



Jeb Bush  
Governor

# Department of Environmental Protection

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

July 12, 2000

David B. Struhs  
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Walter P. Bussells  
Chief Executive Officer  
Jacksonville Electric Authority (JEA)  
21 West Church Street  
Jacksonville, Florida 32202-3139

Re: Retirement of Southside Generating Station required within Permit No. 0310485-001-AC, PSD-FL-267  
Brandy Branch Facility

The applicant, JEA, applied on June 21, 2000, to the Department for a revision to the retirement date of the Southside Generating Station. This requirement is specified within air construction permit number 0310485-001-AC, which allows for construction of the Brandy Branch Facility located at Baldwin City, Duval County. The Department has reviewed the request. The retirement date specified in Condition 14 of **Section II. Administrative Requirements** is hereby revised as follows:

Retirement of existing facility: ~~In accordance with JEA's analyses of regional haze in the nearby Class I areas, the Brandy Branch facility may cause or contribute to haze values greater than 5%. In order to mitigate this possibility, JEA will limit the operation of the combustion turbines permitted herein to a maximum of 16 hours per day of oil operation. Additionally, so as to cause a net benefit to the nearby Class I areas, JEA shall retire the existing Southside Facility (AIRS ID 0310046) located at 801 Colorado Avenue, Jacksonville, Florida upon JEA's application for a Title V permit for the Brandy Branch facility (including certification that the facility is in compliance with applicable requirements and permit conditions), on or before October 31, 2001. JEA shall concurrently submit a letter from the designated representative of the Southside facility certifying that the facility has been shutdown and that related permits are being surrendered. This shall occur on or before October 31, 2002.~~

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 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.

"More Protection, Less Process"

Printed on recycled paper.

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

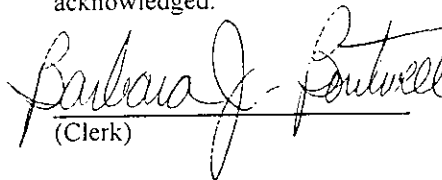
**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this order was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 7/13/00 to the person(s) listed:

Walter P. Bussells, JEA \*  
N. Bert Gianazza, P.E., JEA \*  
Chris Kirts, NED  
James L. Manning, P.E. RESD  
Gregg Worley, EPA  
John Bunyak, NPS

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.

 7/13/00  
(Clerk) (Date)

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Received by (Please Print Clearly) <b>T. HEANEY</b> B. Date of Delivery <b>JUL 18 2000</b></p> <p>C. Signature <b>X [Signature]</b> <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p>Walter P. Bussells          Cheif Executive Officer          Jacksonville Electric Auth.          21 West Church Street          Jacksonville, FL 32202-3139</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Copy from service label)  <b>Z 341 355 330</b></p>	
<p>PS Form 3811, July 1999 Domestic Return Receipt 102595-99-M-1789</p>	

Z 341 355 330

US Postal Service  
**Receipt for Certified Mail**  
 No Insurance Coverage Provided.  
 Do not use for International Mail (See reverse)

Sent to	
Mr. Walter Bussells, JEA	
Street & Number 21 West Church St.	
Post Office, State, & ZIP Code Jacksonville, FL 32202-3139	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
<b>TOTAL Postage &amp; Fees</b>	<b>\$</b>
Postmark or Date 031-485-001-AC PSD-FL-267 Mailed: 7-13-00	

PS Form 3800, April 1995

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Received by (Please Print Name) <i>T. HEARNEY</i>	B. Date of Delivery <i>JUL 18 2000</i>
1. Article Addressed to: Mr. N. Bert Gianazza, P.E. Jacksonville Electric Aut. 21 W. Church St. Jacksonville, FL 32202-3139	C. Signature <i>X Z. Heaney</i>	
2. Article Number (Copy from service label) Z 341 355 329	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
PS Form 3811, July 1999	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

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Mr. N. Bert Gianazza, JEA	
Street & Number	
21 W. Church St.	
Post Office, State, & ZIP Code	
Jacksonville, FL 32202-3139	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
<b>TOTAL Postage &amp; Fees</b>	<b>\$</b>
Postmark or Date	
0310485-001-AC	
PSD-FL-267	
Mailed: 7-13-00	

PS Form 3800, April 1995

Florida Department of  
Environmental Protection

Memorandum

TO: Howard L. Rhodes  
THRU: Clair Fancy *CAF*  
Al Linero *aal 7/7*  
FROM: Mike Halpin *MH*  
DATE: July 7, 2000  
SUBJECT: JEA Brandy Branch PSD Permit revision

*BAR*  
**RECEIVED**  
JUL 13 2000

BUREAU OF AIR REGULATION

Attached for approval and signature is a minor air construction permit revision for the subject (new) facility.

The original Brandy Branch PSD permit mandated that an existing JEA facility (Southside) was to be shut down as the result of preliminary Cal-puff modeling which indicated that without such a shutdown, regional haze in nearby Class I areas may be adversely affected. Although the applicant subsequently completed the modeling and indicated to FDEP that regional haze is not adversely affected, JEA remains committed to the shutdown, requesting a "date certain" rather than a floating date. Since the requested "date certain" is 12 months prior to the allowable date specified in the original permit, I do not recommend that the applicant should be required to publish a notice.

I recommend your approval and signature.

Attachments

/mph