

BEFORE THE GOVERNOR AND CABINET
OF THE STATE OF FLORIDA

RECEIVED

DEC 21 1984

Dept. of Environmental Regulation
Office of General Counsel

IN RE: HILLSBOROUGH COUNTY)
RESOURCE RECOVERY PROJECT)
POWER PLANT SITING CERTIFICATION) DOAH CASE NO. 84-2789
APPLICATION PA 83-19) (SITE CERTIFICATION HEARING)

FINAL ORDER OF CERTIFICATION

BY THE GOVERNOR AND CABINET:

The Governor and Cabinet, sitting as the Siting Board, having reviewed the Recommended Order which is attached hereto as Exhibit 1, and otherwise being fully advised herein, issue this Final Order and, therefore, it is

ORDERED:

1. The Recommended Order (dated November 9, 1984) prepared by the Hearing Officer in this case is approved and adopted.
2. The conditions of certification attached to the Recommended Order as Appendix "A" are approved and adopted.
3. The certification of the Hillsborough County resource recovery facility is specifically subject to the conditions of certification contained in Appendix "A."
4. Pursuant to Section 403.504(13), Florida Statutes, the Department of Environmental Regulation shall retain \$5,000.00 from Hillsborough County's application fee to verify the emission rates from the facility in accordance with the conditions of certification.

DONE AND ORDERED this 20th day of December, 1984,
in Tallahassee, Florida, pursuant to the vote of the Governor and Cabinet, sitting as the Siting Board, at a duly constituted

The action of the Siting Board is based on the following vote:

	<u>For</u>	<u>Against</u>	<u>Absent</u>
Honorable Bob Graham	✓		
Honorable George Firestone			✓
Honorable Bill Gunter	✓		
Honorable Gerald A. Lewis	✓		
Honorable Jim Smith	✓		
Honorable Ralph D. Turlington	✓		
Honorable Doyle Conner	✓		

FILING AND ACKNOWLEDGEMENT

Filed, on this date, pursuant to Section 120.52(10), Florida Statutes (1983), with the designated Department Clerk, receipt of which is hereby acknowledged.

Diane M. Nelson
Clerk

12/21/84
Date

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(See attached list)

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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: HILLSBOROUGH COUNTY)
RESOURCE RECOVERY PROJECT)
POWER PLANT SITING CERTIFICATION)
APPLICATION PA 84-19.)

CASE NO. 84-2789
(SITE CERTIFICATION
HEARING)

RECOMMENDED ORDER

Pursuant to notice, an administrative hearing was held before Diane D. Tremor, Hearing Officer with the Division of Administrative Hearings, on November 8, 1984, in Tampa, Florida. The issue for determination at the hearing was whether the application for Power Plant Site Certification filed by Hillsborough County, Florida, for the construction and operation of a resource recovery facility should be approved and site certification granted by the Governor and Cabinet, sitting as the Siting Board.

APPEARANCES

For Hillsborough County: Jacob D. Varn and
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INTRODUCTION

Pursuant to the Florida Electrical Power Plant Siting Act, Sections 403.501 through 403.517, Florida Statutes, Hillsborough

proposed site is consistent and in compliance with existing land use plans and zoning ordinances.

At the certification hearing held on November 8, 1984, the parties stipulated that the transcript and exhibits from the prior land use hearing should be included and incorporated as a part of the evidentiary record. Accordingly, Hillsborough County's Exhibits 1-7, 11, 12, 14-17, 19, 20, 27A-G, 30, 31, 34, 36-38, 42, 44, 50, 51, 53, 54, 56, DER Exhibit 1, and the transcript of the testimony of seven witnesses were accepted into evidence as a portion of the record of this proceeding.

In support of its application for site certification, Hillsborough County adduced the testimony of six witnesses and its Exhibits 27H, 27I, 37, 47, 48, 58, 59 and 60 were received into evidence. Testifying on behalf of the applicant were Robert Hauser, Jr., who was accepted as an expert witness in the areas of solid waste management and disposal, including resource recovery facilities; Dr. Robert Powell, who was accepted as an expert witness in the areas of surface water and groundwater hydrology; Louis R. Tortora, Jr., who was accepted as an expert witness concerning wastewater disposal and treatment facilities; Donald F. Elias, who was accepted as an expert witness in the areas of air pollution, noise, odor, and resource recovery; Clair Fancy, the Deputy Bureau Chief in the DER Bureau of Air Quality Management, who was accepted as an expert in air pollution control and engineering; and Hamilton Owen, Jr., the Administrator of DER's program for power plant siting, who was accepted as an expert concerning power plant siting and the Department's requirements.

