



# Leon County

## Board of County Commissioners

301 South Monroe Street, Tallahassee, Florida 32301  
 (850) 606-5302 www.leoncountyfl.gov

### Commissioners

BILL PROCTOR

District 1

JANE G. SAULS

District 2

JOHN DAILEY

District 3

BRYAN DESLOGE

District 4

BOB RACKLEFF

District 5

CLIFF THAELL

At-Large

ED DeFUY

At-Large

PARWEZ ALAM

County Administrator

HERBERT W.A. THIELE

County Attorney

## TELEFAX COVER SHEET

LEON COUNTY ATTORNEY'S OFFICE  
 LEON COUNTY COURTHOUSE  
 SUITE 202, 301 S. MONROE STREET  
 TALLAHASSEE, FLORIDA 32301

**THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM, OR ENTITY TO WHICH, IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is prohibited. If you have received this communication in error, please notify us immediately by telephone (collect), and return the original message to us at the above address via the U.S. Postal Service. Thank you.**

**TO: Al Linero  
 Florida Department of Environmental  
 Protection**

**FROM: Emily Long  
 Leon County Attorney's Office**

**FAX OPERATOR:**

**DATE: November 7, 2008**

**FAX NUMBER: 921-9533**

**REGARDING: Biomass Plant**

**# OF PAGES:**

**COMMENTS:**



# Leon County

## Board of County Commissioners

301 South Monroe Street, Tallahassee, Florida 32301  
(850) 606-5302 www.leoncountyfl.gov

Commissioners

BILL PROCTOR  
District 1

JANE G. SAULS  
District 2

JOHN DAILEY  
District 3

BRYAN DESLOGE  
District 4

BOB RACKLEFF  
District 5

CLIFF THAELL  
At-Large

ED DePUY  
At-Large

PARWEZ ALAM  
County Administrator

HERBERT W.A. THIELE  
County Attorney

November 6, 2008

Michael W. Sole, Secretary  
Florida Department of Environmental Protection  
3900 Commonwealth Boulevard, M.S. 49  
Tallahassee, FL 32399

Re: Proposed Project and Air Pollution Construction Permit for BG&E  
Bio Mass Plant Located at Roberts Avenue, Tallahassee, Florida

Dear Secretary Sole:

It has come to the attention of the Leon County Board of County Commissioners that the Florida Department of Environmental Protection is preparing to issue what is called an air pollution construction permit that will permit the further development of a biomass-fed integrated gasification combined cycle power plant called the "Tallahassee Renewable Energy Center" to be located in Leon County along Lipona Road at Roberts Avenue, in Tallahassee, Florida. It appears that this location is also within the Florida State University's Southwest Campus.

Since the Board of County Commissioners has not been involved in being briefed on this matter, nor in having any input on this permit nor on the development of the Biomass plant itself, the Board of County Commissioners instructed the County Attorney's Office to develop a series of questions which we would like to have answered by the Florida Department of Environmental Protection as soon as possible. We understand that the permit may be issued within the next fourteen (14) days and request that the information be provided to us before the fourteen (14) day waiting period expires. The air permit number we believe is 0730109-001-AC to be issued to the Tallahassee Renewable Energy Center to be located along Lipona Road at Roberts Avenue.

The series of questions are set forth in the attachment to this correspondence and we would appreciate your prompt consideration and response thereto. Additionally, Commission Bill Proctor, who represents District 1 in Leon County also posed a series of questions by memorandum dated October 28, 2008, which is also attached. We would request that you provide answers to those questions which are applicable to FDEP. Thank you for your assistance.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
LEON COUNTY, FLORIDA

Jane G. Sauls, Chairman

JGS:eal

cc: Members of the Board of County Commissioners of Leon County, Florida  
Parwez Alam, County Administrator  
Herbert W. A. Thiele, Esq., Leon County Attorney

**INQUIRIES CONCERNING BIOMASS-FED INTEGRATED  
GASIFICATION COMBINED CYCLE PLANT  
AIR PERMIT NO. 0730109-001-AC**

With regard to the construction of the plant and the air permit, we have the following questions:

- How is this process different than incineration?
- What is the chemical or elemental makeup of the resulting material?
- What are the potential dangers of the supposed "inert" slag that results from the process?
- Is there testing require once the plant is up and running to ensure that the slag is actually inert?
- What steps are being taken to dilute or disperse the residual material to ensure no environmental impact?
- In regards to the unit that house the actual gasification, what steps are being taken to ensure reliability of the housing?
- What is the degradation of the housing unit? At what point does the housing unit need to be replaced?
- How long will the housing unit last and what steps are taken to ensure that the unit is properly maintained?
- There are a lot of issues with this being a new technology. But over 100 plants in the world are utilizing this technology. Did the company provide information or reports of issues common to the other plants?
- What process ensured that no gas escapes in excess of the amount permitted?
- What process ensured that no gas escapes through the feed process?
- In regards to the fuel source, what process will be in place to ensure the fuel used in the gasification process?
- What process is in place to ensure that there are no accompanying toxic materials in the saw dust, especially materials from out of state?
- What further development activities are necessary by the developer of this project to commence construction?

