



# Department of Environmental Protection

Jeb Bush  
Governor

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

Colleen M. Castille  
Secretary

September 22, 2005

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

Re: DEP File No. 0310485-014-AC; Modification of Permit No. PSD-FL-310 (PA 00-43)  
Brandy Branch Generating Station / Duval County

The applicant, JEA, applied on June 15, 2005, to the Department for a modification to PSD permit number PSD-FL-310 for its Brandy Branch Generating Station located in Duval County. The modification is to incorporate the language for Dry Low NO<sub>x</sub> (DLN) combustor tuning as an authorized exclusion (subject to the below provisions) for the demonstration of compliance via CEMS. The Department has reviewed the modification request. The referenced permit is hereby modified as follows:

III. Emissions Unit(s) Specific Conditions  
Applicable Standards And Regulations:

25. Excess emissions resulting from startup, shutdown, or malfunction shall be permitted provided that best operational practices are adhered to and the duration of excess emissions shall be minimized. Excess emissions occurrences shall in no case exceed two hours in any 24-hour period calendar day except during "warm" or "cold" start-up, shutdown or to combined cycle plant operation, or during DLN Tuning as described in the alternate NO<sub>x</sub> and CO emissions standard below. ~~During cold start-up to combined cycle operation, up to four hours of excess emissions are allowed in any 24-hour period. During warm startup from combined cycle operation, up to three hours of excess emissions are allowed in any 24-hour period. Cold start-up is defined as a startup to combined cycle operation following a shutdown lasting at least 72 hours. Warm startup is defined as a combined cycle operation following a shutdown lasting at least 24 hours.~~ A startup of any type is defined as being complete upon the first 3-hour block NO<sub>x</sub> average of 3.5 ppmvd or less (15 ppmvd or less for oil firing). Operation below 50% output per turbine shall otherwise be limited to 2 hours in any 24-hour period except for periods of startup, shutdown or DLN Tuning. [Rule 62-212.400(2)(d) and (e), F.A.C.].

25.A. Alternate NO<sub>x</sub> and CO Emissions Standard:

1. During any calendar day, in which at least one hour of startup, shutdown or DLN tuning session has occurred, the following alternate emission limits shall apply to each combined cycle combustion turbine:

- a. An alternate NO<sub>x</sub> limit of 3000 lb shall apply if natural gas is the exclusively fired fuel;
- b. An alternate NO<sub>x</sub> limit of 8880 lb shall apply if any fuel oil is fired; and
- c. An alternate CO limit of 4200 lb shall apply when firing either natural gas or fuel oil.

2. Annual excess emissions from DLN tuning sessions from both combined cycle combustion turbines shall meet the following emission limits on an annual basis for a period of two years from the date of October 1, 2005 in order to demonstrate that the operational change did not result in a significant net emissions increase and to avoid Prevention of Significant Deterioration regulations:

- a. NO<sub>x</sub> excess emissions shall be limited to less than 40 tons per year.
- b. CO excess emissions shall be limited to less than 100 tons per year.

[Rule 62-212.400(2)(d) and (e), F.A.C.]

"More Protection, Less Process"

Printed on recycled paper.

25.B. Start-up, Shutdown and DLN Tuning:

a. DLN Tuning: At least one business day prior to performing any tuning session, the permittee shall provide the Compliance Authority with an advance notice that details the activity and proposed tuning schedule. The notice may be by letter, facsimile transmittal, or electronic mail. Once the tuning session is completed, the Compliance Authority shall be notified in a like manner, within one business day. Within 15 days of completion of the tuning session, the excluded CEMS data shall be forwarded to the Compliance Authority. CEMS data shall not be excluded from any Acid Rain reporting requirements.

b. Data collected during periods covered by the alternate emissions standard provisions of Condition No. 25A may be excluded from the compliance determination calculation requirements of Conditions No. 20 and 21.

[Design; Rule 62-4.070(3), F.A.C.]

