

W. L. GUTHRIE  
6360 S.W. 144TH STREET  
MIAMI, FLORIDA 33158

DOCKETED  
OFFICE OF THE  
DOCKERY

CC

Feb. 28, 1984

'84 MAR 28 AM 11:00

Atomic Safety and Licensing Board  
Nuclear Regulatory Commission  
Homestead City Hall  
790 N. Homestead Blvd.  
Homestead, Fla.

OFFICE OF THE  
DOCKERY

Gentlemen:

Apart from the technical matters involved in consideration of the physical apparatus at Florida Power and Light Corporation's Turkey Point nuclear power plant, this board or panel representing the Nuclear Regulatory Commission is of necessity concerned with the character of the operator, Florida Power and Light.

This file, which was presented to the Dade County Citizens Review Panel in November of 1982 and with which they have been unable to deal, not counting several cancelled meeting dates, will give you an overview of Florida Power and Light Corporation's attitude toward its responsibilities and toward the state in which it operates.

It is marked with colored clips, items A thru I, will take not long to review, and will surely convince you that to license this Corporation to operate a nuclear power plant was a great deal like giving Jack the Ripper a charter for a girls' school.

Yours truly,

*W. L. Guthrie*

6403290304 840327  
PDR ADOCK 05000250  
G PDR

W. L. GUTHRIE  
8960 S.W. 144TH STREET  
MIAMI, FLORIDA 33153

May 24, 1982

DOCKETED  
USNRC

'84 MAR 28 A11:17

Mr. Jeffrey Berkowitz  
Executive Director  
Independent Review Panel  
Rm 1902  
73 W. Flagler  
Miami, Fla. 33130

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Dear Sir:

Florida Power and Light Corporation is now again operating the infamous Cutler plant, and again in violation of the terms of the permits issued by Dade county.

In reviewing years of official documents concerning the Cutler plant it has become clear to me that FPL has corrupted Dade County officials and official bodies, effectively preventing enforcement of the terms of the permits and forestalling revocation of those permits. Florida Power and Light has done this for over thirty years, and I can document this charge at least a dozen times.

The arrogance of FPL management and their willingness to invade our homes any hour of the day or night with stinking effluent from their too short smoke stacks and any hour of the day or night with their noise now brings me to drop my long time plea that they be compelled to comply with the terms of their permits. I now join in the demand that FPL's permits to operate the Cutler plant be revoked.

I enclose just a couple of instances of corruption as shown in clips. One, at about mid-point in Cutler's operation, was the voting down of a resolution that FPL be compelled to comply with the terms of the permits. Such a resolution was itself a revealing thing.

The other instance followed demonstration of FPL's nastiness and contempt for residents old and young. A Metro official, a Mr. Luck, was boxed into witnessing proof that FPL was willing to shit in the neighborhood recreation waters to save the cost of a legal installation. At conclusion of proof, Mr. Luck APOLOGIZED TO THE PLANT MANAGER, saying "I'm sorry, I couldn't help it, there was nothing I could do".

I wish to review with you or the full panel a large number of documents relating to FPL-Metro-Cutler.

W. L. Guthrie

## FOREWORD

This document offers only a minuscule percentage of the records of 35 years of struggle over the Florida Power and Light Company's Cutler plant. The pattern of activity with respect to officials and official bodies was set in 1947 (note Section I, letter from the Chairman of the Dade County Zoning Appeals Board: "Then the pressure started, such as as big corporations can exert, and we yielded...") and it continues to this day.

The Independant Review Panel cannot restore to us the years lost in turmoil and trouble over the Cutler plant. The Independant Review Panel cannot call back those long-gone individuals, some dead, who, for whatever reason, chose to ignore the legal requirements of their public office,

The Independant Review Panel can, and I believe should, call for the revocation of all Dade County permits for the Cutler plant, that our neighborhood may at long last enjoy the status its zoning should have assured: RESIDENTIAL AREA.

☺

From Webster.

CORRUPT- Changed from a state of uprightness, correctness, to a bad state; vitiated, debased, perverted. To draw aside from the path of rectitude and duty, to induce to wilful unlawful conduct.

PERVERT- to cause deviation from the right, true, or regular course. "To pervert the ends of Justice". To misinterpret or to misapply intentionally, designedly.



A. (1)

1. Items pertaining to the report of the Dade County Zoning Appeals Board (ZAB) Committee in 1964 concerning the application of the Florida Power and Light Company for expansion of the Cutler plant. Copies of pp. 3, 4, 34, and 35 are attached.

In two letters, one from the vice president of FPL, to the Zoning Commission dated 1947 (copies attached), FPL stated that its proposed Cutler plant would be similar to one in Sarasota, of which they enclosed photographs. Among other things, the machinery of this plant was completely enclosed.

On pp. 34 and 35 of the ZAB report, the ZAB Committee's version is that "a verbal reference [to Sarasota] was made in 1947 by a representative of the Florida Power & Light Company."

"We feel," they went on, "that possibly members of this [the Cutler residents] Association in their zeal to condemn the activities of the Florida Power & Light Company, might be attempting to project an imaginary fragmentation."

On pp. 3 and 4 of the ZAB report, the ZAB Committee acknowledges the assistance of certain engineers.

In The Guide, Jan. 8, 1964 (copy attached), the chairman of the ZAB Committee notes that "three engineers from Utah, Pennsylvania and California, who were houseguests of ZAB committee member Frank Reynolds, were gracious enough to help us free of charge in our evaluation."

In the same article, the chairman claims to have paid for the report (favorable to the FPL expansion) out of his own pocket.

In the Miami Herald, Jan. 12, 1964 (copy attached), the president of FPL states that his company picked up the bills for the report. He "said it's nothing unusual for a private applicant to help prepare an official board's findings."

1. Who paid for the ZAB Committee report? The FPL, as its president stated?

2. How fortunate that engineers from all over the country just happened to be houseguests of a ZAB Committee member.

3. Why were documented FPL representations concerning Sarasota downgraded, in the ZAB report, to "verbal references"?

4. Why was an FPL exhibit, the photographs of the Sarasota plant, described as photographs "produced by the [Cutler residents'] Association"?

5. Why did the ZAB Committee, again in reference to Sarasota, suggest that the Cutler residents were imagining things?

NOTE: No one ever claimed Dade County required an enclosed plant. To get their first permit, FPL represented that the plant would be enclosed.

DETERMINATION OF THE SPECIFIC ALLEGATIONS AS TO NEGLECT AND OPERATIONAL VIOLATIONS OF THE EXISTING RESTRICTIONS AS BROUGHT FORTH BY THE SOUTHWEST AND CUTLER RESIDENTS ASSOCIATION AND THE OTHER OBJECTORS IN THE AUDIENCE.

We have made a historical investigation of the complaints that we were able to obtain from this Association. Mr. Grogan has indicated publicly and in writing that the Florida Power & Light Company over the years has broken many promises that they have made.

The only single requirement in Resolution No. 2615 dated September 3, 1947 which appears to have been ignored relates to the landscape of that area on the south and north sides of this property.

Again - in Resolution No. 4177 dated February 27, 1951 relating to the addition to the power plant, this action was reiterated and the work has never been completed.

We feel that this should be a very specific requirement in the consideration of this application. It is apparent to this Committee that considering the extensive work performed by Mr. Voss, as previously indicated in this report, that the Florida Power & Light Company intends to rectify their past errors and further intends to supersede this previous commitment in landscaping the entire area of the Cutler Plant into a park designed facility, which all of Dade County can point to with pride.

~~The second item of complaint by the Southwest and Cutler Residents Association is that a verbal reference was made in~~

1947 by a representative of the Florida Power & Light Company that the proposed plant would be similar to a facility built in Sarasota.

The Association has produced photographs of the Sarasota installation which reflect a fully enclosed power plant.

This Committee, in checking the application and the resolution denoting approval by the then Board of County Commissioners, finds no reference to any requirements for such an enclosure. We feel

that possibly the members of this Association in their zeal to condemn the activities of the Florida Power & Light Company, might be attempting to project an imaginary fragmentation.

The third item of objection is that the Florida Power & Light Company is receiving undue and extraordinary treatment on behalf of the Building & Zoning Department. We have attempted to the best of our ability to find in what areas they have received this preferential treatment. It appears to this Committee that the Florida Power & Light Company, as a corporate entity, is being received by the Department with the customary courtesy afforded any person in Dade County. There has been no extraordinary processing of this application and to the contrary, special investigation has been made in all directions toward the consideration of the immediate neighborhood and the public of Dade County.

It is, therefore, the conclusion of this Committee that in only one case has the Florida Power & Light Company been derelict in their obligation to the community, and that they have now evidenced sufficient constructive action to ensure the Dade County Building & Zoning Department that this will be immediately rectified.



7. Determination of the noise emission from the plant operation with particular emphasis upon the public paging system and boiler blow-off valves.
8. Determination of the feasibility of providing a substitute fuel mixture in lieu of the Bunker C type fuel presently proposed.
9. Determination of any necessary preventive and precautionary measures to eliminate spillage of oil in the barge canal during fueling operations.
10. Determination of the specific allegations as to neglect and operational violations of the existing restrictions as brought forth by the Southwest and Cutler Residents Association and the other objectors in the audience.
11. Determination as to the availability and feasibility of requiring 100% gas utilization at the plant.
12. Determination of the effect of the expansion of this plant upon future industrial expansion in Dade County with specific thought towards the economical feasibility and availability of future power.

The members of this Committee made intensive study of the above captioned problems and independently visited the plant site and the nearby residences of several of the major objectors who appeared at this hearing. The following report has been submitted by the individual members of the Committee and by the independent consultants who this Committee utilized for the conclusions indicated in the determination of this report.