- What further permits are required from the Florida Department of Environmental Protection of other state agencies so as to allow the construction of this biomass plant?
- On January 12, 2007, the CEO of Biomass Gas & Electric, LLC, Mr. S. Glenn Ferris, wrote a letter to the City of Tallahassee City Commission indicating that BG&E was no longer considering the Roberts Avenue site, but instead was to move the plant to an existing site in Liberty County, in Telogia, Florida. When were these plans changed and what caused this change in plans and relocation back to the site on Roberts Avenue?

# BOARD OF COUNTY COMMISSIONERS

## MEMORANDUM

DATE: October 28, 2008

TO: Chairman Jane Sauls and Members of BCC

FROM: Commissioner Bill Proctor

SUBJECT: DEP to Permit Biomass Plant

---

I request that the Board file a permit challenge within 14 days deadline to the permit the State (Department of Environmental Protection) will give to the State (Florida State University) today.

The multiple issues I have in mind exceed the space and time to place in this memo. Suffice me quickly saying several concerns include:

1. Process for Permitting that includes local governments, area citizens within x mile radius,
2. Technology Uses/Vetting that includes the science and technology that will be employed by Biomass Gas & Electric. Is it current and safe?
3. Who owns Innovation Park and has say in controlling the industrial activities around it?
4. When did the City of Tallahassee cut this deal to buy electricity from Biomass Gas & Electric? I want to review this agreement.
5. Who is footing the bill for building this plant? What are the incentives and giveaways?
6. Does a local government have more than 14 days to hold public hearings and to receive citizen input before weighing in on this matter or must we object in the same 14 day period whether blindly or not?
7. Who regulates Biomass Fuel?
8. What does the Public Service Commission do in relation to this utility company Biomass Gas & Electric?
9. Has the PSC already approved this electric plant deal?
10. Why has this been so secretive and unknown to the County government?
11. Why has the City been so secretive?
12. Why has FSU been so secretive?
13. Why are we only finding out about this matter from a newspaper today?
14. Does the County government have any say?
15. Why has the Capital Medical Society exceeded our presence with DEP in this matter?
16. Why didn't we know about this?
17. Why is Biomass Gas & Electric "very pleased" and "appreciative of all the hard work the DEP has done" and DEP has not involved us in "all the hard work?"
18. As the Capital County, does anyone get the sense that this title vastly overstates our relation with the state or the respect we received from its Governor, agencies or legislators?
19. Why is this stink smelling pulp mill placed down the street from the stink smelling transfer station off Gum Road?

20. Why does the Governor champion these plants for the southside but never has asked us locals whether we want these entities in our neighborhood.
21. Why does FSU close off streets, take over the Tallahassee Leon County Civic Center and import gas and electric companies to locate off Roberts Avenue and essentially ignore informing us until they are deep in the red zone?
22. Who owns Biomass Gas & Electric?
23. Are the owners connected to our community, connected to any of the principals or are they complete outsiders invited in by a three person local team?
24. Is the proposed Roberts Avenue site zoned for industrial uses such as pulp mill generated electricity? If it is not, does the county or city have the authority to compromise the zoning?
25. Whose waste and what sort of waste will be imported into our community?
26. The City has several waste plants on the southside, how many more environmental toxic activities will the city, state and FSU dump on poor people in the southside?
27. Why can't FSU and the Governor through DEP leave the southside alone and give this project to the coast in Pancea where other land is owned by FSU and the state?
28. How will FSU be compensated for the 22 acres off Roberts Avenue? Will it be sold outright to Biomass Gas, leased or operate on a profit sharing arrangement?
29. Does FSU receive a lower utility rate, abatement or rebate on its electric bill in sponsoring Biomass as an electricity conduit for the City of Tallahassee?
30. When can we review all of the paperwork related to our doing due diligence on these several concerns I present? This includes all financials on the Biomass Gas Company, the ownership questions and the right of our government to be included in the permitting of a gas and electric company run off of waste and pulp?

Colleagues, I request a discussion of this matter as a relevant agenda item outside the context of my 3 minutes Commission time. Given the brevity of our General Business items will you allow this to be heard following the public hearing at 6:00 p.m.?