

Three Personal Questions Involving the 'Disputed Issue of Material Facts':

By far, the most difficult part of framing these remarks is trying to appreciate the Adage-Hamilton LLC application, the Department of Environmental Protection permitting and the operative meaning(s) of what state statute calls 'disputed issue of material fact' about air pollution and toxic byproducts. Material fact would seem to depend upon an accurate description of the current and most likely near future for Florida energy development. My objections to this particular Biomass plant are contextually embedded within the following three questions of material fact:

(a) First, Florida's atmospheric environment is not a stable or static entity but, rather, a volatile and rapidly changing dynamic. We may disagree with whether the cause is God given grace or nature's global oscillation of concentration and dispersions but the material fact is that Florida's 2009 hurricane season did not have a single storm strike the mainland. The odds of this occurring under 'normal' seasonal calculations of five months out of a year are astronomical so our material fact is that predictive meteorological models would use words like 'anomaly' or 'outlier' to describe the yearly condition. If we chose to remember back five years to 2004 when four major hurricanes struck the state we could cite another illustration of another abnormal condition that had major impact upon conventional predictive efforts to estimate normalcy. While such wild swings of event or non event might be masked or 'smoothed' by placing year in some extended decade or quarter century projection, the problem of accurately describing an environment where planning is conventional seems problematic.

Even more to the description of 'unusual' climate as a material fact, the Florida economy in Fall 2009 is so battered and shaky that Representative Bill Proctor, head of the House Insurance Committee, pronounced that one single hurricane hitting anywhere in the state would overcome existing insurance obligations and bankrupt the state and private industry safety net' for citizens. This picture of economy may also gain the illusion of stability when placed upon a quarter or half century timeline but not for making operative decisions about the near future. The one exception to this, of course, is that unstable economic projections are *mediated* by securing government stimulus grants as a blind, unverified investment in 'new' technology or 'essential' energy outputs.

I mention all this in terms of 'material facts' because the twin pinchers of an unpredictable environment and faulty economics appear to be one set of benchmarks to describe the 2009 Adage-Hamilton application, even though neither deal directly with biomass pollution of the current air or creation of toxic byproduct (ash classified as de minimus) or the 'cleanliness' of the gasified woody operation. There is nothing in the twenty-eight pages of application that hints of either the LLC or DEP are considering the dynamic aggregate environment or economic context in near term or long-range consequences for Florida energy production.

(b) The second question of material fact and possible dispute is the description of atmospheric impact of a 53MW Biomass addition on northern and panhandle Florida air. Certainly the weakest part of the Adage Hamilton application is the narrative and schematic (Figure 9) that purports to outline a '100 mile radius' of air pollution impact. The applicant's own acknowledgment of 'drift' due to wind currents, the concession that CAIR, Clean Air Interstate Rule, relates legally to Hamilton County's 'border' location (are there no air polluters in Valdosta?), and a Figure 9 that shows Clay County but ignores Putnam County in Florida, all speak to a deeply flawed impact discussion. Not only will the five major pollutants coming from the Adage-Hamilton smokestack affect a much larger area (with 'radius' or not) but the centerpiece of Adage-Hamilton's comparative analysis with 'Major Polluters' (Tables 14 through 18) changes dramatically.

The combination of area affected by air pollution and the inclusion of other major polluting industries makes the second disputed issue of material fact a question of the actual toxicity of the current atmosphere in Florida. As with the apparent attempt of the applicant to present a plant proposal just under the various thresholds for 'hazardous air pollutants' (HAP) calculated by emitted tons per year and, further, not be classified as a 'Major Stationary Source' for pollution or 'Power Plant Siting' for MW production, signals that the actual condition of the current atmosphere of north and panhandle Florida have been 'airbrushed.' At least, this a question of material fact about current Clean or Dirty Air.

c) The third issue of possible dispute over material fact is the 'why' 53MW of energy are needed in the first place? The dispute is whether the past decade of Florida development and its concurrent massively growing need for new 'energy' is the rationale for the Adage-Hamilton proposal. If the application assumes a continued geometric expansion (or even more exponential frenzy) of population growth to 2030 then this 'need' issue of air permitting joins the material fact disputes already reflected in land use and water resource public policy about 2009.

At the moment there is a yearlong study underway to determine an accurate meaning of 2010 Water Supply.. This was undertaken because two adjoining water management districts failed to consider the overlapping nature of water flows in earlier estimating ventures. Many critics argue that the issuance of consumptive water permits and mitigations of wetlands are a political wasteland and that the public policy issue is due to a lack of systemic conservation efforts. As true as that might be for water, for a descriptive analogy to the Adage proposal and DEP permitting is the question of whether a picture of total aggregate MW produced by the available grid of energy producers is available. This, of course, involves both public and private sector producers in delimiting actual MW usage but is there an aggregate profile of current MW and demonstration of combined needs for expansion of the current energy supply? For example, Seminole

Electric is proposing a new plant in neighboring Gilchrist County. How would this relate to any Adage contribution in Hamilton County?

Even more problematic for accurate description of future energy need (and this particular 53MW addition) is trying to do such estimate based upon land use and zoning decisions of local municipalities (county and city) since the year 2000 or trying to justify the Bureau of Economic and Business Research (hereafter BEBR) predictions to 2020 and 2030.