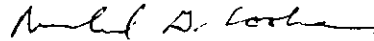
40. (4) Daily hours of operation when the CT is being fired and the SCR is not in service, along with support documentation demonstrating that the unit was in a DLN Tuning, startup or shutdown condition.
41. Continuous Monitoring System: The permittee shall install, calibrate, maintain ... (continued to paragraph 4) ... NOx, CO and CO2 emissions data shall be recorded by the CEM system during episodes of DLN Tuning, startup, shutdown and malfunction. NOx and CO emissions data recorded during these episodes may be excluded from the block-average calculated to demonstrate compliance with the emission limits specified within this permit. Periods of data excluded for startup shall not exceed two hours in any block 24-hour period except for "warm" or "cold" startup. Periods of data excluded for cold startup shall not exceed four hours in any 24-hour block period. Periods of data excluded for warm startup shall not exceed three hours in any 24-hour block period. Periods of data excluded for hot startups, shutdowns or malfunctions shall not exceed two hours in any 24-hour block period calendar day. All periods of data excluded for any startup, shutdown, DLN Tuning or malfunction episode shall be consecutive for each episode. Periods of data excluded for all combined startup, shutdown and malfunction episodes shall not exceed four hours in any 24-hour block period. Periods of data excluded for start-up, shutdown or DLN Tuning are subject to the alternate NOx and CO emissions standard. The owner or operator shall minimize the duration of data excluded for attributed to DLN Tuning, startup, shutdown and malfunctions, to the extent practicable. Data recorded during DLN Tuning, startup, shutdown or malfunction events shall not be excluded if the DLN Tuning, startup, shutdown or malfunction episode was caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure, which may reasonably be prevented.
- Best operational practices shall be used to minimize hourly emissions that occur during episodes of DLN Tuning, startup, shutdown and malfunction. Emissions of any quantity or duration that occur entirely or in part from poor maintenance, poor operation, or any other equipment or process failure, which may reasonably be prevented, shall be prohibited.

A summary report of duration of data excluded from the .... (continued to end of condition)

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

Any party to this order (permit modification) has the right to seek judicial review of it under Section 120.68, 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 thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



Michael G. Cooke, Director  
Division of Air Resource 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 9/21/05 to the person(s) listed:

N. Bert Gianazza, P.E., JEA \*  
Gregg Worley, EPA  
John Bunyak, NPS  
Chris Kirts, NED  
Richard Robinson, P.E. EQD  
Hamilton S. Oven, DEP-Siting

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)

9/21/05  
(Date)

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 *[Signature]*  Addressee

B. Received by (Printed Name) *Patrick Moody* C. Date of Delivery *9/24/05*

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number  
 (Transfer from service label)

*7004 1350 0000 1910 4298*

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

9624 0561 0000 0561 4002

**U.S. Postal Service™**  
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Postmark  
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Mr. Bert Gianazza, P.E.  
 JEA  
 21 West Church Street  
 Jacksonville, Florida 32202

PS Form 3800, June 2002

See Reverse for Instructions

Florida Department of  
Environmental Protection

Memorandum

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TO: Michael G. Cooke

THRU: Trina Vielhauer *TV*  
J. F. Koerner *JK*

FROM: Michael P. Halpin *MH*

DATE: September 20, 2005

SUBJECT: JEA - Brandy Branch Generating Station  
PSD Permit Modification – DLN Tuning provision  
DEP File No. 0310485-014-AC, PA 00-43, PSD-FL-310

Attached is the final permit modification relative to JEA's Brandy Branch PSD permit.

This is an existing facility which is currently in the process of modifying two of its three combustion turbines for combined cycle operation. JEA is currently beginning to tune their DLN combustors as a part of their start-up plan and has asked to incorporate the attached provision within their PSD permit on an expedited basis.

Notice was published in the Florida Times-Union on September 2, 2005. No comments were received.

I recommend your approval.

