

**Environment Florida | Sierra Club Florida Chapter | Dogwood Alliance Environmental Integrity Project | Our Children's Earth | Partnership for Policy Integrity**

April 26, 2018

The Honorable Rick Scott  
Office of Governor  
The Capitol  
400 S. Monroe St.  
Tallahassee FL, 32399

Dear Governor Scott,

We, the undersigned community and environmental groups who work to protect the health and wellbeing of Florida's citizens and environment, call on Florida officials to address the dangerous and unlawful air pollution emitted by the wood pellet industry in Florida, including taking the specific steps set forth in this letter to address existing deficiencies and to take proactive measures in the future to address new facilities.

Today, Environmental Integrity Project (EIP) released a report, "Dirty Deception: How the Wood Biomass Industry Skirts the Clean Air Act," which reveals how the wood pellet manufacturing industry in the southern US, including the Enviva Cottondale plant near Panama City, emits vast amounts of unlawful air pollution and systematically evades Clean Air Act requirements to reduce air pollution. These factories convert millions of tons of trees into wood pellets to be shipped to Europe, where they are burned for electricity under the false premise that doing so is carbon neutral. It turns out this emerging industry emits substantially more air pollution here in the US than anybody expected, but many states—including Florida—are not doing enough to bring these facilities into compliance with the Clean Air Act.

While Florida is only home to one pellet mill currently—Enviva Cottondale—the facility is the second largest mill in the nation and has been violating the Clean Air Act for years. Further, Enviva and other companies have identified Florida as a target for future facilities. For these reasons, we call on Florida to take the following steps to protect the state's citizens and environment.

**First, Florida Must Eliminate Existing, Unlawful Air Pollution.**

In response to comments by EIP and other organizations showing that Enviva Cottondale has been emitting well above the Clean Air Act major source threshold for years without proper permitting, Florida DEP has required Enviva Cottondale to enter into a Consent Order mandating that the facility obtain a major New Source Review permit. As part of that permitting process, Enviva must identify and install the "best available control technology." EIP appreciates this positive step and urges Florida DEP to ensure that the facility actually reduces its emissions to the level achievable by the use of the best available control technology.

Enviva Cottdale currently emits more than 500 tons of volatile organic compounds (VOCs) per year because it does not utilize any VOC control technology on units known as pellet coolers. A nearly identical facility in Georgia, meanwhile, has reduced its VOC emissions from more than 1,000 tons per year to just 130 tons per year by installing VOC controls on each of its major units, including its pellet coolers. That facility, Georgia Biomass, utilizes thermal oxidizing technology which reduces VOC emissions by 95% or more. Given that the Georgia Biomass plant is nearly identical to the Cottdale plant, this same thermal oxidizing technology plainly is “available” to control the Cottdale plant’s pellet coolers. Accordingly, Florida DEP should select this technology as the best available control technology and limit the facility’s VOC emissions accordingly.

### **Next, Florida Must Address the Industry’s Terrible History of Fires and Explosions.**

Since 2014, more than half of the large pellet mills in the South have had news-worthy fires or explosions, including a fire at Enviva Cottdale in 2017, as well as three other fires at Enviva facilities. These fires can produce massive amounts of harmful air pollution; for instance, a recent silo fire at a Texas facility burned for more than 50 days, sickening dozens of nearby residents and leading to multiple lawsuits. Many of these fires and explosions are caused by combustible wood dust, an extreme hazard at wood pellet mills.

The Clean Air Act gives Florida a powerful tool to address wood dust explosions and fires. The Act contains the Section 112(r) General Duty Clause which requires facilities producing or handling extremely hazardous substances to design, maintain, and operate their facilities in a safe manner. As the long list of fires and explosions at wood pellet facilities show, wood dust clearly qualifies as an extremely hazardous substance. Unfortunately, Enviva Cottdale’s permit does not require compliance with the 112(r). Florida DEP must revise this permit to specify that the General Duty Clause applies to the facility’s handling of explosive dust and require the facility to perform specific steps that are sufficient to ensure that workers and others who live, work, recreate in the facility’s vicinity are protected from the dangers posed by combustible dust. At a minimum, the permit should:

- (1) Identify the Clean Air Act’s General Duty Clause as an applicable requirement with respect to the facility’s handling of combustible dust.
- (2) Specifically require the facility to prepare a hazard analysis identifying the hazards associated with explosive dust and the facility’s processes, potential fire and explosion scenarios, and the consequences of a fire or explosion.
- (3) Establish specific design and operation standards that the facility must meet to prevent a dust-related fire or explosion.
- (4) Establish recordkeeping and reporting requirements sufficient to demonstrate that the facility is meeting its General Duty Clause obligations.

### **Finally, Florida Must Issue Better Permits for Future Wood Pellet Mills.**

Given the heavy burden this industry places on the citizens and environment of Florida, the undersigned groups oppose the issuance of permits for new wood pellet mills. However, if the state does issue permits for new or modified wood pellet mills, officials must ensure new permits

require facilities to comply with all Clean Air Act requirements. The undersigned groups call for the following specific actions in future permitting:

- 1. Require “major” sources of air pollution to install the best available control technology.** As EIP’s report reveals, many pellet mills major source pellet mills evade using the best available control technology, or any control technology at all, while facilities with minor source permits, often the same size or larger, do utilize controls. Florida must not reward companies for refusing to install controls that would reduce facility emissions to minor levels. Rather, Florida must require new or modified major sources to reduce emissions using controls that are at least as effective as those utilized by the best-controlled minor sources. This includes using VOC controls that achieve at least 95% reductions on emissions on each of the major sources of pollution at the facility. If facilities in Georgia and Alabama can do this, so can Florida facilities.
- 2. Ensure Communities are Notified of and Able to Participate in Permitting Decisions.** Many of the air permits EIP surveyed across the U.S. South were issued without any public notice or the ability to comment, including permits for the initial construction of facilities. This means communities were not informed of the decision to allow sources of air pollution to locate in their backyard. Florida should ensure that there is a meaningful opportunity for public involvement in any permitting action authorizing the construction or modification of a wood pellet mill.
- 3. Institute pellet production limits at facilities that claim to be too “minor” for the best available pollution controls.** If pollution controls will not keep emissions below legal limits when a facility is operated at full capacity, the facility’s permit must restrict maximum production to a level that ensures the facility will not exceed the major source threshold.

The Clean Air Act only serves to protect health and the environment when state agencies are fully implementing all of the Act’s requirements. The undersigned groups call on Florida to address the errors and omissions identified in this letter and in EIP’s report, and to further make proactive moves to better understand and control emissions from this emerging industry in the future and other environmental impacts from this emerging industry in the future.

Additionally, we ask the Florida Department of Environmental Protection to conduct a thorough, public review of land management concerns on the practice of wood pellet manufacturing.

Please contact Patrick Anderson at [panderson@powellenenvironmentallaw.com](mailto:panderson@powellenenvironmentallaw.com) or (470) 440-1124 to respond to our request or to obtain additional information. We thank you for your leadership on the environment and your concern for the health and well-being of Florida’s citizens.

Sincerely,

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Conservation Co-Chair  
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