The Committee wishes to acknowledge the assistance of

and Chemical Engineer and Consultant: Mr. E. G. Meyer, 151 E. South  
2nd St., Salt Lake City, Utah, Industrial Engineer; Mr. Fred Clark,  
Brynwood Apartments, Wyndewood, Pa., Combustion and Industrial  
Engineer.



## Anyone for Annexation?

Are you interested in being annexed to South Miami?

South Miami City Manager Richard Barton has forms for residents to fill out.

If one person lives near the edge of South Miami city limits, his home can be annexed by itself, Barton explained.

# THE GUIDE

VOL. 5 NO. 26

Wednesday, January 8, 1964

## Just Who Did Pay For FP&L Report?

By MARIAN WYNNE  
Staff Reporter

Who paid for a 48-page report made by the Dade County Zoning Board evaluating and approving the application of the Florida Power and Light Co. for expansion of its Cutler plant?

Members of the Southwest and Cutler Residents Association accused FP&L of footling the bill for the supposedly impartial study of the power plant's intention to triple its facilities.

evaluation committee. "I paid for the report out of my own pocket," he said.

Woolin admitted that the committee used information from FP&L but also did its own

independent research. "Florida

Powers and Light was kind enough to give us exhibits and graphs."

Three visitors from Ohio, Pennsylvania and California, who were houseguests of ZAB committee member Frank Reynolds, were gracious enough to help the team of change in our environment," the chairman said.

ing local home owners association furnished me with some information but not what I specifically asked for. A good deal of their report had nothing to do with zoning but a lot to do with personal animosity. Lain Guthrie, a chief objector, held back information to us."

Woolin said that his commit-

(See WHO, Page 3)

since."

And as irony would have it, Mrs. Ward is only in Coral Gables from her farm in West Virginia because she's visiting her daughter and son-in-law, Mr. and Mrs. A. H. Hodges, of 4607 Alhambra Circle.

It was before Christmas that Mrs. Ward matter-of-factly filled out a ticket with her name and daughter's address and dropped it into a contest box at Central Shopping Plaza.

"And they called me on Christmas Eve," recalled Mrs. Ward, a sedate and petite lady with grey hair knotted conservatively in back, "and they asked me if I be-

(See SHE'LL, Page 2)

CAMERA and PROJECTOR RENTALS. MULED PHOTO SUPPLY, 2105 Ponce de Leon Blvd., Coral Gables. Phone HI 8-3669.

section with the proposed expansion.

# Plant Called Nylons' Foe

AT OFFICIAL Metro zoning meetings, residents told startling stories.

Henry Trafford, an engineer and former teacher at a private school near the plant said sulphur dioxide pollution formed blue foam on screens.

He said stockings worn by women teachers sometimes would disintegrate.

The sulphur dioxide was in stack gas from the oil-fired boilers. A power company spokesman said the fuel oil contained 5 per cent sulphur.

In answer to complaints FP&L switched to gas-burning boilers.

A trustee for the old Charles Deering properties complained that pine trees wilted, died. He fears more will.

Another foe said steam blasts can blot out a telephone conversation altogether and make you hold your ears.

Paint on buildings lasted a year, no more, one said.

And the most persevering objector, W. L. Guthrie, an Eastern Air Lines pilot, said that all things considered, the plant could drive you nuts.

Robert Fite, the president, concedes there were problems. "But they have been exaggerated," he said, over and over.

Objectors, formed into the Southwest and Cutler Residents Association and other groups, say on the record that they fear FP&L didn't learn enough from the past hearings.

## Firm Gives The Samples

PLANS FOR a plant three times the size of the present one again call for the use of fuel oil — 16,000 barrels a day. The oil would contain less than three per cent sulphur.

On the first go-around, the state predicted a ground level concentration of sulphur dioxide of .88 parts per million. "Which is a rather high

surrounded by better to best residential areas.

concentration," wrote Industrial Waste Director Vincent D. Patton to the power company. "That's too much," he said when interviewed.

Then, last Sept. 17, the day of Zoning Appeals Board meeting to decide the issue, a telegram came from Patton.

The telegram said the FP&L plans are acceptable — based on "sampling data submitted to this agency."

Not mentioned was the source of the samplings. They came from older plants, in different settings, and from the power men themselves.

Hours of wrangling later, the Zoning Board voted a 90-day deferment for an absolutely thorough and "independent" study by experts, including federal authorities.

A seven-man zoning subcommittee took charge. Ultimately, it produced an elaborate 48-page report peppered with graphs and pictures.

Courtesy of FP&L.

And Fite acknowledged his company picked up bills for the study. The Board voted 11-to-1 for approval of the zoning modifications the power company needs.

Francis (Mike) Calhoun Jr. said nay, not satisfied the plant couldn't go to a more remote spot.

## Site Needed Near Water

Fite said the plant could not be located in western expanses of the county because oil barges, two a day or more, must be able to deliver fuel right to the plant.

Asked why the plant couldn't go on bay frontage farther south, perhaps where Seadade is planned, Fite an-



## Objectors Claim New Plant Will Pollute

... state had agreed until new data

answered: "We don't have any land down there." On the zoning report, Fite said it was nothing unusual for a private applicant to help prepare an official board's findings.

Subcommittee Chairman Martin Woolin said it hadn't been necessary to seek federal surveys of possible pollution from the plant.

Dade Pollution Officer Robert Quick said his first knowledge of the Zoning Board's findings came after the report was already printed and bound.

"Marty (Woolin) handed me a copy a day or two before the meeting. I looked it over (48 pages) and said it looked like a thorough job," Quick said.

Quick was asked by The Herald if he had expected to be included in the earlier deliberations. Quick paused, then said he didn't want to be in the middle of a controversy.

"But, yes," he said, "I had expected to be consulted, yes."

## Chemicals Wilt Foilage

WHEN SULPHUR dioxide hangs heavy in the air, you can taste it on your tongue. Lesser amounts don't hurt humans too much, but plants succumb easily, Quick said.

He explained that Dade's new pollution ordinance, effective last May, limits sulphur dioxide to one-tenth of one part per million parts of matter in the air over an eight-hour period of readings.

The new power plant would send out six times that much — or .6 ppm — according to the state's original figuring.

FP&L's data that reversed the state's position showed only .04 ppm actual readings from existing plants elsewhere.

Quick said his office had conducted "background" tests across Dade, revealing an average of .002 ppm and maximum of .007 ppm.

Quick said a .3 ppm reading, three times the allowable maximum, begins to affect foliage and sometimes can be detected by a person standing outdoors.

## Brush-off Is Charged

WOOLIN denied that objectors got a continual brush-off during his committee three-month study.

William Grogan, a lab leader and resident of the Cutler Plant area, said Woolin's committee carefully avoided hearing his objections, and passed over charges for independent research.

Grogan, in seething letter to the governor and virtually all other top officials, called for grand jury probes and other investigations. He was especially irate over the state's change in position. He has given testimony to State Attorney Richard Gerstein.

"A lot of people are still up," Patton, the state expert said. "One man said it was criminal for us to accept data from Florida Power and Light. But we don't have the people and the money to do our own tests."

FP&L President Fite said he would be most happy to use all gas for the new plant eliminating the pollution tussle.

But, he said, this would require a larger natural gas system. And this, in turn, would require permission from the Federal Power Commission. The possibility of cutting enough red tape to get more gas is not a likelihood in the years ahead, he said.

Objectors say the obvious answer then is to put

# FLORIDA POWER & LIGHT COMPANY



MIAMI 30

June 23 - 1947

Received

Dade County Zoning Commission  
Miami, Florida

JUN 25 1947

Gentlemen

DADE COUNTY ZONING DEPT.

We are pleased to submit herewith for your consideration our application for the erection of a modern steam electric power plant upon lands in Dade County, Florida, as evidenced by the attachment of Drawings No. B-10968 and No. A-10804 and described as follows:

$S\frac{1}{2}$  of  $SW\frac{1}{4}$  of Section 24, Township 55 South,  
Range 40 East.

The rapid growth of Dade County and adjacent areas has created such a demand for electric power that it has become urgently necessary that such a plant be erected as soon as possible. It is highly desirable, and in the public interest, that the plant be located adjacent to the Greater Miami Area in order to provide the required capacity and reinforce our existing facilities to such an extent as to provide maximum degree of continuity of service during high winds. Also, in order to furnish the most reliable and dependable electric service in the most economical manner to the maximum benefit of the public, the plant should be located as near the center of the electric load as possible. The proposed location fulfills this requirement.

Plants of this type must be so located that an adequate and dependable supply of water is available for maximum efficiency of operation, and also be accessible to water transportation to facilitate the handling of fuel oil. Before contracting the purchase of this property, we carefully investigated the entire coastal area from the Broward County line to the south end of Dade County for an available site which would be suitable for our purposes. With these considerations, the above tract is the proper and logical site.

The proposed steam electric power plant, which we plan to erect, will be similar to plants recently erected within the corporate limits of the City of Sarasota, in the vicinity of the municipal auditorium and within a few blocks of the downtown business area; and within the corporate limits of the Town of Riviera in Palm Beach County on Lake North and across the lake from a highly restricted residential area of Palm Beach. You will observe from the pictures of these





June 23 1947

plants which have heretofore been submitted to you, that the proposed plant is to be attractive in appearance, harmonious with the surroundings and the grounds will be landscaped and beautified with attractive trees and shrubbery.

We wish to assure you that we will fully cooperate with the County in its road building program and, if necessary, we will dedicate appropriate strips along the boundaries of our land for such purposes. We will also extend our efforts to fully comply with any governmental requirement relating to the design or construction of the plant.

We also wish to assure that we have, or can obtain, all necessary priorities to enable us to promptly procure the materials required for this construction. As soon as permit can be obtained, we shall proceed with such construction with due diligence and with all convenient speed.

