emission from the facility will then be utilized by air quality models to predict the impacts on ambient air quality. The Department in reviewing the best available control technology reviewed for example the performance criteria test done on the existing facility which helped ascertain the range in which that existing facility was emitting. It also reviewed the various federal determinations, the best available control technology for similar type facilities around the country and other determinations made within the State of Florida. Using that we then proposed the various emission rates which are incorporated in the conditions of certification. Then we reviewed

the modeling in its ... role to confirm the impacts of the facility as to the impacts on that air quality criteria for ambient air quality and prevention of significant deterioration there are limits as to how much you can increase the adverse air quality impacts in an area, especially in those areas where the ambient air quality is cleaner than the standards and in reviewing the modeling we determined that the impacts of this proposed facility in addition to other permitted facilities that have been recently constructed in the area would not violate ambient air quality and would not violate the prevention of significant deterioration limits.

COOK:

And that's assuming that your emission standards are met. Correct?

OVEN:

Yes.

COOK:

Are those emission standards, if you'll excuse the phrase, cast in stone? Can they ever be changed without jeopardizing your ultimate goals here in the way of air quality protection?

OVEN:

In most cases they can be changed upon demonstration that the emission limitations will not violate ambient air quality standards or violate the PSD increments. Now in some cases, some of the emission standards may be the same as those required by regulation in which case you would have to change the regulation before you could change the conditions.

COOK:

But if I might characterize the BACT analysis as one that does change depending on a number of circumstances.

OVEN:

That is correct. We have to look at what is achievable. What is economic. What is practical and that which complies.

(end of Tape #2)

(Tape #3 - A. Delaney)

COOK:

Okay, now calling your attention to page 47 of your report, excuse me page 40, I'm sorry page 68 of number 4, you made the statement that having reviewed the application you're satisfied that the construction and operational safeguards imposed or required by the conditions of certification are satisfactory. Is that correct?

OVEN:

That is correct.

COOK:

In conclusion then what is your recommendation regarding the County's application for site certification?

OVEN:

Would you repeat the question please, sir?

COOK:

What is your recommendation regarding the application for site certification?

OVEN:

The Department recommends that the proposed application be certified in conformance with the proposed conditions of certification that are attached to this report.

COOK:

Okay, thank you. Now at this point I would like to go through those conditions with you. There are a number of what appear to be procedural conditions listed as Roman Numerals I through XII. Is that correct?

OVEN:

Yes.

COOK:

Are those basically the same as the ones that existed in the previous site certification?

OVEN:

By enlarge with the exception of number 12.

COOK:

Right, and as we discussed earlier, do you or your Department have

any objection to changing what was the proposed condition #12, modification of conditions to enable the County to reach a mutual agreement with the Department in providing sufficient notice to the public to change those certain emission limitations? Again, assuming that there's a mutual agreement without requiring Governor and Cabinet approval.

OVEN:

That's correct. I might note for the Hearing Officer's information that we propose deleting SO2 of the 5th line of that.

WILLIAMS:

What page are you on now?

COOK:

Page 4 of the conditions.

OVEN:

As I indicated, rather than limiting it to the SO2, we're just going to leave it at the emission limitation.

WILLIAMS

All right.

COOK:

Okay, there were a couple of minor changes I'd like to go through with you at this time. And with your permission Mr. Williams, I'll provide a copy of this to you and the other parties here and we can go through each of these and as we

(Mr. Cook submits copies of document to Hearing Officer, Ms. Cobb and Mr. Keesey)

OVEN:

Also the Department would endeavor to correct these conditions and file them with the proposed recommended order so that you would have a complete set of conditions at that time.

COOK:

I'm not sure these are in correct order but the applicant proposed on Page, no, firstly on Page 7 and it's not before you but as I understood it, the emission limitations for particulate matter which are referenced as .03 grain, that would apply to unit 3 the third boiler, the proposed boiler and the existing .08 grains at the

standard for units 1 and 2 would remain. Is that correct?

OVEN:

That is correct.

COOK:

And that will be clarified ..

OVEN:

Yes.

COOK:

Is it also not true that the conditions of certification that are proposed here and that have basically been agreed to among the parties will apply to the extent that they are applicable at this time to the extent that they are not at this time, the previous conditions would remain in effect until such time as the third boiler becomes operational?

OVEN:

That is correct.

COOK:

Thank you. On page 9 of the conditions, paragraph #2, electrostatic precipitator. You have before you a proposed revision that this basically distinguishes between the ESP for unit 3, the proposed boiler, and the existing language remains the same for units 1 and 2.

OVEN:

That is correct.

COOK:

You have no objection to that?

OVEN:

No objection.

COOK:

Thank you. That same page, paragraph #3, I believe we have basically a typographical error and the word stack in the first sentence should precede the word opacity. Is that correct?

OVEN:

Correct.