Attachments

/mph

RECEIVED

SEP 09 2005

PUBLIC NOTICE OF INTENT TO ISSUE PSD PERMIT MODIFICATION  
STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DEP File No. 0310485-014-AC  
PSD-FL-310 (PA 00-43)  
JEA

Brandy Branch Generating Station  
Duval County

THE FLORIDA TIMES-UNION  
Jacksonville, Fl  
Affidavit of Publication

BUREAU OF AIR REGULATION

Florida Times-Union

The Department of Environmental Protection (Department) gives notice of its intent to issue a PSD Permit Modification to Brandy Branch Generating Station, located near Baldwin City, Duval County. The permit modification incorporates the language for Dry Low NOx (DLN) combustor tuning as an authorized exclusion (subject to specific provisions) for the demonstration of compliance with emission standards via Continuous Emission Monitoring Systems (CEMS). Additionally, changes have been made to the startup and shutdown emission limitations, requiring that alternative emission standards be met during those periods. Similar provisions currently exist within many PSD permits accommodating both of these items. The applicant's mailing address is: 21 West Church Street, Jacksonville, FL 32202-3139.

A new determination of Best Available Control Technology (BACT) was not required, nor was an air quality impact analysis. The Department will issue the Final Permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of this Public Notice of Intent to Issue PSD Permit Modification. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding.

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.

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.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Florida Department of Environmental Protection Bureau of Air Regulation 111 S. Magnolia Drive, Suite 4 Tallahassee, Florida, 32301 Telephone: (850) 488-1344 Fax: (850) 922-6979	Florida Department of Environmental Protection Northeast District Suite 200B, 7825 Baymeadows Way Jacksonville, Florida 32256 Telephone: (904) 448-4300	City of Jacksonville Environmental Resource Mgt / EQD 117 West Duval Street Suite 225 Jacksonville, FL 32202 Telephone: (904) 630-4900
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The complete project file includes the application, Draft permit, and the information submitted by the Responsible Official, exclusive of confidential records under Section 403.111, F.S. Interested persons may review specific details of this project by contacting the Administrator, North Permitting Section, at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

J. E. A. / ENVIRONMENTAL  
ATTN: KASEY CLEGHORN  
21 W CHURCH ST T-8  
JACKSONVILLE FL 32202

REFERENCE: 0334984  
R091145 PUBLIC NOTICE

State of Florida  
County of Duval

Before the undersigned authority personally appeared Tiffany Powell who on oath says she is a Legal Advertising Representative of The Florida Times-Union, a daily newspaper published in Jacksonville in Duval County, Florida; that the attached copy of advertisement is a legal ad published in The Florida Times-Union. Affiant further says that The Florida Times-Union is a newspaper published in Jacksonville, in Duval County, Florida, and that the newspaper has heretofore been continuously published in Duval County, Florida each day, has been entered as second class mail matter at the post office in Jacksonville, in Duval County, Florida for a period of one year preceeding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

PUBLISHED ON: 09/02

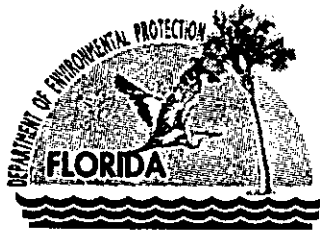
FILED ON: 09/02/05

Name: Tiffany Powell Title: Legal Advertising Representative  
In testimony whereof, I have hereunto set my hand and affixed my o seal, the day and year aforesaid.

NOTARY: *[Signature]*



TWILLA SHIPP  
Notary Public, State of Florida  
My comm. expires May 13, 2006  
Comm. No. DD 117248



Jeb Bush  
Governor

# Department of Environmental Protection

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

Colleen M. Castille  
Secretary

August 18, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

Re: DEP File No. 0310485-014-AC; Modification of Permit No. PSD-FL-310 (PA 00-43)  
Brandy Branch Generating Station / Duval County

Dear Mr. Gianazza:

Enclosed is one copy of the Revised Draft PSD Permit Modification relative to JEA's request for a permit change which incorporates the language for Dry Low NOx (DLN) combustor tuning as an authorized exclusion (subject to certain provisions) for the demonstration of compliance via CEMS. Additionally, changes have been made to the startup and shutdown emission limitations, requiring that alternative emission standards be met during those periods. The facility is located near Baldwin City in Duval County.