The Department of Community Affairs (DCA), the Department of Environmental Regulation (DER), the Public Service Commission (PSC),

No individual, group or agency spoke in opposition to the project at the site certification hearing. No public witnesses testified at the hearing. No one asked to intervene as a party to the site certification hearing.

Subsequent to the hearing, Hillsborough County submitted proposed findings of fact and proposed conclusions of law. The other parties did not submit proposed orders. To the extent that Hillsborough County's proposed findings of fact are not included in this Recommended Order, they are rejected as being not supported by competent substantial evidence adduced at the hearing, irrelevant or immaterial to the issues in dispute or as constituting legal conclusions as opposed to factual findings.

The following findings of fact and conclusions of law should be considered in conjunction with the Recommended Order dated November 9, 1984, entered by the undersigned Hearing Officer for the land use portion of this proceeding.

FINDINGS OF FACT

Upon consideration of the oral and documentary evidence presented at the hearing, as well as the parties' prehearing stipulations of fact, the following relevant facts are found:

The Site

1. Hillsborough County desires to construct and operate a resource recovery facility and a wastewater treatment plant on an undeveloped 50 acre parcel of land located in an unincorporated area of Hillsborough County. The site is an open, improved pasture that is currently used for grazing. Nine square miles surrounding the proposed site are zoned for industrial development. The site is bounded by a railroad track, a TECO 230 KV electric transmission line corridor, a pipe fabrication facility, and improved pasture.

There are numerous existing industrial facilities in the area near

year flood plain. No rare, threatened or endangered animal or plant species have been detected on the site. No significant archaeological or historical areas have been found on the site.

Construction Impacts

3. Construction of the proposed resource recovery facility is expected to take about 34 months. The subsurface conditions on site are typical of the area and the site is suitable for the planned construction. Access roads, enclosed refuse unloading areas, boilers, cooling towers, air pollution control equipment, and associated facilities will be built. An advanced secondary sewage treatment plant, with a capacity of 3 million gallons per day, will be built on the site after the appropriate permits are issued in a separate permitting proceeding.

4. Since the site and the surrounding industrial areas have already been disturbed by prior human activities, the construction of the resource recovery facility should not have any adverse impact on the environment or endangered species. There will be some short-term increases in noise and dust during construction, typical of any large construction project. The noise will not adversely affect the industrial neighborhood surrounding the site, and watering is planned for dust depression.

5. Some small increase in storm water run-off is expected as a result of the removal of vegetation in the construction areas. Several stormwater retention basins will be built to collect, detain and filter stormwater run-off during construction. The basins were designed to comply with all of the applicable DER and SWFWMD requirements. The basins will retain and filter the first $\frac{1}{2}$ inch of run-off over a 72-hour period. The basins also will regulate the volume and rate of flow of stormwater leaving the site.

6. Hillsborough County will develop the area...

would range from 1.5 to 3.5 feet.

7. If necessary, the water collected during the dewatering activities will be filtered through the stormwater basins before it is discharged. The water discharged from the basins will not have any significant impact on the quality or quantity of the water downstream. This discharge will be subject to the conditions of a National Pollutant Discharge Elimination System (NPDES) permit from the United States Environmental Protection Agency.

8. There will be no dredge and fill activity in connection with the proposed project, and no wells will be installed. There will be no construction on state sovereignty lands, and the County will not use or cross the property of any other local, state or federal agency. Hillsborough County will not need any variances to construct or operate the resource recovery facility, and it has certified that the project is consistent with the Florida Coastal Management Program.

9. Hillsborough County will not build any linear facilities or transmission lines in conjunction with this facility. The site is located adjacent to an existing TECO transmission line corridor, and TECO will connect the resource recovery facility to its transmission line network.