We cannot over-emphasize the immediate public necessity for this improvement and trust that you will grant the approval of our application as early as possible.

Yours very truly

*J. H. White*  
J. H. White  
Vice President

JHW EP  
Enclosures

*Charter art. to app. p. having*  
DAVE BOWWORTH  
MANAGER

*File 1*  
FLORIDA POWER & LIGHT COMPANY  
MIAMI, FLORIDA  
June 26, 1947

Received

Dade County Zoning Commission  
Court House  
Miami, Florida

JUN 27 1947  
DADE COUNTY ZONING DEPT.  
By *[Signature]*

Gentlemen:

Re: Proposed Steam Electric Plant On  
S<sup>1</sup> of SW<sup>1</sup> of Section 24-55-40

In further connection with the above matter, and for your information and the information of others who may be interested, we wish to advise that the approximate height of the chimney stack will be 150 feet, the approximate height of the water tower will be 140 feet, the approximate height of the building will be 65 feet, and the approximate height of the oil storage tanks will be 32 feet.

We also wish to inform you that the latest modern devices for the elimination of smoke will be installed, and we feel safe in assuring you that there will be no smoke. Also the plant will be so constructed as to be practically free from noise.

We have heretofore submitted to you a picture of a similar plant erected in Sarasota. Such plant is in the heart of said city in the immediate vicinity of the municipal auditorium, and in the immediate vicinity of many fine residential properties, and has been in operation for approximately two years, and we have received no complaints whatsoever concerning its existence and operation. We have, however, received many complimentary remarks as to its appearance and operation.

~~If there is any further information you desire, we want you to feel free to call upon us at any time.~~

Very truly yours,

*Page 1000 away -*  
*See Miami City Chapter 104*

~~DAVE BOWWORTH~~  
~~MANAGER~~

DB:VGH  
ns

*Will be submitted to Council*  
*What permission*

B

Items concerning a meeting of the Metro Dade County Commission in 1963, in which they voted to make FPL comply with the conditions concerning smoke and noise that were laid down when the plant was built -- and then reneged.

6. Why did the County Manager object to the outcome of the vote?

7. Why did the Commission then renege?

Attached are copies of the Miami Herald, April 3, 1963, reporting this meeting, and a transcript of the official Dade County tape recording of part of that meeting.



# METRO...

## ...Does an About-Face

Commissioners voted to force Florida Power & Light Co. to make its Cutler Ridge power plant smoke-and-noise-free, but then backed down.

The commission reneged minutes after a clear majority — by voice vote — ordered County Manager McNayr to see that the utility complies with conditions laid down 16 years ago when the plant was built.

McNayr objected and a roll-call vote was ordered.

"Unfortunately you cannot treat everyone alike," the county manager said. "I really don't believe you want to force the issue to the point where you say 'comply or close down.' I don't think this is possible."

County Attorney Darrey Davis said he felt that the county had also ratified the way the plant was built — despite the 1947 conditions — by approving expansions to the plant in the 50s.

"Let's be reasonable about



LONG HALL

this," said Commissioner Winston Wynne. "Let's go about it so that our staff is not instructed to enforce the law."

Commissioners Hughlan Long and Chuck Hall stuck it out through the roll call in voting for a crackdown. It was beaten down 11-2.

The voice vote was that FPL should comply with the representations that they made in order to get the permit, as well as with the terms of the permit.

Attorney Davis' reasoning that subsequent additional permits put the Commission's stamp of approval on FPL's record is extraordinary. The same reasoning was to be applied to the later permits which called for an end to the smoke and the noise.

No. 2

Boyd: We appreciate your coming, Mr. Guthrie. We think it is the feeling of the commission that Florida Power and Light Company be treated as any other citizen. And in the agreement that they signed originally, it is the sense of this commission that they be required to comply with that religiously as if they were any other citizen of Dade County. And if anyone disagrees with that, that's our agreement.

Mr McNayr: (With alarm) GENTLEMEN! I want to make clear what you are saying here. Are you saying that we shall take action against Florida Power and Light Company to compel them to conform in detail with the....

Hall: (Loud) I don't think it would be a bad idea if you did, I might suggest.

No.0

McNayr:

You have made the statement and certainly no one can disagree with this theory that we treat all industry and all people alike.

Hall: Right.

McNayr:

It has been my experience over the last 20 years that this is a well nigh impossible thing to do, and still treat people fairly. You cannot treat them alike- this is a major plant that we are talking about down here by an outfit who serves this whole state.

No. 1

McNayr:

It is my belief that they are taking and have been taking all those steps necessary to come into conformity with uh uh I I would be the first to grant that in this case add in every case that I know of a manufacturing plant uh there is difficulty in bringing them into strict conformity with air pollution, certainly there was in this case uh in the matter of noise- the whole matter of telling a plant of any kind effective of such and such a date, you SHALL meet these requirements or else, I don't know what your "else" is going to be.

The Dade County Director of Building and Zoning, R. F. Cook, had extensive knowledge of and experience with the problems associated with the Cutler plant, as shown in the attached letters, which cover a time span from February 1951 to October 1972 -- over 21 years.

8. Why did he balk at enforcing the terms of the permits which it is the function of his department to enforce? Why, ten (10) years after the first letter of complaint, attached, did he still feel he needed more time to determine whether there was a problem?

Note particularly Cook's letter to Guthrie, May 1, 1961.



# METROPOLITAN DADE COUNTY • FLORIDA

1357 N.W. 11TH STREET  
MIAMI 35, FLORIDA  
FRANKLIN 7-1911

BUILDING AND ZONING DEPARTMENT

May 1, 1961

Mr. W. L. Guthrie  
6960 S. W. 11th Street  
Miami 56, Florida

Dear Mr. Guthrie:

As indicated in our letter to you dated March 31, 1961, we, at that time, had commenced a survey and investigation of the smoke and noise situation in connection with the operation of the Florida Power & Light Cutler Plant. We are still continuing that survey with departmental personnel and such outside assistance as we feel is warranted and justified. In order to determine conclusively, if possible, that the smoke and/or noise situation is, or is not, creating a degree of nuisance which can be proven to conflict with standards for residential areas, we must have the time, and take those steps, which, in our opinion, will accomplish what we are attempting to do.

Rest assured that we are proceeding with what we feel is the proper approach to this matter as expeditiously as possible, and as previously indicated, we will notify you of the outcome when we feel we have arrived at a conclusion. If our investigations have been completed by the third week in May, and conclusions reached as to what action, if any, should be taken, we will notify you as to these conclusions at that time.

Very truly yours,

R. F. Cook, Director

RFC/ph



# BLACK CAESAR FARM

KENNETH H. BURNER

CORAL REEF AND LUDLUM ROADS

BOX 311, ROUTE 2 • MIAMI 43, FLA. • TEL. 817-2871

February 14, 1951

Mr. R. F. Cook,  
County Zoning Director,

Hearing: No. 12.

Dear Sir:

Thank you for your notice regarding hearing No. 12 on Monday, February 19, 1951, regarding the application of the Florida Power & Light Company for Special Permit on S $\frac{1}{2}$  S $\frac{1}{2}$  in Sec 24, Twp 55S, Rge 40E, for the installation of an additional 75,000 KW electrical Unit generating plant.

Before this new unit and smoke stack is built we feel the present plant should be perfected and silenced. For the past two and one-half years (and that is a long, long time when a plant operates 24 hours a days, seven days a week) it has been an annoyance and there is hardly a period during the day or night that a rumbling, blowing or hissing noise is not forthcoming. The stack actually howls, especially when loads are taken on or off the unit.

The Florida Power & Light Company admit the stack is not perfect, and they have tried; and, we understand, are continuing to try to quiet it. To add a new unit and stack until the present ones are perfected and silenced would be doing a great injustice to this community.

In view of the above, objection is made to the new generating plant and stack until the present condition is corrected.

Thank you for your consideration.

Yours very truly,

K. H. Burner  
Lillian B. Burner

BLACK CAESAR  
FORGE  
GOURMET CLUB  
WINE CELLAR  
RESTAURANT

RECEIVED  
FEB 16 1951  
DADE CO. PLANNING & ZONING  
DEPT.

GUEST HOUSE  
FORGE HOUSE  
GATE HOUSE  
and  
BARN APT.



BLACK CAESAR FARM

P. R. 2, Box 211

Miami 43, Florida

March 12, 1953

Mr. P. F. Cook  
County Zoning Director  
Court House  
Miami, Florida

Re: Hearing No. 25

Dear Mr. Cook:

Thank you for your notice regarding Hearing No. 25 for installation of additional 75,000 KW electric unit at the Cutler Plant of the Florida Power and Light Company.

Objection is made to this additional installation for the following reasons:

At the February 19, 1951 hearing (No. 12) the Florida Power and Light Company promised to quiet their existing plant as soon as the No. 3 unit was completed. This has not been done in a satisfactory manner. We understand that only about one-third of the work has been done. The noise from the Plant has been very objectionable for the past four and one-half years. At times it sounds like a refrigerator that should be replaced - a number of freight cars going over a rough road bed - and worst of all, like a hurricane howling over the ocean. These noises aren't as intense outdoors as indoors.

In order to endure this nuisance the windows in our home - that is the ones facing the Power Plant - must be kept closed nine-tenths of the time. It is possible that noise from additional units will be heard from a greater distance, thus annoying other neighbors. The building of new homes in the immediate area of the Florida Power and Light Plant is stagnant.

We are in favor of progress but at the cost of constant noise is another thing. We know Miami needs this Plant, but please insist on the Florida Power and Light Company quieting their present unit.

