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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV
345 COURTLAND STREET
ATLANTA, GEORGIA 30365

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SEP 12 1988
DER-BAQM

SETP 03 1988

4APT/APB-aes

Mr. C. H. Fancy, Deputy Bureau Chief
Florida Department of Environmental
Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: Pasco County Resource Recovery Facility (PSD-FL-127)

Dear Mr. Fancy:

Our office has reviewed the draft permit and the preliminary determination package for the proposed construction of the Pasco County Resource Recovery Facility (RRF), as well as the letter to your office from David Dee of the Carlton, Fields, Ward, Emmanuel, Smith and Cutler law offices. The permit was reviewed under the Region IV Overview of State Programs policy. We offer the following comments:

Draft Permit

In order for the permit to be more sufficient and enforceable, additional permit conditions are necessary for the flue gas emissions of each source. It is our policy that, for criteria pollutants, emission limits should specify the same averaging times as are indicated in the National Ambient Air Quality Standards (NAAQS). For example, your draft permit specifies that an eight-hour rolling average be used in determining the emission limits for carbon monoxide. Because the NAAQS for carbon monoxide was determined by using an eight-hour and a one-hour averaging times, we recommend the use of both averaging time standards in your permit. Likewise, for sulfur dioxide, a 24-hour and a three-hour average need to be specified.

Concerning the permit's emission limit for nitrogen oxides (0.643 lb/MMBTU), this limit exceeds values specified in other permits for municipal waste incinerators in Florida. Therefore, we do not consider this limit to represent BACT. For example, similar emission sources in Florida specify emission limits for nitrogen oxides (NO_x) without de-NO_x controls at approximately 0.051 lb/MMBTU.

Additional information is also needed in your discussion of compliance testing. When designating the test method to be used for compliance testing, you must specify which versions of 40 CFR Parts 60 and 61 are to be used. Also, for pollutants not subject to New Source Performance Standards (NSPS), you must indicate each pollutant's sample volume, sampling time, and the number of test runs for each test method specified. Concerning the Pasco County RRF permits, sampling times, test methods, etc., need to be specified for the following pollutants: Sulfur Dioxide, Nitrogen Oxides, Lead, Fluoride, Mercury, and Beryllium:

Public Notice

The public notice did not mention that toxics or unregulated pollutants were considered in determining BACT for this source. This causes the public notice to be deficient. However, if a public hearing was held and the public was informed of potential air toxic pollutants that would be emitted from the facility, then that would satisfy our concerns of a deficient public notice.

BACT Determination

We do not feel that the BACT analysis for NO_x was properly performed as insufficient arguments were given for not choosing the "top" control technology. We request that additional information be provided which shows unique and convincing arguments as to why de-NO_x controls cannot be applied to this source. Based on the information we received, the cost to control NO_x may be reasonable. Also, your argument that BACT analysis for NO_x is not necessary because the ambient impact of increased NO_x is not significant is completely unacceptable. The use of air quality modeling results to justify not using a certain level of BACT is also unacceptable. Ambient impacts do not drive the BACT determination. Ambient impacts only serve as a check to ensure that NAAQS and increments are met once a level of BACT is chosen.

Letter from Carton, Fields, Ward, Emmanuel, Smith and Cutler Offices - Attorneys at Law

Item 7 states that the requirement for an oxygen monitor should be deleted from Pasco County's draft permit; however, EPA's policy dictates that oxygen concentrations of exhaust gases be monitored continuously (see EPA memorandum on Operational Guidance on Control Technology for New and Modified Municipal Waste Combustors, dated June 26, 1987).

In item 8, it was assumed that the temperature probe would be located after the economizer. This is unacceptable. The location selected for measuring combustion temperatures should be based on sound engineering analysis and is usually as close as possible to the "fully mixed height," or the point beyond the final air addition where complete mixing should have occurred. We request that this point be clarified with Pasco County and the location of the temperature probe be indicated in the permit, if possible.

Thank you for the opportunity for providing our input. If you have any additional information or comments, please contact me or Karrie-Jo Shell of my staff at (404) 347-2864.

Sincerely yours,

Wayne J. Amon / Acting for

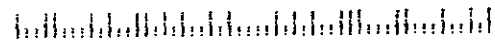
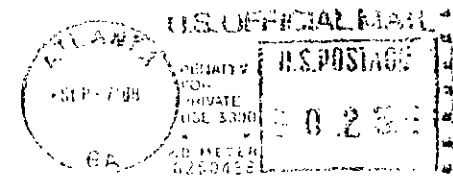
Bruce P. Miller, Chief
Air Programs Branch
Air, Pesticides, and Toxics
Management Division

*copied: Pradeep Raval
Barry Andrews
Bill Thomas, SW Dist
CHF/RT*

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IV
345 COURTLAND STREET
ATLANTA, GEORGIA 30365

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300
AIR-4

Mr. C. H. Fancy, Deputy Bureau Chief
Florida Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
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CARLTON, FIELDS, WARD, EMMANUEL, SMITH & CUTLER, P. A.

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PLEASE REPLY TO:

August 12, 1988

Tallahassee

HAND DELIVER

Sally Munroe
Chief Cabinet Aide
Office of the Governor
Suite 210
The Capitol
Tallahassee, Florida 32399

Re: Pasco County Resource Recovery Facility

Dear Ms. Munroe:

On August 10, 1988, you asked me several questions concerning the Pasco County resource recovery facility. I am sending you this letter and the attached documents in response to your questions.

I. DER's Dioxin Study at Pinellas RRF

Pasco County and the Department of Environmental Regulation (DER) evaluated the potential dioxin emissions from the proposed Pasco County resource recovery facility and concluded that those emissions would not have any significant impacts on public health. Their conclusion is supported by recent test data that have been collected by the United States Environmental Protection Agency (EPA) and DER. In 1987 EPA submitted a multi-volume report to Congress that contained data concerning resource recovery facilities located around the world. EPA found that there is no unacceptable health risk associated with a modern, well-designed resource recovery facility, like the one proposed for Pasco County.

DER has been involved in two major studies of dioxin emissions. DER joined seven other states that funded an extensive study in Pittsfield, Massachusetts. DER also spent approximately \$125,000 and worked with the State of California to

Sally Munroe
Page Two
August 12, 1988

measure the dioxin and other emissions at the Pinellas County resource recovery facility. DER found that the emissions of dioxins and other substances at the Pinellas plant were very small and posed no significant risk to the public.

Pasco County's emissions will be much less than Pinellas County's emissions. Pinellas County's plant is three times larger than Pasco County's proposed plant. Moreover, Pasco County will use newer and better pollution control equipment to limit its emissions. For these reasons, the dioxin emissions from Pasco County's proposed resource recovery facility should be much less than the dioxin emission at Pinellas County's plant, which were deemed insignificant.

The Executive Summary from DER's study of the Pinellas County facility was introduced into evidence at the administrative hearing. A copy of the Executive Summary is attached hereto for your review.

DER's perspective about dioxins and other air quality issues is set forth in pages 196-230 of the transcript from the administrative hearing.

II. Editorial in Pasco Times Newspaper

On August 4, 1988, the Pasco Times newspaper, the local version of the St. Petersburg Times, published an editorial concerning a candidate for the Pasco County Commission and his interest in composting, rather than resource recovery. In pertinent part, the editorial states:

With the county wrapping up years of research into its planned disposal system which would burn up to 1,050 tons of garbage a day and generate electricity for sale to help pay off construction bonds, Pozesny and his followers stand ready to chuck it all for something that they only think may be better and cheaper.

*

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If Pozesny was so civic minded and concerned about the county's planned resource recovery project, why didn't he get involved in the issue before he became a candidate? He's been in the area for several years and surely has read how the county's only landfill is rapidly running out of space.

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Sally Munroe
Page Three
August 12, 1988

The county's professional staff and consultants are aware of the composting business, and they have some well-founded concerns. While some opponents of incineration and some opportunistic politicians might want residents to think otherwise, there has been careful study of what will be the most ambitious public works project ever in Pasco County. (emphasis in original)

We believe this editorial reflects the opinion of those who do not live next to the site or have other personal interests at stake. A copy of the editorial is attached for your review.

III. 1988 Solid Waste Legislation

The 1988 Florida Legislature adopted a bill (CS for CS for SB 1192) which addressed a wide variety of solid waste issues. The provisions of Senate Bill 1192 will complement the County's plans for its resource recovery project. Pasco County is not exempt from the requirements of SB 1192.

SB 1192 addresses several issues raised by the Shady Hills Park and Civic Association, Inc. (Intervenor), which wants Pasco County to abandon its plan to build a resource recovery facility. Intervenor wants to utilize recycling and composting as the ultimate method of waste disposal. This approach is not viable, however, because there are no existing recycling programs anywhere in the world that can dispose of 100% of the waste. Recycling and composting only eliminate a maximum of 30% of the waste. SB 1192 recognizes this fact. It requires all counties, including Pasco, to implement recycling programs, but it only calls for reduction of 30% of the waste stream by 1994. The remaining 70% must be landfilled or incinerated in a resource recovery facility.