Plant Operations

10. When the resource recovery facility is built, enclosed refuse trucks will deliver municipal solid waste to the facility. The trucks will unload the refuse into the sealed refuse bunker inside the resource recovery facility. The refuse will be deposited by crane in a hopper that leads into the furnace. The refuse will be burned in the furnace to produce heat, which will be used to produce steam in the boiler, which will be used to produce electricity in a turbine generator.

wells for this project will be required.

12. There will not be any discharge of liquid waste into any surface or ground waters. Liquid wastes (e.g., blow-down) from the resource recovery plant will be used to wet the ash before it is taken to the county landfill for disposal. Excess liquid waste will go to the wastewater treatment plant.

13. There is very little chance of any surface or groundwater pollution occurring at the resource recovery plant because the facility does not have any holding ponds, cooling ponds, coal piles, sludge piles, or other typical sources of water pollution. The refuse, ash and residue will be kept in sealed bunkers inside the fully enclosed resource recovery building.

14. When the resource recovery facility is operating, stormwater run-off at the site will be collected and filtered through stormwater basins. The water discharged from the stormwater basins will not materially affect the quality or quantity of the water downstream.

Air Quality

15. The resource recovery facility is designed to minimize any potential air pollution, and will utilize the best available control technology (BACT). It will not burn hazardous waste or sewage sludge, and will only use municipal solid waste as fuel.

16. Hillsborough County conducted a detailed study of the existing air quality at the site, which included five years of meteorological data. This data was used in a computer model approved by the Environmental Protection Agency to calculate the maximum ground-level pollutant concentrations that might occur as a result of the resource recovery facility. Hillsborough County's computer analysis utilized a very conservative approach which was designed to maximize the

that the emissions from the facility would not adversely affect sensitive receptors, such as the Class I Chassahowitzka National Wilderness Area, or other air quality related values, such as soils, vegetation and visibility.

18. State and federal law require Hillsborough County to utilize the best available control technology. In this case, a high efficiency electrostatic precipitator will be used to control particulate matter and certain metals. The design of the facility and good operating procedures will control the emissions of carbon monoxide and nitrogen oxides. Sulfur dioxide emissions will be limited by burning only municipal solid waste, a low sulfur content fuel.

Benefits of the Resource Recovery Facility

19. Hillsborough County's "waste to energy" facility will dispose of solid waste and produce electricity. Initially, it will dispose of 1200 tons of refuse each day and produce 29 megawatts (MW) of electricity. After it is expanded in the future, the resource recovery plant will dispose of 1600 tons of refuse each day and produce 39 MW of electricity.

20. By producing electricity from solid waste instead of fossil fuel, Hillsborough County will conserve non-renewable resources. Over a 20 year operational period, the energy equivalent of 5.6 million barrels of oil will be recovered, representing a savings of \$156 million. When burning 1600 tons of refuse per day, the County will recover the energy equivalent of 150,000 tons of coal each year.

21. Burning the refuse reduces its volume by 90 percent. By reducing the volume of material to be landfilled, the resource recovery facility will eliminate the need for approximately 17.5

studies which show that the proposed mass burn resource recovery facility is the most reliable, cost effective method of long-term solid waste disposal for Hillsborough County.

Agency Recommendations

23. Pursuant to Section 403.519, Florida Statutes, the Florida Public Service Commission (PSC) made an affirmative determination that there is a need for the resource recovery facility. Noting that Congress and the Florida Legislature have encouraged such facilities because they constitute alternative sources of power which displace the production of electricity with non-renewable fossil fuels, the PSC found that the proposed resource recovery facility:

"will increase electrical system reliability and integrity and will maintain the supply of adequate electricity at a reasonable cost while reducing our dependence on fossil fuel."

24. The Florida Department of Commerce reviewed the proposed project and concluded that:

"In addition to its efficient use of solid waste, this project has the secondary benefit of improving the image of the Tampa Bay Area as a good location for high technology industry. When our Development Representatives are conducting plant site tours in Hillsborough County, this project will be a visible example of an efficient use of resources by local government.

The Hillsborough County Resource Recovery Project is consistent with the goals and programs of the Florida Department of Commerce."