We realize that the inconveniences, such as noise, etc. in the construction of the new Plant are unavoidable. However, we would greatly appreciate whatever pressure you can bring to see that the employees of the Construction Company and the Florida Power and Light Company use caution and drive at a moderate rate of speed when they leave the Plant at 4:30 P.M. An executive of the Florida Power and Light Company admitted that he, too, felt like diving for the high bushes!

Thank you for your help and consideration.

LB

Yours very truly,

Lillian B. Burner



B

# METROPOLITAN DADE COUNTY • FLORIDA

1357 N.W. 11TH STREET  
MIAMI 35, FLORIDA  
FRANKLIN 7-1911

BUILDING AND ZONING DEPARTMENT

March 31, 1961

Mr. W. L. Guthrie  
6960 S. W. 144th Street  
Miami 56, Florida

Dear Mr. Guthrie:

Regret that I have not replied sooner to your inquiries concerning the operation of the Florida Power and Light Cutler Plant.

Since my conversation with you, I have reviewed all of the files concerned with the establishment and expansion of the plant. I have visited the area twice (at night) and we are having our Chief Mechanical Inspector go over the plant, to determine what phases of the recommendations of the Armour Research Foundation have been completed, what is yet to be done as it applies to the original units; and whether the same program has been applied to the new units not covered by the original report. We are checking to determine what part of the facility is operating on natural gas and what portion is still oil operation. We are further attempting to locate instruments whereby the intensity of the smoke and noise can be determined on a scientific basis and the results compared with standards of tolerance as established nationally.

At this point we do not have any indication what the result of this investigation will be, but we will proceed expeditiously and notify you as to the outcome and of our position in the matter as a result of the investigation.

Yours truly,

R. F. Cook, Director  
Building & Zoning Dept.

RFC:sk

6960 S.W. 144 Street  
Miami 56, Florida  
April 10, 1961

Mr. R. F. Cook, Director  
Building and Zoning Department  
Metropolitan Dade County  
1557 N.W. 11th Street  
Miami 35, Florida

Dear Mr. Cook:

Thank you for your letter dated March 31st.

Will you please advise me whether the "standards of tolerance as established nationally" to which you refer are for industrial operations or for residential areas. If the latter, would such a standard be acceptable, for example, at 1132 South Greenway Drive, Coral Gables?

If national standards of tolerance are to be your guide, then I suggest that a nationally recognized acoustical firm such as Bolt, Beranek and Newman, of Cambridge, Massachusetts would be qualified to assess the nuisance maintained by the Florida Power and Light Company.

If the many complaints from residents in this area about the noise and smoke, and the many requests for down-grading of zoning on adjacent properties are not sufficient cause for action on your part to compel the Florida Power and Light Company to comply with the terms of their permits of 1951 and 1953, then employment of an outside agency is indicated.

The permit of 1947 for the original plant was never even used by the power company, in that their structure was a complete departure from their exhibits and commitments to the county commissioners. As NEWSWEEK observed, FP&L "...by omitting walls and roof, saved considerably on construction costs."

By compelling the FP&L company to meet their commitments, you will be doing a service for responsible industry in South Florida, as well as for the community at large.

Sincerely,

W. S. Attie

5960 S. W. 144 Street  
Miami 56, Florida  
November 14, 1961

Mr. R. F. Cook, Director  
Building and Zoning  
Metropolitan Dade County  
1357 N. W. 11th Street  
Miami 35, Florida

Dear Mr. Cook:

Six months have elapsed since you stated determination to find conclusively, if possible, whether or not the Florida Power and Light Company maintains a dirty and noisy nuisance in the residential area at Cutler, of such magnitude as to be in proveable conflict with residential area standards, and to notify me of your findings.

As the plant continues a nuisance, will you kindly advise me of your position in the matter.

If you cannot reply within the week, I will consider your definitive letters of March 31, 1961 and May 1, 1961 to be final and your correspondence file closed.

Sincerely,

W. J. Guthrie

NO REPLY

2  
11/14/61

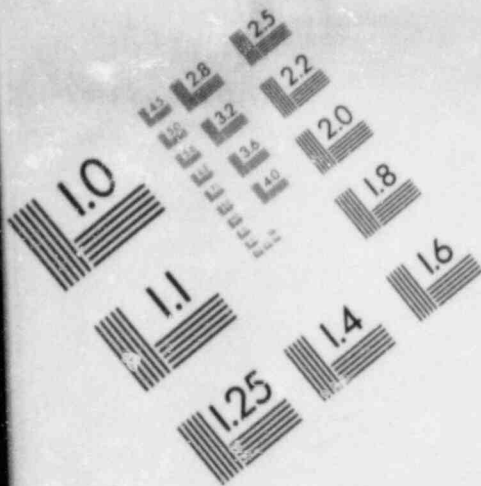
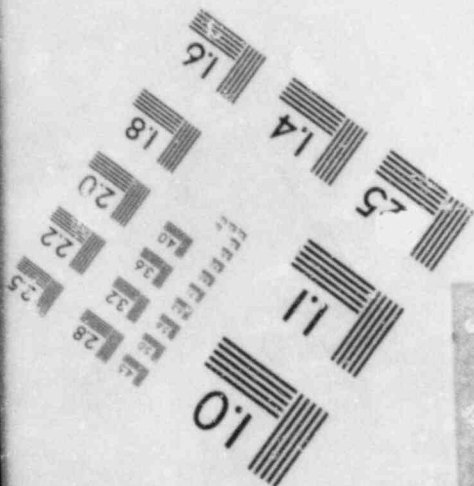
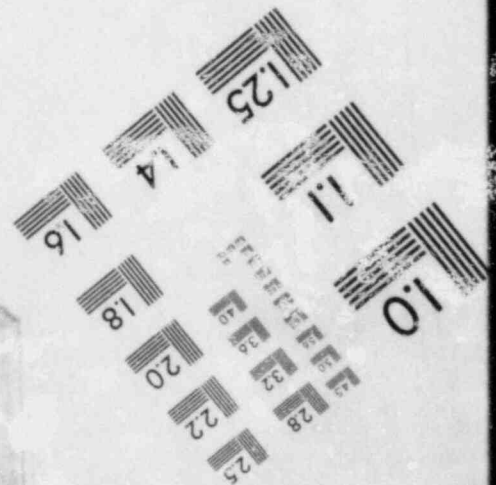
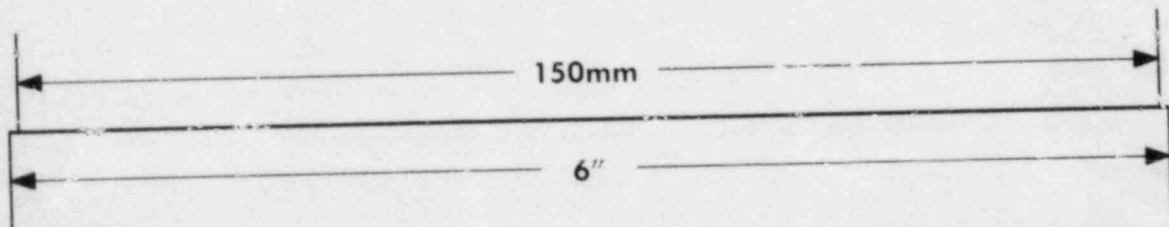
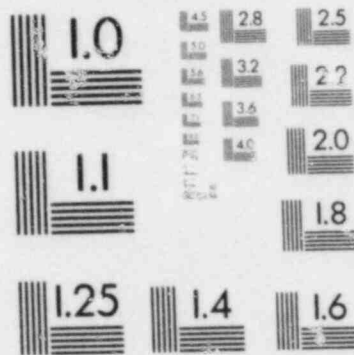
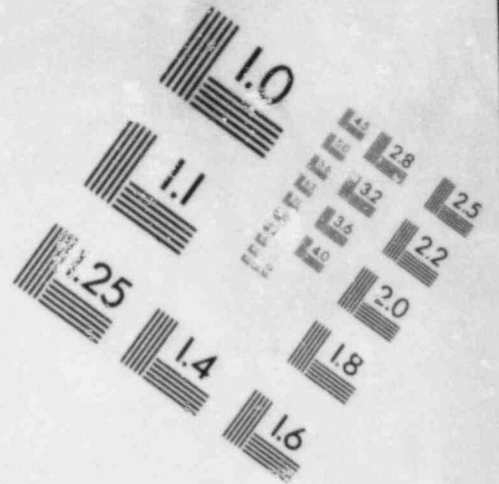


IMAGE EVALUATION  
TEST TARGET (MT-3)





6960 S. W. 144th St.

Miami, Fla. 33158

Sept. 15, 1972

~~Mr. Robert Cook~~

~~Director, Dade County Building and Zoning~~

~~1351 N. W. 12th St.~~

~~Miami, Fla.~~

Dear Mr. Cook:

On July 25th I spoke with Mr. Marshall McDonald, president of the Florida Power and Light company regarding the noise and dirt from the Outler plant. He advised me that they had engaged an engineering firm to review the operation, and that "the dust was really going to fly".

It has been flying since the plant started operation. And no longer than thirty minutes ago I checked at both the corner of 14th St and 7th Ave. (Palmetto Road) and at 152nd. street and Palmetto. At both locations, which are far to the west of my home, the plant could be heard grinding away in violation of the permits under which it operates.

In 1961, after 13 years of continuous noise and dirt on a twenty four hour a day basis, after hearings directly concerning this plant, after countless zoning hearings stemming directly from the nuisance, you wrote as follows:

"As indicated in our letter to you dated March 31, 1961, we, at that time, had commenced a survey and investigation of the smoke and noise situation in connection with the operation of the Florida Power & Light Outler Plant. We are still continuing that survey with departmental personnel and such outside assistance as we feel is warranted and justified. In order to determine conclusively, if possible, that the smoke and/or noise situation is, or is not, creating a degree of nuisance which can be proven to conflict with standards for residential areas, we must have the time, and take those steps, which, in our opinion, will accomplish what we are attempting to do.