Pasco County has always planned to collect and recycle ferrous metals. The County also has studied recycling programs and SB 1192 requires Pasco County to start a recycling program by July 1, 1989. The recycling program must remove a majority of the newspapers, aluminum cans, glass and plastic bottles from the waste stream. This program will be in effect for at least two years before Pasco County's resource recovery facility starts commercial operations in 1991. Thus, the Intervenor's request for a recycling program will become a reality.

Sally Munroe
Page Four
August 12, 1988

The Intervenor's concern about the ash from resource recovery facilities is addressed by SB 1192, which requires DER to adopt rules governing the disposal of ash. DER must initiate the rule-making process and conduct at least one public hearing by February 1, 1989. DER's rules concerning ash disposal should be in effect long before Pasco County's resource recovery facility begins operation in 1991.

SB 1192 provides that the Department of Transportation must conduct demonstration projects by January 1, 1990, to evaluate the use of ash as a road base in highway construction projects. Where appropriate, DOT must modify its construction specifications to encourage the use of recycled materials, including ash. If DOT's tests are successful, Pasco County may be able to use the ash for road construction and thus the County may be able to reduce the amount of ash that is placed in the landfill.

SB 1192 instructs the Florida Public Service Commission to establish rules concerning the purchase of energy by electric companies from resource recovery facilities. Under the new rules, Pasco County should be able to earn more money for the electricity that it generates than is currently being paid for electricity from other refuse-to-energy facilities.

SB 1192 requires DER to adopt rules establishing the minimum qualifications for the operators of landfills and resource recovery facilities. A person may not operate a solid waste management facility after January 1, 1990 unless he has completed an operator training course approved by DER. DER's rules and the operator training program will be in place before Pasco County uses its landfill or resource recovery facility.

The Department of Community Affairs found that the proposed resource recovery facility is consistent with the existing State Comprehensive Plan. SB 1192 amends the State Comprehensive Plan to require a 30% reduction in the volume of solid waste for disposal by 1994. In addition, all counties must have county-wide solid waste disposal systems by 1994. These requirements are consistent with Pasco County's plan for its solid waste management.

Sally Munroe
Page Five
August 12, 1988

IV. Draft SWFWMD Report

Intervenor filed a motion with the Hearing Officer and alleged that Pasco County and the Southwest Florida Water Management District (SWFWMD) should have introduced a draft SWFWMD report into evidence at the final administrative hearing in April, 1988. Pasco County, the Department of Environmental Regulation (DER), and SWFWMD strenuously objected to the Intervenor's motion because Intervenor's allegations were totally misleading, factually unfounded, and legally erroneous. The Hearing Officer agreed and denied the motion.

The controversy focused on a draft report and recommendations prepared by John Parker, a SWFWMD hydrologist, employee, on February 10, 1988. At the County's request, Parker agreed to modify his recommendations and issue an amended report. On February 23, 1988, the SWFWMD Governing Board held a regular public meeting to discuss the District's business, including three SWFWMD staff reports concerning the proposed Pasco County resource recovery facility. The Board was advised about Parker's draft report, the amended report, the staff's recommendations and the concerns that had been raised by the County. The Governing Board questioned its attorney, its staff, and me about those issues. The Governing Board also discussed the recharge features of the County's site. The Governing Board then unanimously approved the amended report, which stated that the Governor and Cabinet should approve the County's project.

On April 11 and 12, 1988, a formal administrative proceeding was conducted to evaluate Pasco County's facility. On April 12, 1988--48 days after the SWFWMD Governing Board approved the amended report--Intervenor called John Parker as Intervenor's first witness. Intervenor questioned Parker at length about all of the material statements in the amended report and all of Parker's recommendations.

Neither Pasco County, DER, SWFWMD, or Intervenor introduced the draft report into evidence. The draft report had not been approved by the SWFWMD Governing Board and it did not contain SWFWMD's official recommendation. If Intervenor thought the draft report was important, the Intervenor could have and should have introduced the draft report into evidence or questioned Parker about it.

Sally Munroe

Page Six

August 12, 1988

Intervenor's legitimate concerns were addressed at SWFWMD and the final hearing. The SWFWMD staff and Governing Board concluded that SWFWMD's amended report contains recommendations that are adequate to protect the public welfare. Intervenor has not presented any competent evidence to the contrary.

All of these issues are thoroughly discussed in the following documents which have been attached hereto for your review:

1. Intervener's [sic] Motion to Supplement Record, Reopen Hearing, and Hear Testimony.
2. Pasco County's Response In Opposition To Intervenor's Motion To Supplement Record And Reopen Hearing;
3. Department of Environmental Regulation's Response in Opposition to Intervenor's Motion to Supplement Record;
4. Southwest Florida Water Management District's Response to Intervenor's Motion to Supplement Record, Reopen Hearing, and Hear Testimony; and
5. Hearing Officer's Order on Intervenor's Motion to Supplement Record, Reopen Hearing, and Hear Testimony.

Also enclosed for your review are excerpts from the transcript of the administrative hearing on April 12, 1988. The excerpts contain John Parker's testimony at the hearing. We believe these documents clearly demonstrate that the Intervenor's allegations about Parker's draft report are completely without merit.

V. Recharge Area

Intervenor has made much ado about the fact that the County's site is located in a recharge area. However, Intervenor ignores the fact that virtually all of Pasco County is a recharge area, except for the swamps and creeks. Intervenor also ignores the fact that the County's consultants, the Department of Environmental Regulation, and the Southwest Florida Water Management District have been well aware of this issue and have carefully evaluated its significance. The issue also was discussed at length by the SWFWMD Governing Board before the Governing Board unanimously approved this project and recommended its approval by the Governor and Cabinet.

Sally Munroe
Page Seven
August 12, 1988

The location of the site is not as significant as Intervenor suggests because the County has carefully designed its project to utilize the best portions of the site and to provide the greatest possible protection for groundwater. The County will provide two synthetic liners and two leachate collection systems beneath the landfill. The two liners will provide two separate shields or levels of protection for the groundwater. Even if we assume a worse case scenario, any fluid (leachate) leaking from the first liner would be detected, collected, and removed from the second liner without affecting the groundwater. The secondary (lower) leachate collection system will be monitored weekly for the presence of any fluids that would indicate leakage from the primary (upper) liner.

In addition, beneath the liner there is a layer of sandy soil and then a layer of at least 5 to 15 feet of clay that will separate the landfill from the potable Floridan Aquifer. The clay will impede the downward migration of fluids and will help confine them to the sandy soil beneath the landfill. A network of monitoring wells will be installed and used to detect any pollutants that might escape from the landfill. If any leachate is detected, Pasco County will implement a contingency plan which calls for the immediate expansion of a monitor well network, the repair of the liner system, and other appropriate remedial action. Thus, the County, DER, and SWFWMD have carefully considered worst-case scenarios and taken appropriate steps to ensure that any potential problem would be detected and corrected before it had any significant impacts.

VI. Proposals by Vendors

Pasco County received five bids by vendors that want to build the proposed resource recovery facility. On August 10, 1988, the County eliminated three vendors from further consideration. The County will soon begin negotiations with one or both of the remaining vendors.

The two remaining vendors are Westinghouse and Ogden-Martin, the company that built and operates the Hillsborough County resource recovery facility. Enclosed for your review are copies of the executive summaries submitted by Westinghouse and Ogden-Martin. These summaries contain the companies' architectural designs for the Pasco County facility. The artists' drawings show that both companies, like Pasco County, are committed to building an attractive and aesthetically pleasing facility.

Sally Munroe
Page Eight
August 12, 1988

VII. Site Visit

As you know, Hillsborough County has a mass burn resource recovery facility that is similar to the facility that has been proposed for Pasco County. At your request, we have made arrangements for you and the other Cabinet Aides to visit Hillsborough County's facility on August 16, 1988. We will meet you at the Tampa International Airport and provide ground transportation. It will take approximately 30 minutes to drive from the Tampa International Airport to the Hillsborough County resource recovery facility and approximately 1 1/2 hours to inspect the facility. You should dress comfortably because we will be walking in areas that are not air conditioned.

I hope this information is helpful to you. Please call me if I can provide you with any additional information about the Pasco County resource recovery facility.

Sincerely,



David S. Dee

DSD/vc:Pasco-cab

cc: Will Abberger (w/attachments)
Gene Adams (w/attachments)
Charles Blair (w/attachments)
Jimmie Henry (w/attachments)
Mary Lou Rajchel (w/attachments)
Pat Smith (w/attachments)
James Flack (w/o attachments)
John Griffin (w/o attachments)
John Guthrie (w/o attachments)
Mark Ives (w/o attachments)
Ben Harrill (w/o attachments)
John Gallagher (w/o attachments)
Bob Hauser (w/o attachments)

bcc: Clair Fancy

PM
8-11-88
Tallahassee, FL

file copy

CARLTON, FIELDS, WARD, EMMANUEL, SMITH & CUTLER, P. A.