OVEN:

No I do not.

COOK:

Thank you. Turning now to page 15, paragraph 6, the last sentence pertaining to fly ash. Do you have any objection to inserting after the words fly ash, the words - which has been segregated or separated from bottom ash?

OVEN:

No.

COOK:

The purpose of this being that the fly ash coming from the ESP is definitely prohibited. To be in place below maximum groundwater. Is that correct?

OVEN:

That is correct.

COOK:

Thank you. And lastly, on the last page, page 17, the applicant had requested primarily for purpose of clarity, reinserting a previous condition of certification pertaining to the status of existing permits which would then be Roman Numeral XV and would say, no permit may be issued for sanitary wasteland filling other than this certification for the area known as Bridgeway Acres II. Do you have any objection to the inclusion of that?

OVEN:

No.

COOK:

Thank you, Mr. Oven. Just a couple of more questions for you. Do you understand that it is the applicant's position that they intend to agree to these conditions of certification subject to the right to utilize the modification of conditions procedure that we just discussed and subject to the reservation of their rights to object or contest the application of any such condition to the existing units 1 and 2, should that become something that the County wants to pursue?

COOK:

Thank you. On page 9, the same section, paragraph D, it looks like the word was left out and it should read the permittee shall, strike the word, and, and continue with operate. Is that correct?

OVEN:

Correct.

COOK:

Thank you. Turning to section C, on page 11, paragraph #3, entitled Special Studies. At the end of the first sentence referencing fifteen minute contact time, do you have an objection to including the words - or alternative level as approved by the Department.

OVEN:

No I do not.

COOK:

Thank you. In section D, you have a copy of the proposed additional subparagraph E with request that upon satisfactory demonstration to the department the surface water quality will not be deteriorated. Special pilot operation in the field to determine environmentally effective land application of process blow down water from the resource recovery facility may be allowed. This demonstration will require submittal of background and system design data and provisions for monitoring as approved by the Department. Do you have any objection to insertion of that?

OVEN:

No I do not. This is in conformance with the material reviewed in your initial application which allowed the spray irrigation of some of the stormwater so this will be within the parameter of that original application. We have no objection to it.

COOK:

Thank you. Turning now to page 14, section E, Solid and Hazardous Waste. Paragraph #2. The last sentence in that paragraph reads, daily cover shall consist of a six inch layer of compacted earth. Do you have any objection to inserting after the word earth - or other material approved by the Department?

OVEN:

That is my understanding.

COOK:

Do you have any objection to that?

OVEN:

No.

COOK:

Two more questions. Is it your opinion that the location and operation of the proposed facility, if made subject to the conditions of certification which have been discussed, are expected to produce minimal adverse effects on human health, the environment, the ecology of the land and its wildlife and the ecology of state waters and their aquatic life?

OVEN:

It is.

COOK:

Is it further your opinion that the operational safeguards for the proposed facility are technically sufficient for the welfare and protection of the citizens of Florida?

OVEN:

It is.

COOK:

Is it your opinion that certification of this facility is consistent with the provision of abundant low cost electrical energy?

OVEN:

Yes.

COOK:

Is it your opinion that proposed air pollution control equipment should prevent the operation of the facility from causing significant deterioration of ambient air quality?

OVEN:

It is.

COOK:

Thank you, Mr. Oven. I have no further questions.

WILLIAMS

Cross examination?

MS. COBB:

No questions.

WILLIAMS:

Mr. Keeseey?

KEESEY:

No questions.

WILLIAMS:

All right, Mr. Oven, you may step down.

COOK:

Mr. Williams, at this time, I would like to recall Mr. Acenbrack for one question.

WILLIAMS

All right. Mr. Acenbrack? All right, Mr. Acenbrack, you've been previously sworn. You're still under oath. All right, Mr. Cook.

COOK:

Mr. Acenbrack, have you had the opportunity to review the Department's staff analysis that Mr. Oven testified to, as well as the proposed conditions of certification as amended pursuant to discussions here?

ACENBRACK:

Yes.

COOK:

On behalf of Pinellas County, is it your intention to agree to comply with the proposed conditions of certification subject only to the right to exercise the modification of conditions, provisions that we've discussed and with a reservation of rights pertaining to the application of any such conditions to existing units 1 and 2?

ACENBRACK:

Yes.

COOK:

No further questions.

WILLIAMS:

Cross examination?

MS. COBB:

No questions.

KEESEY:

No questions.

WILLIAMS:

All right, thank you, Mr. Acenbrack. You may step down. All right, Mr. Cook?

COOK:

Mr. Williams, I believe this concludes the applicant's presentation at this time. I would request the right to make a closing statement at the conclusion of the other party's,

WILLIAMS:

certainly. All right, Ms. Cobb? Additional testimony?

COBB:

No additional testimony.