25. The Tampa Bay Regional Planning Council (TBRPC) found that the project is consistent with the TBRPC's adopted growth policy. The proposal also is consistent with the TBRPC policy of encouraging research, development and implementation of resource recovery.

26. The Florida Department of Community Affairs evaluated the proposed project and concluded that it is consistent with the goals, objectives and policies of the State Comprehensive Plan.

to reuse water at the resource recovery facility.

28. The Department of Natural Resources (DNR) concluded that the project would not affect any state lands. The DNR and the Florida Game and Fresh Water Fish Commission had no comments concerning the project.

29. The Hillsborough County Environmental Protection Commission reviewed the plans for the proposed project and raised several potential issues. Those issues were considered by the Department of Environmental Regulation and addressed in the proposed conditions of site certification.

30. The Department of Environmental Regulation coordinated the agency review process for this facility. Based on its independent evaluation and the reports submitted to it by the various agencies that reviewed the proposed project, the DER concluded that Hillsborough County has given reasonable assurances that the resource recovery project will comply with all of the applicable environmental rules and regulations. For this reason, DER recommended in its report, and stipulated prior to the site certification hearing, that the project should be approved, subject to the conditions of site certification that are attached to this Recommended Order. DER also stipulated that the project is consistent with the Florida Resource Recovery and Management Act, Chapter 403, Part IV, Florida Statutes (1983).

31. Notice of the site certification hearing was published in the Tampa Tribune on October 6, 1984. Notice was also published in the Florida Administrative Weekly on October 5, 1984, in Volume 10, Number 40. A news release was given to the Florida Information Bureau in Tallahassee on October 8, 1984.

"It is the policy of this state that, while recognizing the pressing need for increased power generation facilities, the state shall ensure through available and reasonable methods that the location and operation of electrical power plants will produce minimal adverse effect on human health, the environment, the ecology of the land and its wildlife, and the ecology of state waters and their aquatic life. It is the intent to seek courses of action that will fully balance the increasing demands for electrical power plant location and operation with the broad interests of the public."

When performing this balancing test, recognition is to be given to the need for abundant, low cost electrical energy; assurances that the operational safeguards of the facility are technically sufficient to protect the citizens of Florida; and a reasonable balance between the need for the facility and the environmental impacts resulting from the construction and operation of the facility. Section 403.502, Florida Statutes.

In this proceeding, the applicant has demonstrated by competent, substantial evidence that its proposed resource recovery facility will provide abundant, low cost electrical energy and, at the same time, reduce the cost of solid waste management. The construction and operational safeguards have also been demonstrated to be technically sufficient for the welfare and protection of the citizens of Florida. The construction and operation of the facility, if performed in accordance with the terms of the application and the proposed conditions of certification, will not adversely affect the quality or quantity of surface water or ground water at or near the site, or otherwise contribute to a violation of water quality standards. Likewise, if the facility is built and constructed in accordance with the application and in compliance with the conditions of site certification, it will meet all state and federal ambient air quality standards. Hillsborough County has stipulated that it

403.507, Florida Statutes, have been completed and presented to the Department of Environmental Regulation. All such reports and comments, including those from local and regional agencies, were favorable to the certification of the proposed resource recovery plant. The proposed project has been demonstrated to be in compliance with all applicable environmental rules and regulations and with other state laws. The Department of Environmental Regulation has recommended certification of the facility at its ultimate capacity of 39 MW, subject to the conditions of certification attached to this Recommended Order. In summary, it is concluded that the construction and operation of the resource recovery facility at the proposed site will comply with all applicable statutes, rules, regulations and criteria of the State of Florida and, therefore, is entitled to certification, with conditions, pursuant to Chapter 403, Florida Statutes.

RECOMMENDATION

Based upon the entire record in this proceeding and the findings of fact and conclusions of law contained in this Recommended Order, it is

RECOMMENDED that Hillsborough County be granted certification by the Governor and Cabinet, sitting as the Siting Board, for the location, construction and operation of the proposed resource recovery facility at its ultimate site capacity of 39 megawatts, subject to the conditions of site certification attached to this Recommended Order as Appendix "A".

Respectfully submitted and entered this 28th day of November, 1984, in Tallahassee, Florida.


DIANE D. TREMOR

Case No. 84-2789

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