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August 10, 1988

AUG 12 1988

Tallahassee

C. H. Fancy, P.E.
Deputy Chief
Bureau of Air Quality Management
Department of Environmental
Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

DER-BAQM

Re: Pasco County Resource Recovery Facility
PSD-FL-127

Dear Mr. Fancy:

On behalf of Pasco County, we have reviewed the Department's draft PSD permit for the Pasco County resource recovery facility. Our comments concerning the draft permit are set forth below.

1. On page 1 of the draft permit, the latitude and longitude should be modified because they are different than the coordinates presented in Pasco County's application for site certification.

2. On page 5, Specific Condition No. 1.b. should be modified to state that the maximum throughput "shall not exceed 115% of either the design MSW charging rate of 350 TPD or the heat input rate of 140 MMBtu/hr." The Department has historically authorized resource recovery facilities to operate at a throughput up to 115% of the design capacity. This practice is recognized in the Conditions of Certification for Pasco County which authorize a throughput of 115% of the design capacity. See Conditions of Certification, page 11, §XIV., ¶ A.1.c. We believe this condition should be changed because it is extremely important for the County to have the ability to operate at a throughput up to 115% of the nameplate capacity.

3. On page 6, Specific Condition No. 2.b. refers to 90% removal of "acid gases." To avoid confusion, it should be changed to refer to hydrogen chloride (HCL).

C. H. Fancy
Page Two
August 10, 1988

4. On page 6, Specific Condition No. 3.a. should refer to a particulate emission limit of 0.015 grains/dscf, rather than 0.0150 grains/dscf.

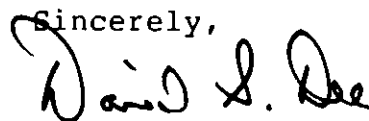
5. On page 8, the Specific Conditions contain a table of projected emissions. Our calculations indicate that the projected emissions for mercury will be 0.112 lbs/hr, rather than 0.105 lbs/hr.

6. On page 9, Specific Condition No. 4.e. should be modified to indicate that compliance tests shall be conducted at +10% of the nameplate BTU rating (i.e., 140 million BTU). As written, the draft condition suggests that a compliance test must be conducted precisely at the maximum capacity. We believe it is very important to modify this condition because it implies that there can be no flexibility in the operating conditions at the time of the compliance test.

7. On page 10, Specific Condition No. 5 requires continuous emission monitors for various substances, including oxygen. The conditions of certification for the Pasco County facility do not require a continuous emission monitor for oxygen. See Conditions of Certification at page 12, §XIV., ¶A.3.a. Accordingly, we believe the requirement for an oxygen monitor should be deleted from the draft permit.

8. On page 11, Specific Condition No. 6.a. requires continuous monitoring of the furnace exit gas temperatures. We do not know precisely where DER wants the monitor to be located for the furnace exit gas, but we assume that the monitor should be located at the economizer outlet. If our assumption is correct, we have no objections to this requirement.

Thank you for providing us with this opportunity to submit comments concerning the draft permit. Please call us if you have any questions.

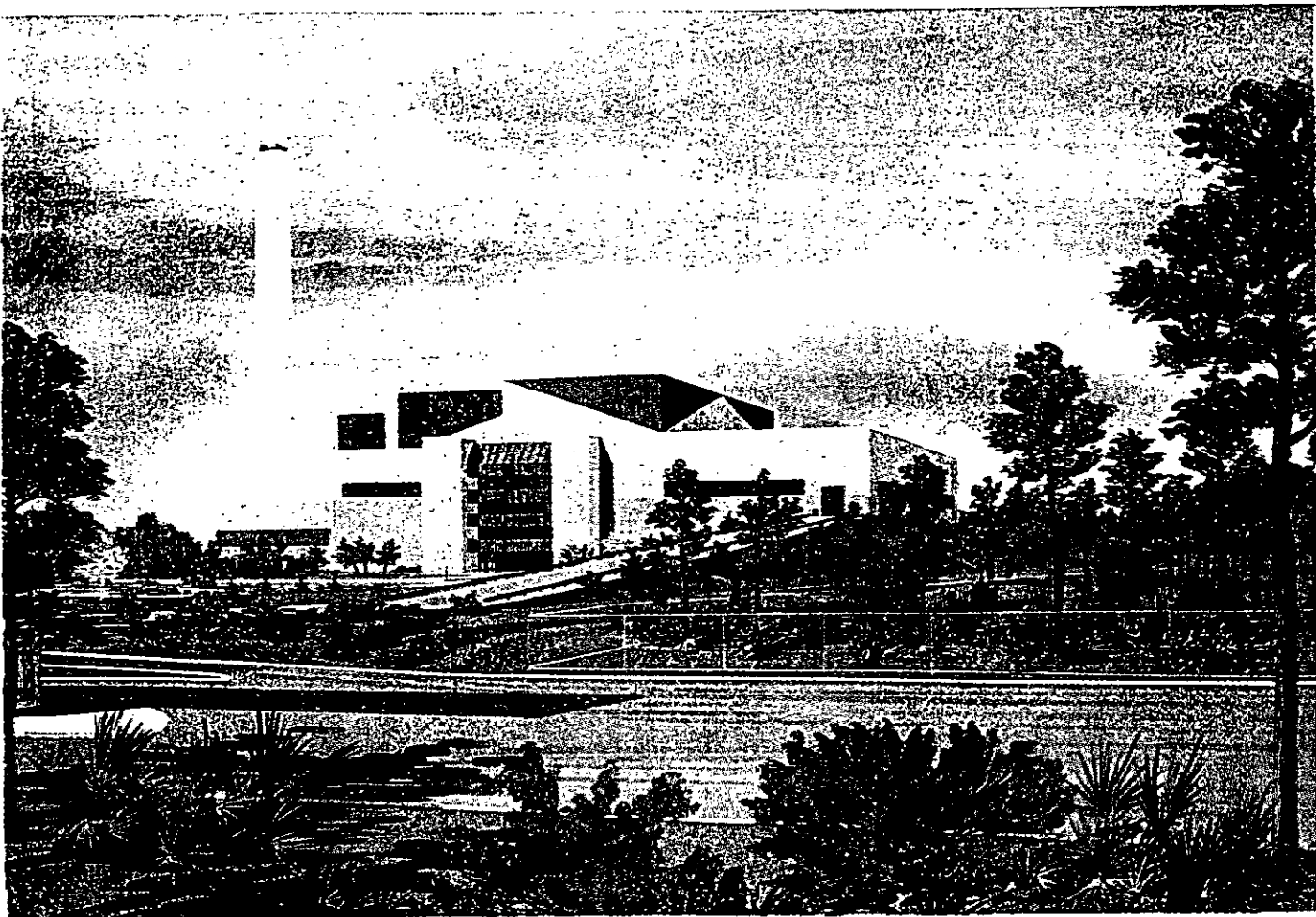
Sincerely,


David S. Dee

cc: Ben Harrill
John Gallagher
Bob Hauser
Don Elias

DSD/vc:FANCY
*Copied: Pradeep Raval
Tom Rogers
Bill Thomas, SW Dist.
Bill Miller, EPA
Maxwell Roberts, NPS
LHF/BT*

Barry Anderson



Waste-To-Energy Facility

New Port Richey, in Pasco County, is the site of a new 1,050 ton-per-day resource recovery facility. Ogden Martin Systems, of Fairfield, New Jersey was selected to design, engineer, build and operate the

unit. Operation is scheduled to begin in the summer of 1991. The facility will feature the Martin Combustion System which employs a reverse reciprocating stoker grate.

Pasco County To Build Resource Recovery Unit

In 20 years Pasco County's current population of approximately 250,000 is expected to double. In order to minimize the impact on county services, such as waste disposal, the Pasco County Board of Commissioners selected Ogden Martin Systems of Fairfield, New Jersey to design, engineer, build and operate a resource recovery facility. The 1,050 ton-per-day plant will be Ogden Martin's third facility in Florida.

The Pasco County Solid Waste Resource Recovery Facility will be located in New Port Richey on a 72-acre corner of an 810-acre tract owned by the County. The site will encompass a landfill and a citizens unloading area.

The facility will feature the Martin Combustion System which is used in more than 100 facilities in 18 countries worldwide. This

system employs the Martin reverse reciprocating stoker grate which continually agitates the waste as it burns to ensure thorough combustion. In order to accommodate the county's anticipated growth, the facility is designed to accommodate a fourth 350 ton-per-day combustion/steam generation unit.

Particulates will be controlled through a dry scrubber combination baghouse. Potable water for boiler makeup and domestic uses will be provided by an on-site well. Treated effluent from the county's wastewater treatment plant will be used for the cooling tower makeup water. The facility will produce 31.2 megawatts of electricity for sale to Florida Power Corporation.

Groundbreaking for the \$90.5 million dollar project is expected to occur in May. All of the necessary environmental permits are in place. The project is on a 27-month con-

struction schedule and is slated for completion in the summer of 1991.

Prior to choosing the mass burn technology, the county's solid waste disposal service consisted of city and private refuse collection and the East Pasco landfill, which is operated by the county. The East Pasco landfill receives about 460 tons of waste per day, seven days a week. As a result, most of the county's waste was being transported elsewhere for disposal. But long hauling distances and high transportation costs were making this out-of-county disposal method increasingly difficult to maintain.

