Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

Sent by Electronic Mail - Received Receipt Requested

Mr. Michael J. Brost
Vice President, Electric Systems

JEA
21 West Church Street
Jacksonville, Florida 32202

Re: Extension of Expiration Date for an Air Construction Permit
Northside Generating Station (NSG)
Duval County
Project No. 0310045-045-AC, Extension of Permit No. 0310045-040-AC

Dear Mr. Brost:

On April 28, 2016, the Department received your request for a second extension of the expiration date of Permit No. 0310045-040-AC. Permit 0310045-040 had been issued (clerked) on December 10, 2014, with an original expiration date of December 31, 2015. The purpose of Permit No. 0310045-040-AC is to authorize the temporary reintroduction of a mixture of bottom ash and fly ash into the CFB boiler Units 1 and 2 (E.U. Nos. 026 and 027) at the NGS. This bottom ash/fly ash byproduct, all of which is generated and stored on site, contains lime because of the use of limestone in the boilers as a control strategy for sulfur dioxide (SO_2) emissions. Therefore, the reintroduction of the byproduct is expected to aid in SO_2 control, likely decreasing the amount of limestone needed. The reuse of bottom ash is already permitted, but the reuse of fly ash required the issuance of Permit No. 0310045-040-AC. The expiration date of Permit No. 0310045-040-AC was subsequently extended until June 30, 2016 by Permit No. 0310045-043 (issued on September 29, 2015). This first permit extension was need due to technical and operational issues that delayed the testing. You indicted in your second extension request, that at this time JEA is still evaluating the long-term feasibility of reintroducing bottom ash and fly ash into the boilers along with the regulatory applicability of the project with respect to the U.S. EPA's Identification of Nonhazardous Secondary Materials (NHSM) rule codified in 40 CFR Part 241. Consequently, JEA is requesting that the extended expiration date of June 30, 2015 for Permit No. 0310045-040-AC be further extended until December 31, 2016.

Additionally, JEA had been granted permission by the Department via an email dated September 21, 2015 to conduct a pilot test on the use of the additive Calcium Bromide (CaBr2) to reduce mercury emissions from Units 1 and 2 at the St. Johns River Power Park (SJRPP) while also testing the use of bottom ash and fly ash in the boilers at the NGS. JEA has determined that that the use of the CaBr2 additive is a feasible potential method for the reduction of mercury emissions from Units 1 and 2 and the SJRPP. However, in your second permit expiration date extension request, you stated that JEA would like to wait to incorporate the use of the CaBr2 additive into the NGS/SJRPP Title V air operation permit until they apply for a Title V permit for revision later this year. As a result, you are also requesting that the testing of the CaBr2 additive at the SJRPP be extend until December 31, 2016.

The request to extend the AC permit was timely. The AC permit did not contain a best available control technology (BACT) determination that would require reassessment. Based on the circumstances and the reasons given above, the Department grants the extension.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The Office of Permitting and Compliance is the Permitting Authority responsible for making a determination for this project. The Permitting Authority's physical address and mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone

number is 850/717-9000.

Determination: The expiration date of Permit No. 0310045-040-AC is hereby extended from **June 30, 2016**, to **December 31, 2016**, to allow JEA adequate time to complete the byproduct reuse project. The use of the CaBr2 additive at the SJRPP is also extended from **June 30, 2016**, to **December 31, 2016**. This permitting action does not authorize any new construction. This extension must be attached to and becomes a part of Permit No. 0310045-040-AC. This permitting decision is issued pursuant to Chapter 403, Florida Statutes.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this permit extension. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. A petition for administrative hearing must contain the information set forth below and must be filed (received) with the Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, Agency_Clerk@dep.state.fl.us, before the deadline. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, any email address, telephone number, and any facsimile number of the petitioner; the name, address, any email address, telephone number, and any facsimile number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this written notice. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available in this proceeding.

Effective Date: This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this action will not be effective until further order of the Department.

Judicial Review: Any party to this permitting decision (order) has the right to seek judicial review of it under Section 120.68 of the F.S. by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel (Mail Station #35,

3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000) and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida

David L. Read, P.E.
2016.07.07 16:30:50 -04'00'

For:

Syed Arif, Program Administrator
Office of Permitting and Compliance
Division of Air Resource Management
SA/dlr

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this permit extension, or a link to this document available electronically on a publicly accessible server, was sent by electronic mail with received receipt requested before the close of business on the date indicated below to the following persons:

Mr. Michael Brost, V.P. Electric Systems, JEA: brosmj@jea.com
Mr. Daniel N. Hlaing., P.E., JEA: hlaidn@jea.com
Mr. Richard Rachal, DEP NED: richard.rachal@dep.state.fl.us
DEP Siting Coordination Office: SCO@dep.state.fl.us
Ms. Lynn Scearce, DEP OPC: lynn.scearce@dep.state.fl.us

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.

2016.07.08
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