Rest assured that we are proceeding with what we feel is the proper approach to this matter as expeditiously (sic) as possible, and as previously indicated, we will notify you



of the outcome when we feel we have arrived at a conclusion.  
If our investigations have been completed by the third week in May,  
and conclusions reached as to what action, if any, should be taken, we  
will notify you as to these conclusions at that time. "

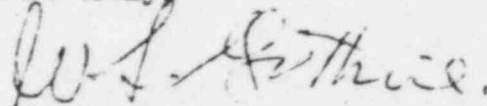
As of today, September 15, 1972, I have yet to hear from you  
on this matter. And this is a problem, for, as we in this  
neighborhood face yet another zoning battle stemming directly  
from the nuisance which is the Cutler plant, we are denied  
the right to present your letter as an indication of the kind  
of service we get from the county, on the grounds the correspondence  
is too old. The noise and dirt get pretty old, too.

I remind you the Florida Power and Light Company obtained the  
variance to operate this plant in a residential area thru  
a series of unright lies, that they represented the plant would  
be in a building, that subsequent enlargement permits specifically  
called for quiet operation, to which they agreed. I remind you  
of the hearings which filled the Dade County Auditorium when  
Florida Power and Light company wished to further rape this  
neighborhood by putting the capacity now known as Turkey Point  
at the Cutler site. I remind you I have in the interim sued  
the company, which ~~got~~ settled out of court.

Now business and new problems demand our attention. The Cutler  
nuisance has persisted twenty four years and continues a source  
of more problems.

How much time will you need to complete your investigation? And  
what are the standards for noise from a power plant operating on a  
variance in a residential neighborhood?

Yours truly,

  
W. L. Guthrie.

cc Mr. Ray Goode  
Mr. Marshall McDonald.

REGISTERED MAIL



Recd. 10/6

# METROPOLITAN DADE COUNTY • FLORIDA

ROOM 701  
1351 N. W. 12TH STREET  
MIAMI, FLORIDA 33125  
TEL: 377-7101

## BUILDING AND ZONING DEPARTMENT

October 4, 1972

Mr. W. L. Guthrie  
6960 S.W. 144 Street  
Miami, Florida 33153

Dear Mr. Guthrie,

We have received your letter of September 15, 1972 and have referred the matter of air pollution to the Pollution Control Department (see copy of memo attached) the department which has jurisdiction of air pollution control under the provisions of Dade County ordinances dealing with this problem.

~~As far as the noise problem is concerned, Dade County has not adopted any ordinance which establishes noise standards or criteria. However, nationally recognized criteria and the criteria as established by Coral Gables~~

#  
SEE  
NOT.

### Air-Conditioning and Refrigeration Institute

Sleeping areas inside at night - 45 DBA\*

Sleeping areas inside - day 55 DBA

\*DBA - Decibels on the over-all weighted "A" scale

NEX  
PAS

### American Society of Heating, Refrigeration and Air-Conditioning Engineers Guide

Homes (sleeping areas) 35 - 45 DBA

### City of Coral Gables

Fifteen feet from the source of noise, or the property line, whichever is greater -  
Inside Nighttime - 48 DBA  
Outside Nighttime - 53 DBA  
Inside Daytime - 52 DBA  
Outside Daytime - 57 DBA

On March 26, 1963, this Department conducted tests in the vicinity of the Cutler Power Plant, copies of the Sound Attenuation Profile to the Guthrie Residence being attached, and also a copy of a memo from Mr. W. R. Angleton, Mechanical Inspector who conducted the test, which lists the location of the tests and the results thereof. We were of the opinion that we had previously forwarded these results to you. The results of those tests indicated that the aforementioned standards were being complied with, the reading at the property

Mr. W. L. Guthrie  
Oct. 4, 1972  
Page 2.

42 By chart W.L.G.

line of your residence being 30 - 35 DBA. These tests were conducted with equipment (decibel meter) borrowed from the City of Coral Gables, which is calibrated at frequent intervals.

We are also attaching a copy of our letter to Mr. Marshall McDonald of the Florida Power and Light Company, requesting a report on the status of Mr. McDonald's action which he had indicated to you was going to be taken.

We will contact you further upon receipt of Mr. McDonald's reply.

Very truly yours,

*Robert F. Cook*

Robert F. Cook, Director  
Dade County Building and Zoning Department

RFC:cp

Attachments

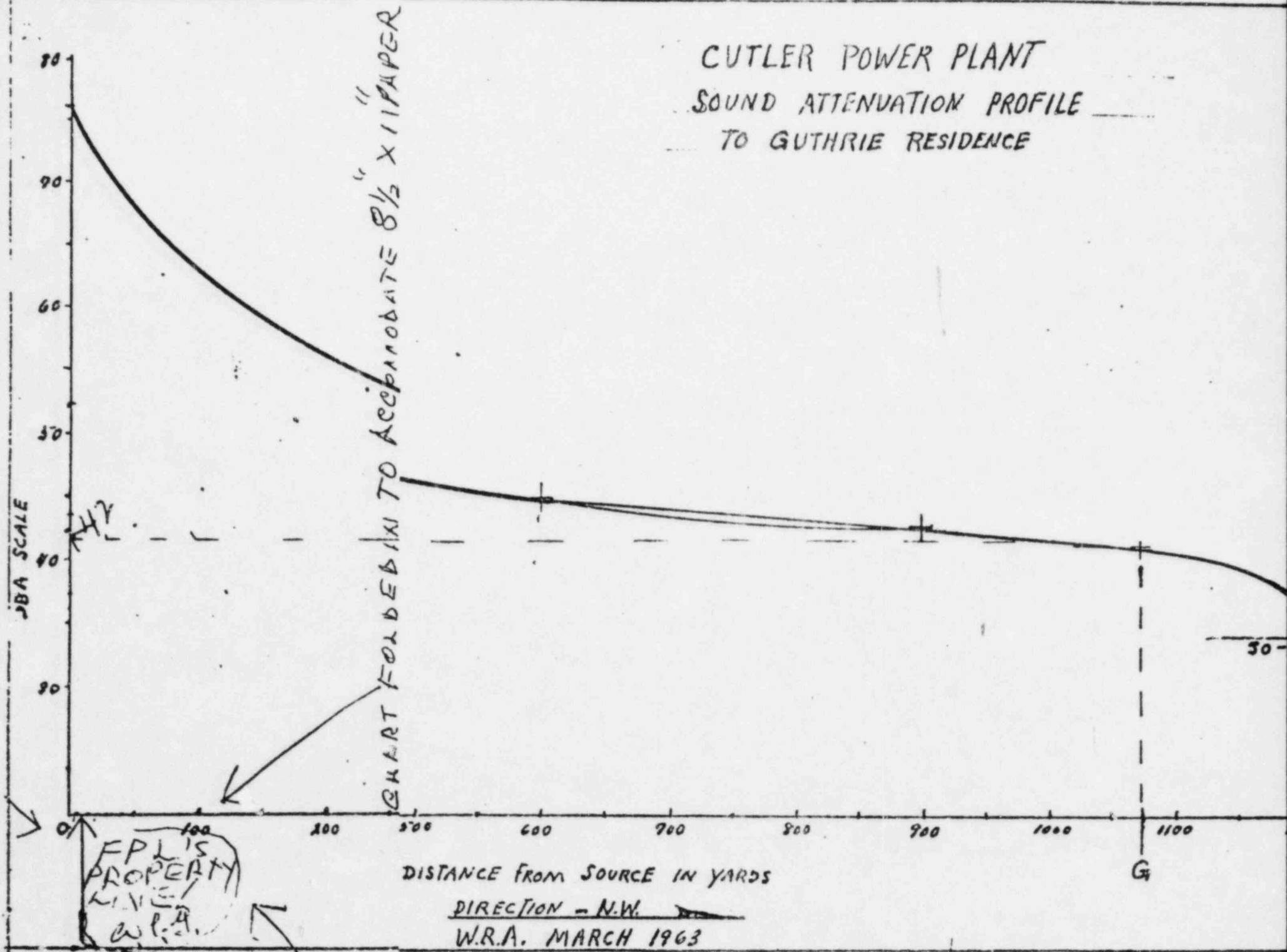
cc: Mr. R. Ray Goode  
Mr. C. C. Czebrinski  
Mr. W. Angleton  
Mr. W. Rogells

Dade County and ... and Zoning department. does have standards. They are the permits issued by that department to ... operation of the Cutler plant.

If Metro cannot bring itself to direct FPL to comply with those permits, can Metro be trusted with the revenue from a 634 million dollar bond issue?

WLG.

# CUTLER POWER PLANT SOUND ATTENUATION PROFILE TO GUTHRIE RESIDENCE



6960 S. W. 144th St.  
Miami, Fla. 33158  
October 10, 1972

Mr. Robert Cook  
DIRECTOR, Dade County Building and Zoning  
1351 N. W. 12th St.  
Miami, Fla.

Dear Mr. Cook:

Thank you for your reply and enclosure indicating that the Florida Power and Light Company's Cutler plant could not meet Coral Gables Standards for noise. If I read the chart correctly, at no place in Coral Gables could this plant operate legally, nor is its operation at the present location legal.

And thank you for inclosing your letter to Mr. Marshall McDonald, President of Florida Power and Light. And it is somewhat encouraging to see you do, in that letter, refer to the terms of their permits.

But the phrase "--may we have the benefit of information regarding what action has been, or will be taken, and the results of findings by such engineering firm as you may employ regarding the noise and air pollution situation." reflects the pecking order established by FPL Manager Bosworth in 1947 when he wrote the Dade County Commission, while seeking the first permit, "If there is any further information you desire, we want you to feel free to call upon us at any time".