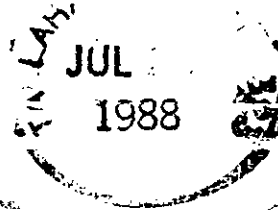
See FACILITY page 4

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Faced with the imminent population growth and the high cost of hauling waste out of the area, Pasco County reviewed the potential for volume reduction in the county. The county also reviewed technologies such as refuse-derived fuel. After an exhaustive investigation, the County endorsed the mass burn resource recovery technology.

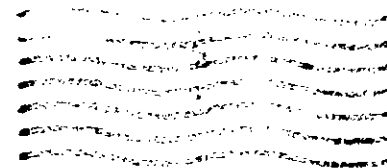
A request for proposals was released in January 1988. Bidders were judged on their technology, operations and maintenance plan, the energy efficiency of the facility, the construction schedule and the aesthetic/architectural design. In December 1988, Ogden Martin Systems, Inc. was selected. When the Pasco County Solid Waste Resource Recovery Facility begins commercial operation in Fall of 1991, it will be the primary waste disposal system for Pasco County residents.

Project financing will be completed by the end of April. The facility will be owned by Pasco County. Under contract to the county, Ogden Martin will operate the facility for 20 years.



<p>LAW OFFICES CARLTON, FIELDS, WARD, EMMANUEL, SMITH, CUTLER & KENT, P.A. P.O. DRAWER 190 TALLAHASSEE, FLORIDA 32302</p>	
ATTORNEY #	REFERENCE #
<p>CLAIR FANCY DEPARTMENT OF ENVIRONMENTAL REGULATION BUREAU OF AIR QUALITY MANAGEMENT TWIN TOWERS OFFICE BUILDING 2600 BLAIR STONE ROAD TALLAHASSEE, FLORIDA 32399</p>	

CARLTON, FIELDS, WARD, EMMANUEL, SMITH, CUTLER & KENT, P.A.
P.O. DRAWER 190
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C.H. FANCY, P.E.
DEPUTY CHIEF
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PLEASE REPLY TO:

July 29, 1988

Tallahassee

Clair Fancy
Department of Environmental
Regulation
Bureau of Air Quality Management
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399

Re: Pasco County Resource Recovery Facility

Dear Clair:

On July 19, 1988, the Hearing Officer entered a recommended order which recommended the approval of the Pasco County resource recovery facility. A copy of her recommended order is enclosed for your review.

We expect this recommended order to be considered by the Cabinet Aides on Wednesday, August 17, 1988 and by the Governor and Cabinet on Tuesday, August 23, 1988. Since this project has been controversial, Richard Donelan may want you to accompany him to the Cabinet Aides and Cabinet meetings. We would expect the Governor and Cabinet to ask the Department about the potential impacts of the project on air quality.

As you recall, the Power Plant Siting Act was amended to address certain issues raised by the United States Environmental Protection Agency concerning the Department's issuance of PSD permits. Section 403.509(2), Florida Statutes, provides:

Simultaneously with the [Governor and Cabinet's] action on the application, the Department shall issue or deny any permit required pursuant to any federally delegated or approved permit program.

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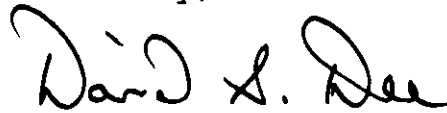
Clair Fancy
Page Two
July 29, 1988

In this case, we assume that the Department will issue a PSD permit for the Pasco County resource recovery facility when the Governor and Cabinet consider the Hearing Officer's recommended order.

Since we have not received EPA's written approval of the project, please send us any comments or approvals that you have received from EPA. If you have not yet received any, please contact EPA and take whatever steps are necessary to ensure that EPA issues its written approval of the project before the issuance of the PSD permit. Pasco County would like to receive express authorization from EPA so that Pasco County can avoid the problems that EPA created for Hillsborough County.

We sincerely appreciate your assistance and cooperation with these matters.

Sincerely,



David S. Dee

cc: Richard Donelan
Buck Oven
Barry Andrews
Bob Hauser

DSD/vc:Fancy-3

*Copied: Pradip Ronal
Tom Rogers
Bill Thomas, SW Dist.
Bruce Miller, EPA
Miguel Flores, NPS
CHF/BT
Barry Andrews*



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Sharyn L. Smith
Director

Ann Cole
Clerk

July 19, 1988

Honorable Bob Martinez
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Honorable Gerald Lewis
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Honorable Bob Butterworth
Attorney General
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Honorable Bill Gunter
Insurance Commissioner
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Honorable Doyle Conner
Commissioner of Agriculture
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Honorable Betty Castor
Commissioner of Education
The Capitol
Tallahassee, FL 32399

Honorable Jim Smith
Secretary of State
The Capitol
Tallahassee, FL 32399

RE: Application for Power Plant Site
Certification of Pasco County Solid Waste
Resource Recovery Facility
Case No. 87-5337

Dear Members of the Siting Board:

Enclosed is my Recommended Order for the site certification portion of the referenced proceeding. Under separate cover, I am forwarding the three-volume transcript of the hearing, Pasco County's Exhibits 1 through 19, 22A through 22E, and 24, the DER's Exhibits 1 through 4, and the Intervenor's Exhibit 1 to Hamilton S. Owen, Jr., the DER Administrator of the Siting Coordination Section, for future transmittal to the Board.

Copies of this letter will serve to notify the parties that my Recommended Order and the record have been transmitted to you on this date. Pursuant to Section 120.57(1)(b)9, Florida Statutes, the parties are advised that they are allowed to file written exceptions thereto with the Governor and Cabinet, sitting as the Siting Board.

Members of the Siting Board
Page Two

Please furnish the Division of Administrative Hearings with a copy of the Final Order rendered in this proceeding so that our files will be complete.

Sincerely,



DIANE D. TREMOR
Hearing Officer

DDT/dfc
Enclosures as shown

cc: Dale Twachtman, Secretary, DER
Hamilton S. Owen, Jr., Administrator
David S. Dee, Esquire
Richard T. Donelan, Jr., Esquire
Edward B. Helvenston, Esquire
C. Laurence Keeseey, Esquire
William W. Deane, Esquire

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE:)
)
Application for)
Power Plant Site Certification)
of Pasco County Solid Waste) CASE NO. 87-5337
Resource Recovery Facility)
_____)

RECOMMENDED ORDER

Pursuant to notice, an administrative hearing was held before Diane D. Tremor, Hearing Officer with the Division of Administrative Hearings, on April 11 and 12, 1988, in New Port Richey, Pasco County, Florida. The issue for determination at this certification hearing, held pursuant to Section 403.508(3), Florida Statutes, is whether Pasco County's proposed resource recovery facility, landfill/ashfill and associated facilities are entitled to approval by the Governor and Cabinet, sitting as the Siting Board, in accordance with the Florida Electrical Power Plant Siting Act, Sections 403.501, et seq., Florida Statutes (1987).

APPEARANCES

For the Applicant
Pasco County:

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Community Affairs:

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Tallahassee, FL 32309

For Intervenor Shady Hills
Park and Civic Association:

William W. Deane, Esquire
1700 9th Street North, Suite B
St. Petersburg, FL 33704

INTRODUCTION

On November 17, 1987, Pasco County filed an application for approval of a resource recovery facility, landfill/ashfill and associated facilities pursuant to the Florida Electrical Power Plant Siting Act, Sections 403.501, et seq, Florida Statutes (1987). The undersigned presided over the land use hearing on February 16, 1988, to determine whether the site selected for the project was consistent and in compliance with existing applicable land use plans and zoning ordinances. A Recommended Order finding such consistency and compliance was entered on March 25, 1988.

On March 24, 1988, the Shady Hills Park and Civic

Association, Inc. filed a motion to intervene and participate as a party at the certification hearing. Thereafter, Pasco County moved to strike certain portions of the motion to intervene. After a telephone conference call, the undersigned granted the motion to intervene, but struck those portions of the intervenor's petition which attempted to raise issues beyond the scope of the certification hearing; i.e: the impact of the project upon property values; alternatives to the proposed method of solid waste disposal, except insofar as such alternatives may relate to the Best Available Control Technology; and issues regarding unadopted dioxin standards. The intervenor's post-hearing motion filed on June 7, 1988, to "supplement record, reopen hearing and hear testimony" was denied by separate order filed on June 28, 1988.

In support of its application, Pasco County presented the testimony of Robert Hauser, Jr., accepted as an expert concerning solid waste disposal, including the use of landfills and resource recovery facilities; Donald Elias, accepted as an expert concerning air pollution, including the air emissions from resource recovery facilities; Walter R. Niessen, accepted as an expert concerning resource recovery facilities, including dioxin emissions from such facilities; Clair Fancy, accepted as an expert concerning the regulation of air pollution; Hamilton S. Oven, Jr., the Department of Environmental Regulation's Administrator in charge of the Siting Coordination Section; and Suheil "Jim" Jammal, accepted as an expert in the area of geotechnical investigation, with special emphasis upon sinkholes.