Despite New Age exhortations of multi-level-marketing that artificially created an image of need for massive Developments of Regional Impact (hereafter DRI) and mega Town Centers, the last two years of Florida reality has demonstrated a historic continuation of Boom-into-Bust economics that has characterized this state since the 1920's. The bulging anomaly of municipal approvals of DRIs and Town Centers between 2002 and 2006 also skewed Population Growth estimates by the University of Florida's Bureau of Economic and Business Research. Population estimates made between 2004 and 2008 are now publically conceded to be wildly off the mark in terms of stable projections of population growth to 2020 and 2030. As it is well known, in the State of Florida, BEBR estimates are used to set benchmarks and thresholds for an array of public policy efforts; water consumptive needs, k12 school allocations, local governments rationalizing approvals of future construction and development, and public energy needs. Until the BEBR predictions are revalidated and formalized it seems an open question of how much more Megawatts of energy are needed in the next fifteen to thirty years, whether produced by public or private industry.

Public Policy and Energy Needs: My Bias

Assuming for the moment that the current air is 'semi-healthy' enough to support another energy provider/air polluter and further assuming that the 'modest' population and economy predictive models to 2030 suggest a need for more megawatts of power, the crucial public policy question for DEP is whether Florida is trying to Re-Power and transform its current array of energy producers.

Megawatts of new Energy must be counted and discussed as demonstrated 'benefits' with calculations of pollution costs factored in the positive statement. Re-powering means the derived benefits of more MW available must show a concurrent lessening of toxic pollutants and an overall cleaner operation. Re-powering means conceding that Biomass 'gasification' boilers and 'clean woody' fuel and 'de minimus' toxic ash

byproducts must be evaluated vis-à-vis comparative cost/benefits of using low sulfur or 'clean' Coal technique or continuing the addiction to Oil (with off-shore drilling simply a slower more pervasive form of Florida destruction) as a documentation of selecting the Good Energy sources for Florida's future.

Further, I believe the Sustainable or Renewable political strategy of matching a 'good' energy source with a 'bad' energy source to *mitigate* the load-shedding impact of existing 'bad' business practice is not enough for an honest clean air future. This is true, whether for natural gas off-shore rigs and interstate pipelines that '*match*' with wind farms (as T. Boone Pickens argues), or a Florida solar energy industry that forms coalitions with off-shore oil to promote all forms along the 'full' energy market spectrum. Yet, such **hybrid optioning** is inevitable with Biomass energy, just like Adage-Hamilton LLC arguing for normal & special fuel uses together. The ratio of Adage Hamilton 'normal' woody fuels to the 'burst' fuels used in start-up, bed stabilization, and shut down is the major negative downside to be evaluated in depth and conceded in overall contributions to air pollution.

And this leads to my primary evaluative concern, based upon the narrative in the 28-page application. Biomass, as Florida's 'Native' and "Renewable" energy source (clean woody as both trees and grasses) must be found to contribute a favorable Megawatt-to-Pollution ratio regardless of GIS mapping of industry that illustrates 'economic planning' favoritisms. Specifically, Hamilton County as an 'ideal' location that combines remote rural (proportionately less citizens adversely affected) location, existing natural gas pipeline and interstate highway proximity to plant, a 'border' county location with Georgia, and an easy transformation of the half century timber industry from pulp & paper products to biomass generation of electricity, are all persuasive arguments for a business enterprise. In other words, a perfect business location identified in Florida. Yet, the contributions of the various pollutants coming from the proposed 195 foot high smokestack, and the accumulations of both boiler bottom and fly ash, should the **priority policy** obligations and policy decision determinations of a state agency with 'Environmental Protection' as its title.

My last public policy bias is a simple suspicion about Biomass as a preferred energy source due to the Wheelabrator-Auburndale Florida demonstration of legally burning tires as permitted 'combustibles' at that plant (Table 7, page14 of 28). This makes me nervous about the nebulous disclaimer of Adage-Hamilton to exclude secondary residuals 'without prior approval of the Department' (page six of twenty eight). In no situation should Adage-Hamilton have the possibility of 'normal' clean woody operations 'supplemented' to include plywood, particle board, fiberboard, OSB, laminated goods or other 'secondary' materials such as incinerator garbage, car tires and some such. If DEP allowed such secondary materials, then why preclude garbage incineration or even tires and more toxic materials as 'normal operations' fuel?

These are the actual implementation questions about the operating biomass plant and the supporting timber system that need to be also scrutinized in both the HEF- Highlands and Wheelabrator-Auburndale permit situations. Highlands (wood) is approximately one-sixth (198mmBtu to 758 mmBtu) of Adage Hamilton expectations while Auburndale is closer in approximate wood usage but differs in grate boiler to the proposed gasification unit. Certainly, the VOC documentation of burning tires in Auburndale (Table 7) should have nay new DEP permit exclude any such ‘supplement’ practice of ‘secondary’ source materials at Adage..

Bottom Line Energy Use Question: Can We Think Biomass with Solar, Wind and Water Action for a Greener Florida future?

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### Grasses and Trees biofuels as Clean Green Woody ?

----and as operating illustrations in **the 50-100 MW range**. Series of ‘mid range’ electricity plants, not mega Stationary Source producers,

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My Objection to Adage-Hamilton proposal and immediate approval of Air Permit 0470016-001-AC

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