You are the Director. Why not just direct them to build the walls and roof they omitted? Of course you might wind up fired for doing your job, but that is not really a bad thing. I was fired once by my company for meeting my responsibility as a Captain, but I was not much troubled, for I knew that they fired a Captain, not an overpaid paper shuffler.

Yours truly,

W. L. Guthrie.

43



D

Items concerning the illegal discharge of raw sewage from the FPL Cutler plant into adjacent public waterways, brought to a halt only by public disclosure in 1962, as described in the attached newspaper clipping.

9. Why did Howard Luck, an employee of the Dade Building and Zoning Department, the function of which is to enforce the law, apologize to the FPL plant manager for the embarrassing public disclosure? His words were, "I'm sorry, I couldn't help it, there was nothing I could do."

10. Why was no fine or other penalty levied on FPL (violation report attached)?

11. How did the three toilets that flushed directly into the public waterways get reduced to a single "bathroom" in Dade County records (copy attached)?

# Florida Power And Light Faces Pollution Citation

## Fla. Power...

(Continued From Page one)

At first Walden said he thought no toilets were being emptied into the bay, but then changed his mind and admitted to Guthrie and the zoning officials that three in the eastern end of the building were connected to the water cooling system used on the generators which exhaust directly into the canal.

Guthrie produced four cans of a water-base paint to be used as a dye and flushed through the plumbing system, along with 12 bags of orange-colored peanuts for the same use.

Two bags of the peanuts were emptied into one of the toilets in question, and later, at a bridge crossing the canal where it bends to turn into the bay between Chicken Key and the mainland, a number were retrieved by Guthrie, who used a long dip net.

Meanwhile, Luck had ruled that inasmuch as Walden had admitted that the toilets were contaminating bay water, the end result would not be served by the paint or peanuts. Luck said at first that it was decided to turn the matter over to the Health Department, but later, after talking with his superiors, the decision was made that the company would be cited for violation of plumbing laws.

Said Guthrie: "This violation is so serious I didn't want to turn it in to the central zoning board downtown for fear they might do something about it, so I held off until the last moment and then called the board at Perrine."

## One Man Campaign Brings Disclosure

The Florida Power and Light Company will be cited for dumping raw sewage into Biscayne Bay from its big Cutler plant, Howard Luck, head of the South Dade office of the Dade Building and Zoning Department at Perrine, said Wednesday.

The announcement followed a surprise disclosure following a campaign carried out by W. L. Guthrie, 6960 SW 124th St., 21-year veteran Eastern Airlines pilot. Guthrie started calling the building and zoning department at 8 a.m. Wednesday and in repeated calls told Luck, who just this week had taken over as head of the South Dade office, that he would have press and television representatives there so that there could be "no backing out of this."

At the same time he called newspapers and television stations and said that at "10 minutes to 11" he would reveal his name and a violation of major importance against one of the very largest industries in Dade County.

At exactly that time he did call Luck, and said he would meet him in front of the Guthrie home. Luck went there accompanied by L. E. Girard, a Metro plumbing inspector.

Guthrie then revealed that the complaint he was making was against the Florida Power and Light Plant at Cutler, built in 1948, and that he had discovered that toilets were being emptied into Biscayne Bay in violation of the law.

Guthrie said that, while skiing, he had been struck by fecal matter. Since then he had been conducting daily tests at the canal, where, using a dip net, he had found constant evidence of this sort of pollution, he said.

Guthrie, Luck, Girard and communication media members then went to the

2-1 Violation Notice

Mr. Guthrie called 3/1/62 &  
 was told that there was no record

3/13 → Lunch - Connecting made?

3/16 Mr. Guthrie here in our requesting copy of  
 entire the Rev & Ltr files. He wants it for  
 Grand Jury. Will have Grand Jury request  
 through Mr. Cook. He not so much worried  
 about action taken on this violation. His  
 main concern is the noise from the  
 plant. Contends that whole structure  
 should be housed in a bldg.

3/20 → Lunch? Pkg. connected?

3/21 → Pkg. 7 was 2

Handwritten notes on right margin:

On February 28th, W. L. Guthrie called and complained about the Florida Power and Light Company. A Notice of Violation was written in the afternoon of the 28th and delivered the first of March. The Notice of Violation 501501 gave them until March 5th to correct the situation. The notice was written for depositing raw sewage into Biscayne Bay. On Thursday, the first of March, Mr. Cook called and notified us that it would be proper to pullback or discontinue the use of the bathhouse in the violation area. On the third day, Friday the second, the Plumbing Inspector reported that the necessary work at 1249. And on Friday, March second, Pennell Plumbing notified us that they were going to take the job of installing necessary work. The work was in the process of installing then and will call us for inspection.

m. jw  
MAR 16, 1962

Pennell has NO-76221 3-15-62  
Starting job today 3-16-62



E

Item concerning an illegal building at the FPL Cutler plant.

FPL constructed, without a permit, a sheet metal building of 4,040 square feet which did not meet the South Florida Building Code. In the event of a hurricane, flying sheet metal could have been a hazard to life and property. A complaint to the Department of Building and Zoning resulted in demolition of the building by FPL.

12. How could such a large structure, in violation of the building code, for which a permit was never issued, get on the tax rolls without questions being asked?

Note attached letter showing taxation for 15 years.



June 28, 1974

6-28-74  
City of  
Department  
File #  
6-28-74

Mr. R. F. Cook, Director  
Metropolitan Dade County  
Building & Zoning Department  
1351 NW 12 Street  
Miami, Fla. 33125

Dear Mr. Cook:

Re: Cutler Plant

Please be advised that Florida Power & Light Company will remove from Cutler Plant a construction warehouse facility located east of the electrical switchyard and north of the fuel oil storage tanks, no later than July 19, 1974.

If further information is required or I may be of any assistance, please let me know.

Very truly yours,

*M. T. Fraga*

M. T. Fraga, Manager  
Division Governmental Services

df

3745333

6677481

6677484

317561 men file,  
Called 1-9-75 talked to Mr. Hill.

6960 S. W. 144th St.  
Miami, Fla. 33158  
August 6, 1974

Dade County Tax Assessment Dept.  
10710 S. W. 211th St.  
Miami, Fla.

Gentlemen:

The warehouse cited in the June 28, 1974 letter from Mr. M. T. Fraga, Florida Power and Light (copy attached), was in continuous service from completion of the last unit added to the Cutler plant until July of this year.

Existence of the building was called to the attention of Dade County Zoning Department and the Commission in 1963, again in 1972, again in early 1974. It is my understanding the building did not meet Dade County building code. It was well concealed by plantings immediately around the building, although plantings to provide a screen for the Kings Bay to the north, required in the original 1947 permit and reiterated in subsequent permits were absent.

Could you please provide me with the cubic and square foot values of the now dismantled warehouse, and the taxes paid on the building for the past fifteen years?

Thank you for your help.

Yours truly,

W. L. Guthrie.



# METROPOLITAN DADE COUNTY • FLORIDA

JUSTICE BUILDING ROOM 310  
1351 N.W. 12TH STREET  
MIAMI, FLORIDA 33125  
TEL: 377-7561

## DEPARTMENT OF PROPERTY APPRAISAL

January 15, 1975

Mr. W. L. Guthrie  
6960 S. W. 144 Street  
Miami, Florida 33158

Re: Folio 30-5024-00-0020  
Florida Power & Light Cutler Plant

Dear Sir:

Our records indicate that an assessment of a one-story metal construction warehouse has been included in the evaluation of subject property since 1960 to the present. It is 121' X 32' with a section 14' X 12' on one side.

The assessment and applicable tax rate for each year for this building is as follows:

<u>YEAR</u>	<u>ASSESSMENT</u>	<u>TAX RATE</u>
1960	\$ 9,696	\$ 40.90 M
1961	9,696	40.97 M
1962	9,696	40.57 M
1963	9,696	41.16 M
1964	19,392	18.19 M
1965	19,392	22.45 M
1966	19,392	23.025M
1967	7,212	22.885M
1968	7,212	22.04 M
1969	7,212	22.875M
1970	9,015	20.135M
1971	9,015	20.81 M
1972	9,015	19.97 M
1973	9,015	19.345M
1974	13,800	15.491M

Very truly yours,

Bruce W. Hill, CFE  
Assessment Administrative  
Supervisor

BWH:jc

Items concerning the response of the Metro Dade Board of County Commissioners to complaint made before it, in 1973, that "Florida Power & Light Company's Cutler plant was in violation of the terms of its permits."

The Commissioners established a committee to look into the complaint and the operation of the plant, and requested that the committee report back its findings to the Commissioners.

13. Why was no such report ever made?

Note letter of July 7, 1976. Note also that when a Cutler resident, Mrs. Sharon Samole, sought a copy of the desired report in 1982, the chairman of the committee allegedly told her that "it got lost in the shuffle."

14. How did a committee established to look into violations by FPL turn into the "Ad Hoc Committee to Study Improvements at Cutler Power Plant"?

Note memo from Ruvin attached.

In response to a request by the Committee, the County Attorney's office reviewed the zoning resolutions and special permits to FPL. Page 6 of their report is attached.

15. Why did the County Attorney's office set up a "straw man" in the form of a purported requirement for enclosure of the plant, and then point out that the resolutions did not require its enclosure?

FPL represented, as shown in the letters attached in Section A of this document, that the plant would be enclosed, in order to induce the Commissioners to grant its permits.



# METROPOLITAN DADE COUNTY • FLORIDA

911 COURTHOUSE  
MIAMI, FLORIDA 33130  
TEL: 579-5311

## OFFICE OF COUNTY MANAGER

July 7, 1976  
Refer to: 5-050

Mr. W. L. Guthrie  
6960 SW 144 Street  
Miami, FL 33158

Dear Mr. Guthrie:

Several examinations of our records indicate that we are unable to answer your request for a County Commission report concerning the Florida Power & Light Company Cutler Plant.