The Public Notice of Intent to Issue PSD Permit Modification must be published one time only, as soon as possible, in the legal advertisement section of a newspaper of general circulation in the area affected, pursuant to the requirements Chapter 50, Florida Statutes. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within seven days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit.

Please submit any written comments you wish to have considered concerning the Department's proposed action to J. F. Koerner, P.E., Administrator, North Permitting Section at the above letterhead address. If you have any other questions, please contact Michael P. Halpin, P.E. at 850/921-9519.

Sincerely,

Trina Vielhauer, Chief,  
Bureau of Air Regulation

TV/mph

Enclosures

"More Protection, Less Process"

Printed on recycled paper.

In the Matter of an  
Application for Permit by:

Bert Gianazza, P.E.  
JEA  
21 West Church Street  
Jacksonville, Florida 32202-3139

DEP File No. 0310485-014-AC  
PSD-FL-310 (PA 00-43)

### INTENT TO ISSUE PSD PERMIT MODIFICATION

The Department of Environmental Protection (Department) gives notice of its intent to issue a PSD Permit Modification (copy of Draft permit attached) for the proposed project, detailed in the application specified above and for the reasons stated below.

The applicant, Bert Gianazza, P.E., JEA, applied on June 15, 2005, to the Department for a PSD Permit Modification for its Brandy Branch Station, located near Baldwin City, Duval County. The request is for a permit modification to incorporate the language for Dry Low NOx (DLN) combustor tuning as an authorized exclusion (subject to certain provisions) for the demonstration of compliance via CEMS. Additionally, changes have been made to the startup and shutdown emission limitations, requiring that alternative emission standards be met during those periods.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-212 and 40 CFR 52.21. The above actions are not exempt from permitting procedures. The Department has determined that a PSD Permit Modification is required to revise the permit with respect to changes in the authorization of excess emissions.

The Department intends to issue this PSD Permit Modification based on the belief that reasonable assurances have been provided to indicate that operation of these emission units will not adversely impact air quality, and the emission units will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. and 40 CFR 52.21.

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue PSD Permit Modification. The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/ 922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) & (11), F.A.C.

The Department will issue the final permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of Public Notice of Intent to Issue PSD Permit Modification. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.



The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

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.

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.

Executed in Tallahassee, Florida.



Trina Vielhauer, Chief  
Bureau of Air Regulation

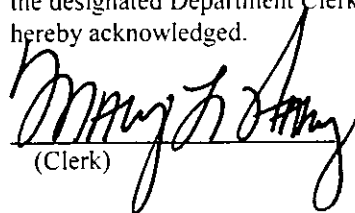
**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this Intent to Issue PSD Permit Modification (including the Public Notice of Intent to Issue PSD Permit Modification and the Draft PSD Permit) was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 8/22/05 to the person(s) listed:

- N. Bert Gianazza, P.E., JEA \*
- Gregg Worley, EPA
- John Bunyak, NPS
- Chris Kirts, NED
- Richard Robinson, P.E., EQD
- Hamilton S. Oven, DEP-Siting

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.

 8/22/05  
(Clerk) (Date)

**PUBLIC NOTICE OF INTENT TO ISSUE PSD PERMIT MODIFICATION**

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No. 0310485-014-AC  
PSD-FL-310 (PA 00-43)

JEA  
Brandy Branch Generating Station  
Duval County

The Department of Environmental Protection (Department) gives notice of its intent to issue a PSD Permit Modification to Brandy Branch Generating Station, located near Baldwin City, Duval County. The permit modification incorporates the language for Dry Low NOx (DLN) combustor tuning as an authorized exclusion (subject to specific provisions) for the demonstration of compliance with emission standards via Continuous Emission Monitoring Systems (CEMS). Additionally, changes have been made to the startup and shutdown emission limitations, requiring that alternative emission standards be met during those periods. Similar provisions currently exist within many PSD permits accommodating both of these items. The applicant's mailing address is: 21 West Church Street, Jacksonville FL 32202-3139.

A new determination of Best Available Control Technology (BACT) was not required, nor was an air quality impact analysis. The Department will issue the Final Permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of this Public Notice of Intent to Issue PSD Permit Modification. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding.