WILLIAMS:

Mr. Keeseey?

KEESEY:

No, we have no witnesses.

WILLIAMS:

All right. Now there are some members of the public apparently sitting out in the audience. If any of you all would like an opportunity to speak to this application either in favor of it or against it, this is your opportunity to do so. If you choose to do so, if you would please come up to the podium here and identify yourselves with your name and address and then I'll swear you and give you an opportunity to make whatever statement you choose to make and give counsel for the various parties here an opportunity to cross examine you should they choose to do so. Is there anyone here who would like to make a statement for the record? (no response) There doesn't appear to be anyone. All right. Closing statements. Mr. Cook?

COOK:

Mr. Williams, it is respectfully submitted that the testimony you've heard today establishes that the proposed facility as described in the application and the DER analysis is appropriate for

certification subject to the proposed conditions as amended and will produce minimal adverse effects on human health, the environment, the ecology of the land and its wildlife, and the ecology of state waters and their aquatic life, and meets the purpose and spirit of the power plant siting act. Thank you.

WILLIAMS:

All right, thank you, Mr. Cook. Ms. Cobb?

COBB:

No statement

WILLIAMS:

Mr. Keeseey?

KEESEY:

No statement.

WILLIAMS:

All right. You all have indicated that you wish to file apparently fairly expeditiously a stipulated proposed recommended order. Let's go ahead and set up a time for filing of that document. What's your pleasure? Let me know when you want to file it.

COOK:

We would propose to submit that to you as soon as possible. Possibly as early as tomorrow afternoon but no later than Friday because we're aware of your extensive scheduling,

WILLIAMS:

right. I'm going to be in Miami on Friday. I will be back in my office for the beginning of the DER hearing on Monday so if you can get it filed by Friday, perhaps I can check my mail over the weekend and if everything appears appropriate, perhaps have the thing entered and signed by the first of next week. Monday, Tuesday or Wednesday, somewhere in that area.

COOK:

That would be perfectly acceptable.

WILLIAMS:

What I will do is as soon as the order is ready and signed, I'll have my secretary call Ms. Cobb to indicate that the order has been signed and they can either pick up a copy or let you know that a copy is available so that you all know,

COBB:

fine,

WILLIAMS:

as soon as possible. I know you have agenda problems with the Governor and Cabinet from time to time so we'll attempt to expedite it in that fashion. All right, if I haven't heard from you for some strange reason by the first part of next week, if you would call and let me know when I could expect to receive the proposed orders from you all and we'll just proceed in that fashion. All right, is there anything further that we need to take up at this point?

COBB:

(indicates no)

WILLIAMS:

Now, Mr. Cook, do you want me to keep this copy of the application or do you want me to substitute the copy that was filed with the original request for the Hearing Officer? It's up to you.

COOK:

There's been no change, to my knowledge. Why don't I keep that,

WILLIAMS:

all right,

COOK:

and satisfy yourself that your copy is ...

WILLIAMS:

okay, if I get in touch with you we can reintroduce that into the record then or I can get with Mr. Owen and Ms. Cobb.

COOK:

I have extra copies.

WILLIAMS:

Okay, good. All right, is there anything further we need to take up at this point before adjourning the hearing? (no response) From any of the parties?

COBB:

No.

WILLIAMS:

All right, thank you all. The hearing is adjourned. (11:55 A.M.)

STATE OF FLORIDA)


COUNTY OF PINELLAS)

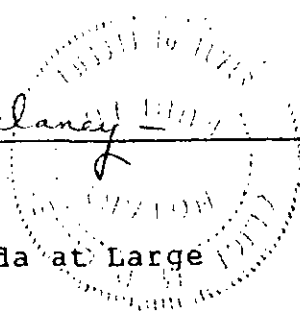
I, ALICE DELANEY, Board Reporter, Notary Public, State of Florida at Large,

DO HEREBY CERTIFY that the foregoing transcript of the Administrative Hearing Re Pinellas County Resource Recovery Project Application for Power Plant Site Certification - Case No. 83-2355, was taken before me at the time and place set forth in the caption thereof; that the witnesses therein were by me duly sworn on oath to testify the truth; that the proceedings of said hearing were stenographically reported by me, and that the foregoing pages, number 1 through 57, inclusive, constitute a true and correct transcription of said proceedings as had.

I FURTHER CERTIFY that I am not a relative or attorney or counsel of any of the parties hereto, nor a relative or employee of such attorney or counsel, nor do I have any interest in the outcome or events of the action.

IN WITNESS WHEREOF I have hereunto affixed my official signature and seal of office this 30th day of March 1984, at Clearwater, Pinellas County, Florida.


ALICE DELANEY
Board Reporter
Notary Public
State of Florida at Large



My commission expires:

Notary Public, State of Florida
My Commission Expires Sept. 20, 1987
Notary Public, State of Florida

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