Pasco County's Exhibits 1 through 19, 22A-E, and 24 were received into evidence.

The Florida Department of Environmental Regulation (DER), the Florida Department of Community Affairs (DCA), the Florida Public Service Commission (PSC) and the Southwest Florida Water Management District (SWFWMD) are parties to this proceeding pursuant to Section 403.508(4)(a), Florida Statutes. The DER called one witness, Clair Fancy, and introduced DER Exhibits 1 through 4 without objection. The DCA and SWFWMD did not call any witnesses or proffer any exhibits at the site certification hearing. The PSC made no appearance at the hearing.

Testifying on behalf of the intervenor Shady Hills Park and Civic Association, Inc. were John Parker, accepted as an expert in the area of hydrogeology (as limited to his review of the subject application for certification); Dr. Ernest Dwight Adams, accepted as an expert in physics, as it relates to solid waste management; John James Gallagher, the Pasco County Administrator; and Edward Kooper, accepted as an expert concerning the induced draft combustion process as it relates to foundries. Also, the intervenor's Exhibit 1, the deposition testimony of Gardner Strasser, was received into evidence.

The public comment portion of the certification hearing was conducted on the evening of April 11, 1988. Testifying as members of the general public were Brad Cecil, Irving Siegel, Mike Snider, Gerden M. Monk, Linda Johnson, John Bragg, Linda Almond, Tom Strode, Ruth Kirkman, Betty Tillis, Ernest Longo, David Hausman, John Hausman, Curtis Almond, Regina Longo, Sandra

Lugar, Richard Konst, Julie Sandlin, Steve Robinson, Amelia Bruno, Robin Bragg, Laura Osmundsen, Mary Parino, Michael May,, Tom Collins, Terry Waddell, Robert Logan, Angie Almond, Sonya Logan, Lynda Economos, Florence Freudenstein, Mary Mazzuco, Donald Acreman, William Hubbardson, Rosalind Estrin, Carol Lezark and Leslie Diane Acreman. Testifying as members of the general public during other portions of the hearing were Mark D. Goldstein and William F. Belote. Several public comment letters were received into evidence.

Subsequent to the certification hearing, Pasco County, the DER and the intervenor submitted proposed findings of fact and proposed conclusions of law. The SWFWMD adopted the proposals submitted by the DER. To the extent that the parties' proposed findings of fact are not included in this Recommended Order, they are rejected for the reasons set forth in Appendix B hereto.

FINDINGS OF FACT

Upon consideration of the oral and documentary evidence presented at the site certification hearing, the following relevant facts are found:

(1) After investigating and evaluating alternative methods of solid waste disposal for several years, Pasco County determined that a mass burn resource recovery (refuse to energy) system was the most prudent long-term method of disposal for Pasco County. In 1984, the citizens of Pasco County approved a "straw ballot" proposal providing for the establishment of a

resource recovery system financed with non-tax supported bonds in lieu of utilizing sanitary landfills as a primary disposal method. (Exhibit 2, at 3-1) In 1987, the Legislature adopted a Special Act (Chapter 87-441, Laws of Florida) which authorized a solid waste disposal and resource recovery system within Pasco County and gave the County exclusive control over the collection and disposal of solid waste generated or brought within the area affected by the special act.

(2) The site selected for the proposed project, as well as the surrounding area, has been fully described and discussed in the Recommended Order entered on March 25, 1988, after the land use hearing. To briefly summarize, the project is to be located on an undeveloped 751 acre parcel of land owned by the County. The site is in an unincorporated area of northwest Pasco County, approximately two and a half miles north of Highway 52 and about four to five miles west of Route 41. It is accessible by Hays Road, which forms part of its southern and western boundaries. The property includes several isolated ponds located west of a Florida Power Corporation transmission line which bisects the property and runs in a north/south direction. The entire proposed project, with the exception of two wells and one retention pond, will be situated east of the power lines. The areas around the site consist primarily of vacant grass lands, small farms and low density residential areas. There is an existing recreational park near the north boundary of the site, and there are existing and proposed schools and parks located within five miles of the site. Aproximately 18,000

people reside within five miles of the site. In addition, there is a Girl Scout camp located about 3 miles from the site and a new development known as the Word of Life Youth Camp and Adult Conference Center being built approximately two miles southwest of the site. The resource recovery facility will be located on the southeastern portion of the site, and will be approximately 2,400 feet from the nearest home, which is located on Hays Road. The facility will be about 4,600 feet from the site's northern boundary and there will be at least 700 feet of buffer between the landfill/ashfill and the northern boundary. Approximately 65% of the site will be maintained as open areas or buffer zones.

(3) No threatened or endangered plant or animal species were discovered on the site; however, the site does provide habitat for a species of special concern - the gopher tortoise. Upon the recommendation of the Florida Game and Fresh Water Fish Commission, the County has agreed to relocate the tortoises to the southwest corner of the site and to work with the Commission in the relocation plan and long term management plan prior to the commencement of clearing activities. See Section XXI of Conditions of Certification.

(4) No significant archaeological or historical sites have been identified as lying within the boundaries of the proposed site.

(5) The proposed project will consist of an access road, a gatehouse/weigh station, an enclosed waste receiving and handling building, an incineration and cooling system, an air pollution control system, a landfill/ashfill, four stormwater

retention ponds, a transmission line from the plant to an on-site Florida Power Corporation substation, and two wells to supply the plant with potable water and to provide an alternative source of cooling water, if needed. The resource recovery system will convert solid waste into electrical power through a combustion process that utilizes a mass burn technology. The ash from the combustion process will be landfilled after metals have been removed. The combustion gases will travel through an acid gas control dry scrubber and a baghouse and be discharged through a stack into the atmosphere. There will not be any significant preprocessing of the refuse at the facility prior to combustion. Waste will be brought to the facility by approximately 90 to 100 trucks per day. All areas where refuse will be handled will be fully enclosed to prevent noise and the escape of dust and odors.

(6) The County is seeking approval of an ultimate site generating capacity of 29 megawatts and an ultimate disposal capacity of 1200 tons per day. Initial plant operation is expected to employ three mass burn furnace units of 350 tons per day capacity each, for a combined capacity of 1,050 tons per day. All of the County's environmental analysis evaluated the impacts of the facility at its ultimate site capacity of 1,200 tons per day.

(7) During normal operation, all of the facility's cooling water will be treated effluent drawn from the County's Hudson subregional wastewater treatment plant. For emergency use, an on-site well will be reserved as an alternative source of cooling water. All wastewater created will be routed back by

pipeline to the Hudson plant for treatment and disposal. No process water from the resource recovery facility will be discharged directly to surface or groundwaters.

(8) A stormwater management system with four retention ponds will be constructed on the site to ensure that the first inch of stormwater is retained for infiltration in 72 hours. The system is designed to ensure that the post-development peak run-off rate from the 25 year, 24 hour storm event will not exceed the predevelopment run-off rate from a similar storm. No wetland areas will be destroyed or otherwise affected by the proposed project.

(9) The proposed resource recovery facility will emit a variety of pollutants into the ambient air. During the application process, the County's consultants worked with the DER and the United States Environmental Protection Agency (EPA) to establish an appropriate plan of study and protocol for assessing the project's air emissions. The data utilized by Pasco County was appropriate and provided a conservative representation of air quality at the site.

(10) Since the facility will emit more than 100 tons per year of carbon monoxide, it is subject to Prevention of Significant Deterioration (PSD) review, which includes a Best Available Control Technology (BACT) review. The facility is expected to emit nine PSD-regulated pollutants in PSD significant amounts. These include the criteria pollutants of particulate matter (PM), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), carbon monoxide (CO), volatile organic compounds (VOC), and lead (Pb),

and the non-criteria substances of flourides, sulfuric acid mist and mercury.

(11) The County performed a BACT analysis on a pollutant-by-pollutant basis, and attempted to balance energy, environmental and economic considerations. The air pollution controls proposed represent the BACT for this facility. These include a dry scrubber for the control of acid gases and a baghouse (fabric filter) for the control of particulate matter. Such controls are in accordance with the EPA's current operational guidance policies for a proposed municipal waste combustion source. The County's air quality modeling demonstrates that the operation of a 1,200 ton per day facility will not violate any state or federal guidelines or standards regulating airborne emissions. The anticipated emissions will be substantially less than the Florida Ambient Air Quality Standards.

(12) The incineration of plastics produces hydrochloric acid and yard waste produces nitrous oxide. The intervenor has contended that plastics, metals, glass and yard clippings should be removed from the waste stream before they are incinerated in the resource recovery facility. The County considered source separation and recycling when considering the BACT for this facility. Due to the difficulty of obtaining public cooperation, economic feasibility, reliability on a day-to-day basis, as well as the effectiveness of the dry scrubber and baghouse in removing acid gases and particulate matter, the County concluded that source separation would not be a feasible technique for

controlling emissions in a municipal facility of this size. While some emissions of pollutants could perhaps be reduced even further by the removal of plastics, yard trash and metals from the waste stream prior to incineration, further reductions in the emissions expected from operations of the County's proposed system would not produce any meaningful benefits and would add considerable costs. The County will, however, continue to investigate recycling and source separation as part of an overall management program.