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.

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

**NOTICE TO BE PUBLISHED IN THE NEWSPAPER**

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.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Florida Department of Environmental Protection Bureau of Air Regulation 111 S. Magnolia Drive, Suite 4 Tallahassee, Florida, 32301 Telephone: (850) 488-1344 Fax: (850) 922-6979	Florida Department of Environmental Protection Northeast District Suite 200B, 7825 Baymeadows Way Jacksonville, Florida 32256 Telephone: (904) 448-4300	City of Jacksonville Environmental Resource Mgt / EQD 117 West Duval Street Suite 225 Jacksonville, FL 32202 Telephone: (904) 630-4900
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The complete project file includes the application, Draft permit, and the information submitted by the Responsible Official, exclusive of confidential records under Section 403.111, F.S. Interested persons may review specific details of this project by contacting the Administrator, North Permitting Section, at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

NOTICE TO BE PUBLISHED IN THE NEWSPAPER



September xx, 2005

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

Re: DEP File No. 0310485-014-AC; Modification of Permit No. PSD-FL-310 (PA 00-43)  
Brandy Branch Generating Station / Duval County

The applicant, JEA, applied on June 15, 2005, to the Department for a modification to PSD permit number PSD-FL-310 for its Brandy Branch Generating Station located in Duval County. The modification is to incorporate the language for Dry Low NOx (DLN) combustor tuning as an authorized exclusion (subject to the below provisions) for the demonstration of compliance via CEMS. The Department has reviewed the modification request. The referenced permit is hereby modified as follows:

III. Emissions Unit(s) Specific Conditions  
Applicable Standards And Regulations:

25. Excess emissions resulting from startup, shutdown, or malfunction shall be permitted provided that best operational practices are adhered to and the duration of excess emissions shall be minimized. Excess emissions occurrences shall in no case exceed two hours in any 24-hour period calendar day except during "warm" or "cold" start-up, ~~shutdown or to combined cycle plant operation, or during DLN Tuning as described in the alternate NOx and CO emissions standard below.~~ During cold start-up to combined cycle operation, up to four hours of excess emissions are allowed in any 24-hour period. During warm startup from combined cycle operation, up to three hours of excess emissions are allowed in any 24-hour period. Cold start-up is defined as a startup to combined cycle operation following a shutdown lasting at least 72 hours. Warm startup is defined as a startup to combined cycle operation following a shutdown lasting at least 24 hours. A startup of any type is defined as being complete upon the first 3-hour block NOx average of 3.5 ppmvd or less (15 ppmvd or less for oil firing). Operation below 50% output per turbine shall otherwise be limited to 2 hours in any 24-hour period except for periods of startup, shutdown or DLN Tuning. [Rule 62-212.400(2)(d) and (e), F.A.C.]

25.A. Alternate NOx and CO Emissions Standard:

1. During any calendar day, in which at least one hour of startup, shutdown or DLN tuning session has occurred, the following alternate emission limits shall apply to each combined cycle combustion turbine:

- a. An alternate NOx limit of 3000 lb shall apply if natural gas is the exclusively fired fuel;
- b. An alternate NOx limit of 8880 lb shall apply if any fuel oil is fired; and
- c. An alternate CO limit of 4200 lb shall apply when firing either natural gas or fuel oil.

2. Annual excess emissions from DLN tuning sessions from both combined cycle combustion turbines shall meet the following emission limits on an annual basis for a period of two years from the date of October 1, 2005 in order to demonstrate that the operational change did not result in a significant net emissions increase and to avoid Prevention of Significant Deterioration regulations:

- a. NOx excess emissions shall be limited to less than 40 tons per year.
- b. CO excess emissions shall be limited to less than 100 tons per year.

[Rule 62-212.400(2)(d) and (e), F.A.C.]