It is my supposition that the information previously supplied to you by the Mayor's Office was the report which evaluated the Cutler Plant. This report was prepared by the Illinois Technology Institute and no additional studies were conducted to address the matter.

It would appear, if any further request for Commission action seems necessary, that an appropriate request should be addressed to the Mayor for his information and evaluation.

Sincerely,

A handwritten signature in dark ink, appearing to read "William H. Law, Jr.", is written over the typed name.

William H. Law, Jr.  
Special Assistant  
to the County Manager

EHL:el  
cc:Mayor Stephen P. Clark





HARVEY RUVIN  
County Commissioner

*Board of County Commissioners*  
**METROPOLITAN DADE COUNTY-FLORIDA**  
252 DADE COUNTY COURTHOUSE  
MIAMI, FLORIDA 33130  
377-5279

July 5, 1973

To: Commissioner Harry P. Cain  
Commissioner Mike Calhoun  
Commissioner Beverly Phillips  
Mr. John J. McCue  
Mr. M. T. Fraga  
✓ Mr. W. L. Guthrie

From: *Harvey Ruvin*  
Harvey Ruvin  
County Commissioner

Subject: Meeting of the Ad Hoc Committee to Study  
~~STUDY COMMITTEE TO STUDY THE CUTLER POWER PLANT~~

A meeting of the subject Ad Hoc Committee will be held Thursday, July 12, 9:30 a.m., in the Mayor's Conference Room, 242 Dade County Courthouse, 73 West Flagler Street.

The purpose of this meeting is to review the efforts by Florida Power and Light Company to complete various improvements at the Cutler Power Plant.

Please mark your calendar accordingly.

HR/kj

cc: Mayor John B. Orr, Jr.

6

Honorable Harvey Ruvin  
Page Six  
September 17, 1973

By Resolution No. 4177, the County Commission approved a special permit subject to the condition that the installation be substantially in accordance with the plans submitted for the hearing; that the smoke stack be of the same appearance as the existing one at the plant; that additional landscaping be provided for beautification and screening purposes and that all efforts be made by Florida Power and Light to correct the "existing" objectionable noises at the plant, and that the new addition be so erected as to eliminate any objectionable noises.

By Resolution No. 5779, the County Commission approved an additional 75,000 kilowatt unit at the existing Cutler Plant subject to the Zoning Commission's recommendation that the application be approved subject to compliance with the recommendations of the Armour Institute and on condition that Florida Power and Light do whatever is possible to shield existing lights and to eliminate smoke.

By Resolution No. 6582, the County Commission granted an additional special permit and required the Dade County Zoning Director "to stay in touch with Florida Power and Light in reference to perfecting the smoke control, and in reference to the extension of the beautification program."

~~Since we conclude that the initial and subsequent resolutions of the~~  
County Commission did not affirmatively require enclosure of the plant facilities, we do not believe that it is useful or necessary to consider whether the County would now be estopped at this late date from enjoining the same to require said enclosure. We do believe, however, that the County has the right to enforce the provisions of its aforesaid zoning resolutions so as to prohibit the operation of the plant from being objectionable to adjacent properties and the area generally, and may, of course, enforce any appropriate County ordinance relating to violations of zoning and pollution standards and restrictions. Further, the County Commission may properly enact under its police powers more restrictive standards relating to air and noise pollution and require compliance therewith. Financing therefor could be made available through issuance of revenue bonds pursuant to Article VII, Section 10 of the 1968 Florida Constitution or other available means.

G

16. Why have Metro Dade officials refused to acknowledge, let alone reply to, correspondence?

Note letters attached, covering a span of 20 years, and text of telegram with signatures of 14 area residents.

6960 S. W. 144 Street  
Miami 56, Florida  
December 12, 1962

Mr. Irving McNayr  
County Manager  
Dade County Court House  
Miami, Florida

Dear Sir:

Mr. Robert Cook, Dade County Zoning Director has known of the violations of the Florida Tower and Light Company since 1957, as evidenced by the letter from Mr. K. H. Burner in the accompanying file. He has refused to act in spite of continual complaints.

His report to you in November 1961 was in error. He says, "Since these reports were written, all units in the Cutler Plant have been converted to natural gas, and inspection indicates that the emission of smoke on an objectionable basis has all but been eliminated." The front stack is still on oil, smoke still pours out of it, principally at night, when it is less visible.

In March of this year the Florida Tower and Light Company was cited for the criminal offense of dumping raw sewage in Biscayne Bay. This was a continuous, willful, serious health violation over a period of fourteen years. Why were they not prosecuted in the courts? No fine or penalty was attached.

This company is still in violation today. The Dade County noise ordinance requires that there be no loud or unusual noises in a residential area after 11 P. M. The howls and rumbles of the Cutler plant continue to waken us at night even though our windows are kept tightly closed and curtained on that side.

I believe Mr. Robert Cook to be incompetent and derelict in his duty to the residents of Dade County.

Yours truly,

W. L. Guthrie

6960 S.W. 144th St.  
Miami, Fla. 33158  
Oct. 9, 1972

Hon. Steve Clark  
Mayor, Metropolitan Dade County  
Courthouse  
Miami, Fla.

ref: Delayed construction at FPL Cutler plant.

Dear Mayor Clark:

In 1961, three years after the commission called for an investigation of the noise and dirt from the Cutler plant to determine if that noise and dirt is suitable for this area, Building and Zoning promised to make that determination and forward the results.

Two years later, on a March day in 1963, four hours fifteen minutes of sound monitoring was done, carefully avoiding the critical peak load hours. Eleven years later a pseudo scientific chart of the noise was forwarded as promised, while the matter of the looping emissions from the short stacks was buck-passed, October 4th, 1972, to the pollution control department.

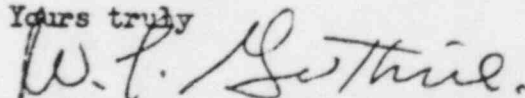
Our neighborhood has endured this noisy, dirty, and illegal plant twenty four hours a day each day of the years 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, and to date in 1972. We have not "sat on our hands". Metro has. At no time has building and zoning been unaware this Cutler plant is a nuisance, a balk on the residential development of the area. No combination of commissioners sitting during this time has failed to receive testimony that in local zoning matters, the Cutler plant is the central fact.

For all these years the press of business at Metro, or perhaps the political power of the Florida Power and Light Corporation, has precluded action to bring the Cutler plant into compliance with the law. (As a layman, I assume the terms of a permit have some status as law). But now it is encouraging to see Metro is keeping some offices open even weekend nights to catch up. And this brings us to the exact point of this letter.

We ask that Metropolitan Dade County Government end Florida Power and Light's self imposed and money saving building moratorium at the Cutler plant. In their application, FPL testified the plant would be housed in a building, and showed pictures of "similar" buildings. But they "omitted walls and roof to save money", ignored those sections of subsequent permits which called for an adherence to the plans as submitted, ignored the legal direction that the plant be quiet and clean.

FPL has done enough damage. Inclosed is documentation for the charge that the Cutler plant remains an illegal operation on several counts.

Yours truly



W. L. Guthrie

For Cutler and Southwest Residents Association.



W. L. GUTHRIE  
6960 S.W. 144TH STREET  
MIAMI, FLORIDA 33158

April 18, 1982

J. Edw. Bell, Director  
Dade County Building and Zoning  
909 S. E. 1st. Qve.  
Miami, Fla. 33131

Mr. Bell:

Be advised that on Tuesday, April 13, 1982, Florida Power and Light Corp. from its Cutler plant short smoke stack flooded us with stinking effluent thruout the daylight hours.

The entire family was wakened at 4:15 to 4:30 by stinking effluent from the Cutler plant on the morning of the 16th, Friday. We called the police (case #133408C) and went then to the plant manager's home at the plant on Ludlum. The plant manager refused to come to the door.

Also be advised we listen to the plant running-- FPL testified at the PSC hearings, reference reactivation of Cutler, that FPL was spending \$400,000.00 for noise control at Cutler. This was odd of them, as we have a quarter century's worth of Metro inaction at best and stupid letters at worst proving that there was never any noise in the first place.

FPL has, for as long as the Cutler plant existed, corrupted your department and other Dade County official bodies. I write simply to have a record of complaint, as the many telephone calls your department has had about this Cutler plant leave, I presume, no trace whatever.

Signed,

*W. L. Guthrie*

CERTIFIED MAIL

340 811 814  
RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED--  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO  
STREET AND NO  
409 S. E. 1st Ave

Florida Power and Light Company  
Miami, Florida

1957

Attention: Mr. Dave Bosworth

Sunday, July 15th as on many days, we breathed and choked on the noxious fumes from the Florida Power and Light Cutler plant for four and one half hours. When can we expect some relief from this monument to the stupidity of Florida Power and Light management and your so called design engineers?

Copy: Dade County Zoning Board  
Dade County Court House  
Miami Florida

Attention : Mr. Cook

NO ANSWER

W. L. Guthrie.

A. C. Gault

A. E. Gault Jr.

R. L. Stowell

Luice B. Webb (Mrs. F. H.)

Edward M. Webb (Mr. F. H.)

Frances E. Hein

Arthur M. Hein

Fred Cowen

Leona Cowen

B. H. Webb

Charles E. Mitchell

Catharine Chapman  
D. D. Lemmon

H

The Dade County Commission of April 2, 1963, ordered a study and report from the county manager, Irving McNayr.

17. Why was such study or report never made?

Note unanswered letter attached.