(13) Pasco County will control dioxin emissions from the facility by maintaining a good, well-mixed combustion system that will maintain a temperature of 1800 degrees fahrenheit for a minimum of one second and through the use of the dry scrubber and baghouse system. The dioxin emissions will be extremely low and of no unacceptable risk to the health of the public.

(14) Hazardous wastes, hospital wastes and infectious wastes will not be permitted at the landfill or the resource recovery facility. If such wastes are discovered, they will be segregated and promptly removed from the site. While small quantities of pesticides or volatile organic compounds may enter the waste stream, the system is designed to handle such small quantities.

(15) The landfill will receive the non-processable waste and the ashfill will receive the ash residue resulting from the combustion of residential and commercial waste. The landfill/ashfill will be operated as a monofill -- i.e., unprocessed refuse will be placed in cells where it can be kept

apart from the incinerator ash. It will be built over a period of 30 years, and will occupy approximately 195 acres of the most favorable portions of the site. The design of the landfill/ashfill includes two separate synthetic liners, two leachate collection systems and sixteen separate cells. The two liner systems will provide two layers of protection for groundwater resources beneath the site. There will be two feet of sand between the ash and the top liner and another twelve inches of sand between the top and bottom liners. Two leachate collection systems will collect and remove any fluids that drain through the refuse. The liner systems are designed to last indefinitely; however, the manufacturers of the liner material provide only a two or three year warranty for materials, workmanship and installation. When a cell is closed, it will receive an impervious cap so that rainfall cannot enter the cell. The weight of a fully loaded cell 100 feet high is expected to cause approximately 15 inches of settlement at the center.

(16) The County's consultants conducted an extensive geotechnical investigation of the subsurface conditions at the site to determine its acceptability for the total facility and to evaluate the site's ability to provide an adequate foundation for the facility. Topographic maps showed some circular depressions within the property boundaries of the landfill/ashfill. Ground penetrating radar revealed some 18 anomalies, and these were all investigated to determine if there were any potentials for sinkholes or subsiding structures on the site. Some 88 borings were installed at the site. The borings demonstrated that the

anomalies were not historic sinkholes and would not adversely affect the landfill/ashfill operation:

(17) The portion of the site deemed most appropriate for the landfill/ashfill is of relatively uniform stratigraphy characterized by a uniform layer of surficial sand, a reasonably continuous clay confining layer from 5 to 15 feet thick, under which lies the limestone groundwater-bearing formation, the Floridan aquifer. The 267 acres deemed acceptable for the construction of the landfill/ashfill is believed by experts to have a low potential for sinkholes. Should a sinkhole occur, it would not be a large or catastrophic sinkhole, but instead would be expected to be no more than 10 to 15 feet in diameter and 4 to 6 feet in depth. The landfill liner is designed to elongate and stretch to accommodate a potential sinkhole of such size. Also, installation of the impervious liners will eliminate surface water recharge to the Floridan aquifer within the landfill boundaries. Since the movement of water through the subsurface contributes to the formation of sinkholes, the liner installation will substantially reduce the likelihood of new sinkholes in that area. As an additional precaution, the County intends to proof roll the area with heavy mechanical equipment prior to the installation of the liner systems. This will trigger subsidence of any collapse-prone sediments in the area. Neither the project's two wells nor other agricultural or private potable wells in the area are expected to affect the development of sinkholes at the site.

(18) The combustion of municipal solid waste will reduce the volume of waste to be landfilled by approximately 70%, and will reduce the County's need for landfill capacity by some 13.5 million cubic yards over a 24-year period. At the same time, the facility will generate at least 182 million kilowatt hours of electricity per year, or 3.7 billion kilowatt hours over the minimum 20 year life of the facility. Electricity will be produced by utilizing materials that otherwise would be buried in a landfill and the use of crude oil will be decreased by some 352,000 barrels per year, saving some \$6.3 million per year. The local economy of the area will benefit from the operation and construction of the facility.

(19) By Order Number 17752, the Florida Public Service Commission granted the petition of Pasco County for a determination of need for its proposed 29 megawatt facility. The Commission found that, although the plant is small, it would contribute to the reliability and integrity of the electric system in peninsula Florida.

(20) The Florida Department of Community Affairs evaluated the compatibility of the proposed project with the applicable goals and policies contained in the State Comprehensive Plan. With certain conditions of certification relating to groundwater monitoring, a contingency plan for the mitigation of any detected leachate leakage and a buffer zone to minimize noise and aesthetic aspects, the Department found the project to be compatible with the State Comprehensive Plan's policies and goals concerning water resources, natural systems

and recreational lands, air quality, energy, hazardous and nonhazardous wastes, land use, public facilities and cultural and historical resources.

(21) The Southwest Florida Water Management District (SWFWMD) evaluated the County's proposal in accordance with its responsibilities regarding the consumptive use of water (the two on-site wells), surface water management and the project's impact on water resources. With certain recommendations regarding the construction and operation of the facility, the SWFWMD recommended approval of the project. Such recommendations have been incorporated into the conditions of certifications.

(22) The County's application for site certification was also reviewed by Florida's Department of Commerce, Department of State, Department of Natural Resources, Department of Agriculture and Consumer Services and Game and Fresh Water Fish Commission. (Exhibits 11-15) Each agency commented favorably on the project with regard to those areas within their jurisdiction and concern. To the extent that recommendations were made and concerns expressed, they have been incorporated into the conditions of certification.

(23) The County's application was thoroughly evaluated by the DER's staff from the Tampa District Office and the Bureaus of Permitting, Groundwater Protection, Air Quality Management, Waste Management, and Laboratories and Special Programs. The DER concluded that the proposed design of the facility offered reasonable assurances that DER standards would be met and

recommended certification of the project subject to the conditions of certification.

(24) Pasco County has stipulated that it will accept and comply with all proposed conditions of site certification, and the evidence demonstrates that the County will be able to do so. The County has not requested any variances from any applicable standards or regulations of any agency for the construction or operation of the proposed facility.

(25) On March 10, 1988, the DER issued a News Release announcing its intent to recommend approval of the County's proposed project and advising of the certification hearing scheduled to commence on April 11, 1988. Notice of the site certification hearing was also published on March 11, 1988, in both the Florida Administrative Weekly and the Pasco Times, a daily newspaper published at Port Richey in Pasco County. In addition, notice of the DER determination of Best Available Control Technology (BACT) to minimize air pollutant emissions from the proposed facility was published in the Florida Administrative Weekly on March 4, 1988. Copies of the County's application and notice of the DER's proposed agency action were also provided to the United States EPA, the Federal Land Manager, the Tampa Bay Regional Planning Council and other persons and agencies entitled to notice pursuant to the DER's rules.

(26) Forty-one non-party members of the general public testified at the site certification hearing in opposition to the County's proposed resource recovery facility project. Although an evening session was set aside for this purpose, most of these

citizens attended all or most of the formal presentation of evidence by the parties to this proceeding. The public comment and concern covered a wide range of issues, most of which were addressed at the hearing, in this Recommended Order and in the prior Recommended Order entered after the land use hearing. The concerns of the public included water quality and concerns for the Floridan aquifer, zoning; recreational activity in the vicinity of the project; dust from increased traffic; alternative methods of waste management, including source separation, recycling, and composting; toxic emissions and other forms of air pollution; flooding and stormwater management; the integrity and reliability of the proposed landfill/ashfill liners; the impact upon property values in the area; the safe operation of the facility; health hazards; fire protection; sinkholes; lack of opportunity for public input into the County's decision-making process; endangered wildlife; aesthetics; and the costs of resource recovery and waste disposal to the citizens of Pasco County.

CONCLUSIONS OF LAW

This proceeding is governed by the Florida Electrical Power Plant Siting Act, Sections 403.501, et seq. Florida Statutes (1987), as well as the rules and regulations contained in Chapter 17-17 and 17-2 of the Florida Administrative Code. The Act sets forth a uniform review procedure whereby state and local concerns are coordinated and decisions can be reviewed on the basis of the standards and recommendations of the various

deciding agencies. It is intended that the need for a particular facility will be balanced against the effects of its location and operation upon "human health, the environment, the ecology of the land and its wildlife, and the ecology of state waters and their aquatic life." Section 403.502, Florida Statutes.

Here, the PSC has determined that there is a need for the proposed solid waste resource recovery facility. In order to balance that need against the environmental impacts resulting from the construction and operation of such a facility, the County retained the services of highly qualified consultants to investigate and devise a system that would produce no adverse effects upon human health or the environment. Pasco County has presented competent substantial evidence that its proposed state-of-the-art design and methods of operation for the resource recovery facility, the landfill/ashfill and associated facilities at the proposed location will satisfy the criteria and balancing test required by the Legislature. All of the reports, studies and comments from the various state and regional agencies confirm such conformance and compliance with applicable standards and regulations, provided that the conditions of certification are met. Pasco County has confirmed its willingness and its ability to comply with such conditions.