25.B. Start-up, Shutdown and DLN Tuning:

a. DLN Tuning: At least one business day prior to performing any tuning session, the permittee shall provide the Compliance Authority with an advance notice that details the activity and proposed tuning schedule. The notice may be by letter, facsimile transmittal, or electronic mail. Once the tuning session is completed, the Compliance Authority shall be notified in a like manner, within one business day. Within 15 days of completion of the tuning session, the excluded CEMS data shall be forwarded to the Compliance Authority. CEMS data shall not be excluded from any Acid Rain reporting requirements.

b. Data collected during periods covered by the alternate emissions standard provisions of Condition No. 25A may be excluded from the compliance determination calculation requirements of Conditions No. 20 and 21.

[Design: Rule 62-4.070(3), F.A.C.]

40. (4) Daily hours of operation when the CT is being fired and the SCR is not in service, along with support documentation demonstrating that the unit was in a DLN Tuning, startup or shutdown condition.

41. Continuous Monitoring System: The permittee shall install, calibrate, maintain ... (continued to paragraph 4) ... NO<sub>x</sub>, CO and CO<sub>2</sub> emissions data shall be recorded by the CEM system during episodes of DLN Tuning, startup, shutdown and malfunction. ~~NO<sub>x</sub> and CO emissions data recorded during these episodes may be excluded from the block average calculated to demonstrate compliance with the emission limits specified within this permit. Periods of data excluded for startup shall not exceed two hours in any block 24-hour period except for "warm" or "cold" startup. Periods of data excluded for cold startup shall not exceed four hours in any 24-hour block period. Periods of data excluded for warm startup shall not exceed three hours in any 24-hour block period. Periods of data excluded for hot startups, shutdowns or malfunctions shall not exceed two hours in any 24-hour block period calendar day. All periods of data excluded for any startup, shutdown, DLN Tuning or malfunction episode shall be consecutive for each episode. Periods of data excluded for all combined startup, shutdown and malfunction episodes shall not exceed four hours in any 24-hour block period. Periods of data excluded for start-up, shutdown or DLN Tuning are subject to the alternate NO<sub>x</sub> and CO emissions standard. The owner or operator shall minimize the duration of data excluded for attributed to DLN Tuning, startup, shutdown and malfunctions, to the extent practicable. Data recorded during DLN Tuning, startup, shutdown or malfunction events shall not be excluded if the DLN Tuning, startup, shutdown or malfunction episode was caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure, which may reasonably be prevented.~~

Best operational practices shall be used to minimize hourly emissions that occur during episodes of DLN Tuning, startup, shutdown and malfunction. Emissions of any quantity or duration that occur entirely or in part from poor maintenance, poor operation, or any other equipment or process failure, which may reasonably be prevented, shall be prohibited.

A summary report of duration of data excluded from the .... (continued to end of condition)

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

Any party to this order (permit modification) has the right to seek judicial review of it under Section 120.68, 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 thirty days after this order is filed with the clerk of the Department.

**DRAFT**

Executed in Tallahassee, Florida.

Michael G. Cooke, Director  
Division of Air Resource 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 \_\_\_\_\_ to the person(s) listed:

N. Bert Gianazza, P.E., JEA \*  
Gregg Worley, EPA  
John Bunyak, NPS  
Chris Kirts, NED  
Richard Robinson, P.E. EQD  
Hamilton S. Oven, DEP-Siting

Clerk Stamp

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

(Clerk)

(Date)

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 JEA  
 21 West Church Street  
 Jacksonville, Florida 32202  
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 or  
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# Memorandum

# Florida Department of Environmental Protection

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TO: Trina Vielhauer

THRU: J. F. Koerner

FROM: M. P. Halpin *MH*

DATE: August 17, 2005

SUBJECT: JEA  
PSD Permit Modification – DLN Tuning provision  
DEP File No. 0310485-014-AC (PSD-FL-310, PP 00-43)

Attached is the public notice package for JEA's Brandy Branch permit modification. This is an existing facility which is currently in the process of modifying two of its three combustion turbines for combined cycle operation. The modification incorporates tuning provisions for their DLN combustors, as well as alternative emission limitations for startup and shutdown.

This is a revised draft permit, incorporating comments from the City of Jacksonville's EQD as well as JEA and is being re-noticed as a result of the many changes.

I recommend your approval.

/mph

Attachments