



Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

March 30, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Bert Gianazza, P.E.
Jacksonville Electric Authority
21 West Church Street
Jacksonville, Florida 32202

RE: Kennedy Generating Station Combustion Turbines 3,4 and 5
DEP File No.: 0310047-009-AC

Dear Mr. Gianazza:

The Department received your letter on March 1, 2001 to modify the above mentioned construction permit. The letter requested restriction in the hours of operation from 1000 hrs/yr to 399 hrs/yr for each combustion turbine. Additionally, initial testing is requested to show no increase in actual NO_x emissions occur as a result of fogger operation. The request is acceptable and the referenced permit's Specific Condition No. 3 is hereby modified as follows:

From:

Inlet foggers may be installed at the compressor inlet to each of the three Westinghouse Model W 501 combustion turbine-electric generators. The four foggers may operate up to 3,000 hours per year in aggregate (average 1000 hours per unit per year). Maximum heat input shall not exceed 634 mmBtu/hr/unit and NO_x emissions shall not exceed 300 lb/hr/unit at 90° F and 63 percent RH. This maximum heat input rate will vary depending upon ambient conditions and the combustion turbine characteristics. Manufacturer's curves corrected for site conditions or equations for correction to other ambient conditions shall be provided to the Department of Environmental Protection (DEP) within 45 days of completing the initial compliance testing after the foggers are installed. Thereafter, compliance shall be demonstrated as required in Rule 62-297.310(7). Nitrogen oxides emissions shall be demonstrated by a stack test on one representative turbine. Testing shall be performed each federal fiscal year, no later than September 30th.

To:

Inlet foggers may be installed at the compressor inlet to each of the three Westinghouse Model W 501 combustion turbine-electric generators. The three foggers may operate up to 399 hours per year each. The maximum heat input rate will vary depending upon ambient conditions and the combustion turbine characteristics. Initial stack tests for NO_x using EPA Method 7 or 7E shall be performed on one representative turbine with and without the foggers operating to show that no increase in NO_x emissions occur as a result of fogger operation.

A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice

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of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. 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 will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department'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, and telephone number of the petitioner, the name, address, and telephone 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 how and when petitioner received notice of the agency action or proposed action; (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; and (g) A statement of the relief sought by the petitioner, stating precisely the action 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 Department'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.

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

Mediation is not available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section

120.542(2) F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

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 order will not be effective until further order of the Department.

Any party to this permitting decision (order) has the right to seek judicial review of it under section 120.68 of the Florida Statutes, 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 thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



Howard L. Rhodes, Director
Division of Air Resources
Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this PERMIT MODIFICATION was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 4/4/01 to the person(s) listed:

Mr. Bert Gianazza, JEA*
Mr. Chris Kirts, DEP-NED
Mr. Jim Manning, RESD

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.


(Clerk)

4/4/01
(Date)

21 West Church Street
Jacksonville, Florida 32202-3139

February 27, 2001

RECEIVED

MAR 1 2001

BUREAU OF AIR REGULATION



Mr. Al Linero, P.E.
Administrator
New Source Review Section
Bureau of Air Quality
Department of Environmental Protection
111 South Magnolia Dr, Suite 4
Tallahassee, FL 32301

RE: Northside Generating Station Combustion Turbines 3, 4, 5, and 6
Kennedy Generating Station Combustion Turbines 3, 4, and 5
Construction Permit Nos. 0310045-004-AC and 0310047-004-AC
Request for Permit Revision *0310047-009-AC*

Dear Mr. Linero:

Last year NOx emissions data was generated during CT operation with and without water injection on Northside CT 3 for the purpose of permitting the installation of foggers at the above referenced facilities.

Using data obtained from CT 3 using temporarily installed fogging equipment, it was shown that NOx emissions decreased on both an hourly and lb/mmBtu basis. The hours of operation were limited to 1000 hours per year per unit in each of the above construction permits in order to avoid PSD for SO2 since fuel input increases during fogger operation.

The NGS data was used to permit the installation of foggers on both the Northside and Kennedy CTs. This data is included in Specific Condition 3 of both of the above referenced construction permits.

The Kennedy CTs are Westinghouse units while the Northside CTs are GE units. Since NOx emission rates vary greatly based on ambient and other conditions, and the only data available for these units are from the one-time test conducted on Unit 3, we are concerned that data obtained during compliance testing upon start-up of the foggers could vary from that obtained last year. Since the testing is needed to show that fogger operation does not increase NOx emissions, and not to meet any particular emission rate, we request that the above construction permits be revised as follows:

Mr. Linero, P.E.
February 27, 2001
Page Two

Please change Specific Condition 3 as follows (the Kennedy permit is used as an example, the Northside language is virtually identical):

From:

Inlet foggers may be installed at the compressor inlet to each of the three Westinghouse Model W 501 combustion turbine-electric generators. The three foggers may operate up to 3,000 hours per year in aggregate (average 1000 hours per unit per year). Maximum heat input shall not exceed 634 mmBtu/hr/unit and NOx emissions shall not exceed 300 lb/hr/unit at 90 F and 63 percent RH. This maximum heat input rate will vary depending upon ambient conditions and the combustion turbine characteristics. Manufacturer's curves corrected for site conditions or equations for correction to other ambient conditions shall be provided to the Department of Environmental Protection (DEP) within 45 days of completing the initial compliance testing after the foggers are installed. Thereafter, compliance shall be demonstrated as required in Rule 62-297.310(7). Nitrogen oxides emissions shall be demonstrated by a stack test on one representative turbine. Testing shall be performed each federal fiscal year, no later than September 30th. [Rule 62-296.570(4)(a)3, and (4)(b)5., F.A.C.]

To:

Inlet foggers may be installed at the compressor inlet to each of the three Westinghouse Model W 501 combustion turbine-electric generators. The three foggers may operate up to 399 hours per year each. The maximum heat input rate will vary depending upon ambient conditions and the combustion turbine characteristics. Initial stack tests for NOx using EPA Method 7 or 7E shall be performed on one representative turbine with and without the foggers operating to show that no increase in NOx emissions occur as a result of fogger operation.

If you have any questions with regard to this matter, please contact me at (904) 665-6247.

Sincerely,



N. Bert Gianazza, P.E.
Environmental Permitting

cc: Syed Arif, P.E., FDEP

C. Kirtz
S. Pace