The application process was conducted in accordance with the procedural requirements of Chapter 403, Part II, Florida Statutes, and all notice requirements were met. The DER properly and timely performed its functions with regard to coordination, analysis and evaluation.

The record in this proceeding amply demonstrates that if the proposed facility is constructed and operated in accordance with the terms of the application and the conditions of certification, the project will not adversely affect the quality or quantity of surface or groundwaters at or near the site and will comply with all state and federal air quality standards and guidelines. Adequate consideration for noise, odors and aesthetic appearance is encompassed within the facility's design and the conditions of certification.

While the intervenor and members of the general public raised many legitimate issues of concern, there was no competent substantial evidence presented to support their apprehensions. Indeed, the evidence presented demonstrates that the proposed project will comply with and even exceed all applicable statutes, rules, regulations and criteria of the State. In addition, there is public benefit to be derived from the proposed environmentally sound method of dealing with the increasing volume of municipal solid waste generated in Pasco County. The need for landfill space in the future will be reduced, as will the needed amount of crude oil to generate electricity. The construction of the facility will add jobs and economic benefits to the community.

The intervenor attempted to establish that another type of solid waste disposal system, such as source separation and recycling, might be preferable, less costly and safer from an environmental and safety point of view. Not only was competent substantial evidence lacking that such a system would be practical, economically feasible or in compliance with

environmental standards, there was no evidence that the attempt to withhold plastics, metals, glass and yard clippings from mass burn incineration would actually reduce expected emissions from the plant's air pollution control system. In addition, neither the intervenor, DER nor the Siting Board can rewrite the application submittal for review. The choice of alternative methods of solid waste disposal lies with the applicant. If the alternative chosen complies with applicable statutes, rules and regulations, the application is entitled to certification.

The intervenor likewise failed to demonstrate that source separation, or the elimination of sources of potential emissions, should be part of the BACT determination for this facility. The air pollution controls proposed -- the dry scrubber, the baghouse and proper operation of and mixing within the combustion units -- will comply with all environmental and safety standards and will constitute an appropriate balance of environmental, economic and energy factors. No evidence was offered to quantify the environmental benefits of the intervenor's source separation proposal, nor was it demonstrated that source separation, recycling or composting would be economically viable, socially acceptable or otherwise reliable on a day-to-day basis.

The concern of the intervenor and several members of the public about the potential for sinkholes at the site was shared and thoroughly investigated by the County's expert consultants.

Their studies, analyses and results were reviewed and concurred with by staff members from DER and SWFWMD. The uncontradicted evidence demonstrates that the site selected is stable, relatively uniform and suitable for the landfill/ashfill and resource recovery facility. Proof rolling and the double liners will further reduce the potential for a large or catastrophic sinkhole at the site. Both the design of the landfill/ashfill and the conditions of certification are intended to provide early warning of any geotechnical emergency or other threat to groundwater.

In conclusion, the applicant Pasco County has amply demonstrated its entitlement to site certification in accordance with the terms of its application and the twenty-two conditions of certification proposed by the DER. The conditions of certification were received into evidence as the applicant's Exhibit 10 and are incorporated and included as a part of this Recommended Order.

RECOMMENDATION

Based upon the findings of fact and conclusions of law recited herein, it is RECOMMENDED that the Governor and Cabinet, sitting as the Siting Board, approve the application of Pasco County for site certification of the proposed resource recovery facility at its ultimate site capacity of 29 megawatts, subject to the conditions of certification included within Exhibit 10.

Respectfully submitted and entered this 20th day of
July, 1988, in Tallahassee, Florida.

Diane D. Tremor

DIANE D. TREMOR
Hearing Officer
Division of Administrative
Hearings
The Oakland Building
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(904)488-9675

Filed with the Clerk of the
Division of Administrative
Hearings this 20th day of
July, 1988.

Copies furnished:

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Commissioner of Agriculture
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Honorable Bill Gunter
Insurance Commissioner
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Honorable Betty Castor
Commissioner of Education
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Attorney General
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Secretary of State
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St. Petersburg, FL 33704

APPENDIX
(Case No. 87-5337)

The parties' proposed findings of fact have been fully considered and are accepted and/or incorporated in this Recommended Order, with the following exceptions:

Pasco County

55 - 57. Rejected as improper factual findings, but discussed in conclusions of law.

DER

34. Insufficient evidence to support the term "indefinitely."

Intervenor

12. Rejected as contrary to the evidence.

14 - 15. Rejected as unsupported by competent, substantial evidence.

21. Second sentence rejected as contrary to the evidence.

22. Accepted as factually correct, but irrelevant to the subject proposal.

24. Rejected as unsupported by competent, substantial evidence.



United States Department of the Interior
FISH AND WILDLIFE SERVICE



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Denver Federal Center
Denver, Colorado 80225

STREET LOCATION:
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Lakewood, Colorado 80228

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JUL 05 1988

DER-BAQM

Pradeep Raval
Bureau of Air Quality Management
Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Mr. Raval:

We have reviewed the Orlando Utilities Commission's Prevention of Significant Deterioration application to add gas turbines to the Indian River Plant. The proposed project would be located 175 km east of Chassahowitzka National Wildlife Refuge, a class I area administered by the U.S. Fish and Wildlife Service. The source, under Prevention of Significant Deterioration regulations, would be a major source of carbon monoxide, nitrogen oxides, and sulfur dioxide, and a significant emitter of total particulates, PM-10 and volatile organic compounds. Considering the long distance of the Orlando Utilities source to Chassahowitzka National Wildlife Refuge, we do not anticipate emissions from this source having any adverse impacts on resources at the refuge.

We would like to take this opportunity to thank the Florida Department of Environmental Regulation for the letter of May 6, 1988, regarding the Pasco County resource recovery facility and look forward to receiving the list of sources within 100 kilometers of Chassahowitzka you are developing per our request in our Pasco County application response. In our response to the Pasco County application we also requested a revised modeling analysis of the class I sulfur dioxide increment consumption since the application indicated that 98 percent of the maximum allowable 24-hour sulfur dioxide increment had been consumed. Because the revised modeling analysis indicated that the 24-hour sulfur dioxide increment consumption was reduced from 98 percent to 52 percent, we feel confident that the class I increment is not being exceeded at the Chassahowitzka National Wildlife Refuge. However, since there appears to be a large number of sulfur dioxide sources in the area around Chassahowitzka, we would like to request that the State perform regional scale modeling and monitoring of sulfur dioxide to determine current total sulfur dioxide levels at the refuge.

If you have any questions, please contact Miguel Flores at 303-969-2072.

Sincerely,

Nelson B. Kverno
Nelson B. Kverno
Assistant Regional Director
Refuges and Wildlife, Region 6

*copied: Gene Rogers
Max Linn
Barry Anderson
CHF/ST*

for

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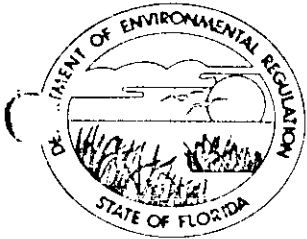
17



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INT 423

Pradeep Raval
Bureau of Air Quality Management
Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400





Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Secretary

May 6, 1988

Mr. Nelson B. Kuerno
Assistant Regional Director
Refuges and Wildlife, Region 6
Fish and Wildlife Service
P.O. Box 25486
Denver Federal Center
Denver, Colorado 80225

Dear Mr. Kuerno:

Thank you for your comments on the proposed new Pasco County resource recovery facility. At your request, the Department has reevaluated the PSD increment consumption for SO₂ in the Chassahowitzka National Wildlife Refuge Class I area. You also requested a list of PSD sources within 100 kilometers of this area. We are currently developing a list of sources within 100 kilometers of the Class I area (including the subset of increment affecting sources). This list will be forwarded to you when it is completed.

As you noted, the applicant has estimated through modeling that nearly all of the allowed increment for SO₂, on a 24-hour average basis, is consumed. We believe that the modeling completed by the applicant adequately shows protection of the increments for the following reasons.

1. The TECO Big Bend facility as a whole is actually increment expanding. Although the Unit 4 source (included in the Pasco modeling) is increment consuming, Units 1-3 are increment expanding due to emission reductions since the baseline date. We have remodeled for the Class I impact when Units 1-3 are included (with their increment expansion) and the net increment consumption is reduced from 98% to 52%.
2. The Gardinier phosphate plant which was not included in the Pasco modeling also represents an expansion of the allowable PSD increment. No modeling of this facility was deemed necessary.

Mr. Nelson B. Kuerno
Page 2
May 6, 1988

3. No other increment consuming sources have been identified which would affect the results.

If you have any questions please call Tom Rogers at (904) 488-1344.

Sincerely,



C. H. Fancy, P.E.
Deputy Chief
Bureau of Air Quality
Management

CF/TR/ss

20 April 1988
Tallahassee, FL

CARLTON, FIELDS, WARD, EMMANUEL, SMITH & CUTLER, P. A.