6960 S. W. 144 Street  
Miami, Florida 33158  
March 22, 1964

County Manager Irving McNayr  
Dade County Courthouse  
Miami, Florida

Dear Sir,

The Commission of April 2, 1963 passed a resolution calling for a study and report by you on the Florida Power and Light Cutler steam electric station.

In response to a request to your office for said report, I have just received a copy of a report submitted to you by Mr. Cook prior to this hearing. Since this report was before each commissioner during the April 2nd, 1963 hearing, I do not feel this meets the requirement of the resolution passed by the commission.

Please forward a copy of your study and report.

Yours truly,

W. L. Guthrie

I

Letter dated Aug. 25, 1947, from Mrs. T.T. Stevens, Chairman, Dade County Zoning Board, to Charles Crandon, Dade County Commissioner, concerning FPL's application for a power plant at Cutler.

The Zoning Board hearing on FPL's application took place in July when many property owners were on vacation. Because of this the Zoning Board promised that a public hearing would be held on Oct. 6 in order that these owners could present their views.

18. This promise was broken; in August the Zoning Board held a private, unannounced meeting with FPL officials. At this meeting the Zoning Board voted to recommend approval of FPL's request. Because of FPL's "pressure such as big corporations can exert," this first official body to deal with FPL-Cutler was:

"Changed from a state of uprightness, correctness, to a bad state."

It had been "diverted from the right, true, or regular course."

Before the Independent Review Panel  
Dade County Court House  
Room 1902  
73 W. Flagler Street  
Miami, Florida 33130

10:45 AM, Tuesday, Nov. 9, 1982

*W. L. Guthrie.*



COPY

August 25, 1947

Mr. Charles Crandon  
Box 1711  
Miami, Florida.

Dear Mr. Crandon:

I would like to give you the latest summary of the Power Plant application and to tell you of some new developments in the Florida Power and Light-Cutler matter. Since you have discussed with me the matter of locating their plant at Cutler before hearing the Zoning Commission recommendations and since at the ~~hearing Mr. McGregor Smith to be allowed to appear before the Zoning Commission and the Dade County Regional Planning Board, we get again so they could bring new evidence, not previously presented, as to why think the plant could not be placed at Black Point or other places, also why the location at Cutler should be reconsidered.~~

I persuaded Mr. Robert Fitch Smith to join our Zoning Commission in another hearing last Friday afternoon, in the Planning Board office. The only Planning Board members and officials present were Mr. Smith, Mr. Currier and myself. Other members were out of the city. Since there was no quorum no new action was taken by the Planning Board.

All members of the Zoning Commission, including Mr. Preston, were present. Mr. Smith presided at my request as I had presided at the former joint meeting held on the previous Monday. Some of us think there was very little new evidence presented to change our decision of August 18th which was to deny the application. There were some pertinent points brought out however, which are on file in the Zoning Office and which influenced some of our people. You can get from Mr. Preston and his records the reasons presented by Mr. McGregor Smith, President of the Florida Power and Light and his associates why they think it is not feasible or practical to put the plant at Black Point or even at Eureka Drive on the Bay or at other points designated by Dade County Planning Board. The element of time and the emergency demand for electricity for the great increase of homes being built in that section of the County is the chief argument.

Also, there was some discussion of the question of "spot" zoning. Mr. Preston has the legal history of this phase of this problem.

On motion of Mr. Bright, seconded by Mr. Custer, the motion Carried (four for and two against) recommending County Commission approval of the Cutler site. Mr. Eliss and I were the dissenters.

There are several reasons why I voted against the motion. Locating a power plant in a highly restricted residential area is a matter that involves many factors and I believe your Board should review the exhaustive study and reports of our groups. It is my belief that no action should be taken until after due consideration and after the desirability of every other site had been

COPY

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more completely studied. There was not and has not been time for this because of pressure from the Power Company for an immediate decision. Too, we were requested at the July 21st hearing by attorneys for property owners and representatives to delay our decision so that those property owners on vacation might appear to present their rights. This we agreed to do among ourselves, setting October 6th as the date for a later hearing. Then the pressure started, such as big corporations can exert, and we yielded to the seeming emergency and held two additional meetings. The Zoning Commission now recommends giving the Power Company what they want with some important conditions which Mr. Preston will outline when presenting our recommendations. Many property owners still think they will have the opportunity to be heard further and expects this opportunity before your Board takes final action.

The second reason why I voted against granting approval of the Cutler site at this time is that money is being bet. I am told, that the Power Company would win and have their way. Knowing the public mind as I do, it will be difficult to convince the public that your Planning and Zoning Boards and perhaps the Commissioners were not "paid off". Having given a great deal of my time serving Dade County to the best of my ability for years, I did not want the property owners to feel that they did not have representatives on the Zoning Board who are not interested in both sides of the question, with partiality to none. Then too, as a member of the Planning Board, which believes in long range planning for the County, a plan that does not fit into or even near an estate zone nor does it fit into our plan for the Cutler area.

IMPORTANT: Now that I have said my piece, which is not double talk, I will say that I am not against the Power Company and eventually might have voted for them to locate at Cutler (especially after our recent talk) but only after they had shown more attention to the Planning Board's recommendation and perhaps show more convincingly that there was not a better site where our estate zoning would not be hurt.

It has been thought that our earlier deliberations got to the point where the County Commission would not be able to handle it. In the meantime, the County Commission has been handling it beautifully and if no premature information is given the press, our Zoning Board will not be made to look as though they have been high pressured by the County Commission or someone to change their minds, or possibly appear to have been "paid off" by the Power Company (which you know is nor could be true). We gave due thought to our County Commissioners in our deliberations and tried to avoid throwing it to your Board for too much deliberation before making official decision. I have delayed my vacation ten days because of this matter. I now feel like asking that the County build me a monument when the good Lord calls me home!

In any event please try to get all our recommendations and conditions into the picture before any decision is made. If the Commission grants the permit remember I am with you right or wrong. If you are right I should be with you and if you are wrong you will need your friends.

COPY

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Charlotte, N. C.

My address until I return in October will be 1511 Plaza

Sincerely,

(Mrs. T. T. Stevens)

ECS/hom

The following resolution was offered by Commissioner Jesse H. Yarborough, seconded by Commissioner Preston B. Bird, and upon vote duly adopted:

WHEREAS Florida Power and Light Company has applied for a special permit for the installation of an additional 75,000 kilowatt electric unit at the existing generating station on the S $\frac{1}{2}$  SW $\frac{1}{4}$  of Section 24, Township 55 South, Range 40 East; northeast corner of Ludlum Road and Coral Reef Drive, Dade County, Florida, and

WHEREAS a public hearing of the Dade County Zoning Commission was advertised and held, as required by law, and, after hearing all interested parties and considering the adjacent areas, the Zoning Commission recommended that the special permit be approved for the additional 75,000 kilowatt unit at the Cutler Plant, as applied for, on the following conditions:

1. That no further enlargement of the plant be permitted without another public hearing and without a prior resolution of the Board of County Commissioners for such enlargement.
2. That the installation be substantially in accordance with the plans submitted for the hearing.
3. That the smoke stack be of the same appearance as the present one existing at the plant.
4. That the additional landscaping, particularly of the north and south buffer areas, be provided to meet with the approval of the Dade County Zoning Director and the Dade County Parks Director; the purpose of said landscaping being for beautification and screening purposes; the landscaping to be sufficiently tall and close enough together to insure the intended screening of the plant.
5. That all efforts be made by Florida Power and Light Company to correct the existing objectionable noises at the plant, and that the new addition be so erected as to eliminate any objectionable noises, and

WHEREAS it appears to this Board that the special permit, as recommended by the Zoning Commission, would be in accord with the overall, comprehensive zoning plan for Dade County, Florida;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Dade County, Florida that the special permit, with the conditions recommended by the Zoning Commission, be and the same is hereby approved.

The Zoning Director is hereby directed to make the necessary changes and notations upon the maps and records of the Dade County Planning, Zoning and Building

*Stacy  
Hickson*

1951



RESOLUTION NO. 5779

Whereas a resolution was offered by Commissioner Preston B. Bird  
and Mont Stachler and upon vote duly adopted  
that Florida Road & Mill Company has applied for a special permit for the  
erecting of an additional 17,000 sq units at the existing filter plant in the SE  
1/4 of Section 21, Township 23 North, Range 40 East; NE corner of Indian Road  
and Canal Road East, Dade County, Florida, and

Whereas, a public hearing of the Dade County Zoning Commission was held and  
held as required by law and after hearing all interested parties and considering the ad-  
jacent areas, the Zoning Commission recommended that the application be approved subject  
to compliance with the recommendations of the Armour Institute and on condition that  
the applicant do whatever is possible to shield the lights and to eliminate the smoke;  
that these conditions be complied with as expeditiously as possible, and

Whereas, it appears to this Board that the special permit, as recommended by the  
Zoning Commission, is in accord with the overall comprehensive zoning plan for Dade  
County, Florida;

423  
NOT THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County,  
Florida, that said special permit, as recommended by the Zoning Commission, be and the  
same is hereby approved.

The Zoning Director is hereby directed to issue the necessary permit in accordance  
with the terms and conditions of this resolution and to make the necessary notations  
upon the maps and records of the Dade County Planning, Zoning and Building Department.

PASSED AND ADOPTED this 24<sup>th</sup> day of March, 1953.

STATE OF FLORIDA)

SS.

COUNTY OF DADE )

I, E. B. LEATH-RMAN, Clerk of the Circuit Court in and for Dade County, Florida,  
and ex officio Clerk of the Board of County Commissioners of said County, DO HEREBY  
CERTIFY that the above and foregoing is a true and correct copy of a resolution adopted  
by the said Board of County Commissioners at its meeting held on March 24, 1953,  
as appears of record in the minutes of said Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 24<sup>th</sup>  
of March, 1953.