ATTORNEYS AT LAW

ONE HARBOUR PLACE
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ORLANDO, FLORIDA 32802
(407) 848-0300

HARBOURVIEW BUILDING
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PENSACOLA, FLORIDA 32582
(904) 434-0142

FIRST FLORIDA BANK BUILDING
P. O. DRAWER 190
TALLAHASSEE, FLORIDA 32302
(904) 224-1555

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PLEASE REPLY TO:

April 20, 1988

APR 21 1988

Tallahassee

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DER-BAQM

John Shearer
Assistant Secretary
Department of Environmental
Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399

Re: Pasco County Resource Recovery Facility

Dear John:

I am sending you this letter because I want you to know that Pasco County is grateful for the exemplary efforts of Hamilton S. (Buck) Oven, Jr., Clair Fancy, Gardner Strasser, and Richard Donelan, Jr.

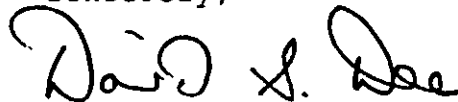
I am representing Pasco County in its efforts to obtain the environmental permits for a new resource recovery (refuse-to-energy) project, landfill and associated facilities. This is a major project for Pasco County and is essential to the County's long-term plans for solid waste management. At my request, the Department, Southwest Florida Water Mangement District, and the Department of Community Affairs agreed to expedite the review process for this facility. As a result of the extraordinary efforts of your staff, the County's four volume application for site certification was reviewed by the Department in 90 days, rather than the 150 or more days provided for under the Florida Electrical Power Plant Siting Act (Act). It appears that the County will be able to complete the review process under the Act in approximately 8 months, rather than the 14 months or more that are normally required.

John Shearer
April 20, 1988
Page Two

Buck Oven, Clair Fancy, Gardner Strasser, and Richard Donelan all played key roles in this process. Buck coordinated the Department's efforts with all of the other regulatory agencies and helped ensure that the project moved forward in a timely manner. Buck and Clair Fancy were required to testify at the formal administrative hearing on April 11 and 12, 1988. They handled themselves extremely well under cross-examination by opposing counsel and cogently stated the Department's position. Gardner Strasser provided assistance to the County by coordinating and supervising the geotechnical investigation of the site. Gardner also handled himself quite well during a deposition which was taken by opposing counsel. Finally, Richard Donelan provided legal guidance to the staff and ably represented the Department's interests at the formal administrative hearing.

On behalf of Pasco County, I want to thank all of these people and express the County's gratitude to them. Since the hearing officer's recommended order concerning the County's PSD permit will go to Secretary Twachtman for his review, I cannot advise him about these matters at this time. However, after the administrative process has been completed, I hope you will relay these sentiments to him.

Sincerely,



David S. Dee

cc: Buck Oven, Jr.
Clair Fancy ✓
Gardner Strasser
Richard Donelan, Jr.
Richard Garrity
Dan Thompson
Steve Smallwood

DSD/vc:Shearer

Copied CHIBT
Backup Room
Tom Rogus
Barry Andrews }

DEPARTMENT OF ENVIRONMENTAL REGULATION

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ACTION NO

ACTION DUE DATE

1. TO: (NAME, OFFICE, LOCATION)

Chair Nancy

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Date

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PGM BAQM

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Date

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306F

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Date

4.

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Date

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Initial & Forward

DISPOSITION

Review & Respond

Prepare Response

For My Signature

For Your Signature

Let's Discuss

Set Up Meeting

Investigate & Report

Initial & Forward

Distribute

Concurrence

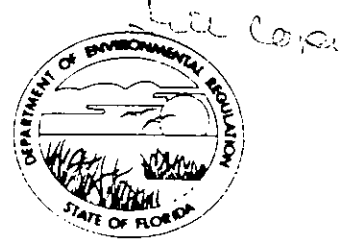
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Interoffice Memorandum

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To _____	Location _____
To _____	Location _____
From _____	Date _____

M E M O R A N D U M

TO: Randy Armstrong, Director
Division of Permitting

FROM: Richard T. Donelan, Jr. *RTD*
Assistant General Counsel

RE: In re: Pasco County Resource
Recovery Facility, OGC File No. 87-1587

DATE: April 19, 1988

I would like to commend Buck Oven and Clair Fancy for their participation in the recent evidentiary hearing regarding the Pasco County Resource Recovery Facility. Both gave cogent testimony and displayed impressive technical expertise. In particular, Clair's testimony succinctly illuminated the complex issues of BACT and dioxin emissions from MWC combustors.

Buck Oven deserves special credit for pulling together all of the state agency input necessary for expeditious DER proposed action under the Power Plant Siting Act. Thanks to Buck's efforts, we were able to complete the statutory hearing process regarding the Pasco application in the absolute minimum time possible under the circumstances, in my judgment.

It is a pleasure to represent the Department in legal proceedings with the assistance of expert witnesses such as Messrs. Oven and Fancy.

cc: Hamilton S. Oven, Jr., P.E.
Clair Fancy, P.E.
Steve Smallwood, P.E.
Dan Thompson, Esquire

*vpw: JHF/ST
Pasco County
Recovery Facility
Environmental*



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DER-BAQM

Mr. Tom Rogers
Bureau of Air Quality Management
Florida Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Dear Mr. Rogers:

Thank you for the opportunity to comment on the power plant site certification application for Pasco County's proposed resource recovery facility. The proposed project is located approximately 27 km south of Chassahowitzka National Wildlife Refuge. The wilderness portion of the refuge is a class I area administered by the U.S. Fish and Wildlife Service. The applicant proposes to construct a 900 tons per day facility with expansion capability to 1200 tons per day.

Our detailed comments regarding the proposed project are enclosed. Specifically, we have commented on best available control technology, and increment consumption modeling. We are requesting lower emissions for particulate matter, sulfur dioxide, acid gases, and nitrogen oxide. In addition, we are requesting additional information on other increment consuming sources and predicted background levels of sulfur dioxide at Chassahowitzka National Wildlife Refuge to determine any impacts at the refuge. We are concerned that the modeling performed by the applicant, which may not include all increment consuming sources, indicates a 24-hour sulfur dioxide increment consumption of 4.91 micrograms per cubic meter. As you know, the maximum allowable class I 24-hour increment for sulfur dioxide is 5.0 micrograms per cubic meter. Additional sources in alignment with the Pasco County facility could contribute to a class I increment exceedance at the refuge.

If you have any questions, please call Miguel Flores, or Deborah Mangis at 303-969-2072.

Sincerely,

for

Nelson B. Kverno
Assistant Regional Director
Refuges and Wildlife, Region 6

Enclosure

Handwritten notes and signatures at the bottom left of the page, including names like 'Tom Rogers' and 'Deborah Mangis'.

Comments on Potential Air Quality Impacts of Proposed
Pasco County Resource Recovery Facility

by

Permit Review and Technical Support Branch
National Park Service - Air Quality Division - Denver

INTRODUCTION

Pasco County is proposing to construct and operate a resource recovery facility (RRF) in New Port Ritchey, Florida, approximately 27 km south of Chassahowitzka National Wildlife Refuge. The wilderness area portion of the refuge is a class I area administered by the U.S. Fish and Wildlife Service. The facility would initially operate at a 900 tons per day (TPD) capacity and be capable of expansion to 1200 TPD.

Under Prevention of Significant Deterioration (PSD) rules, the proposed project would be a significant emitter of particulate matter (PM), sulfur dioxide (SO₂), carbon monoxide (CO), sulfuric acid mist (H₂SO₄), nitrogen oxides (NO_x), lead (Pb), mercury (Hg), fluorides (F), and volatile organic compounds (VOC). Emissions from the proposed source are estimated as follows: 68 tons per year (TPY) of PM, 471 TPY SO₂, 1,351 TPY NO_x, 103 TPY CO, 44 TPY VOC, 75 TPY H₂SO₄, 3.4 TPY Pb, 3.07 TPY Hg, 17 TPY F, and 267 TPY hydrogen chloride (HCl). Also, dioxins, furans, and other toxic organics will be emitted from the proposed facility in small quantities. Following are our comments on the best available control technology, air quality, and air quality related values analyses with respect to the proposed project's potential impacts on Chassahowitzka Wilderness Area.

BEST AVAILABLE CONTROL TECHNOLOGY (BACT)

Particulate Matter and Heavy Metals

Pasco County is proposing the use of dry scrubbers/fabric filters to control particulate matter (PM) emissions from the proposed refuse-fired boilers. The PM emission rate specified in the application is 0.015 grains per dry standard cubic foot (gr/dscf). Although the 0.015 gr/dscf rate reflects good control of PM emissions, we do not agree that this rate represents best available control technology (BACT).

According to the Environmental Protection Agency's (EPA) recent report to Congress entitled "Municipal Waste Combustion Study" (June 1987), PM emissions from refuse-fired boilers can be controlled to 0.01 gr/dscf and lower. For example, at Unit 1 of a recently constructed facility in Baltimore, Maryland, PM concentrations of 0.002 gr/dscf were measured. Also, Unit 2 at the Baltimore facility achieved an emission level of 0.003 gr/dscf during a test program conducted by the EPA. Another low PM concentration of 0.004 gr/dscf was reported for a combustor in Wurzburg, Germany. Other facilities equipped with electrostatic precipitators or dry scrubbers/fabric filters have

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