



# Department of Environmental Protection

Jeb Bush  
Governor

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

Colleen M. Castille  
Secretary

February 24, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Gene L. Ussery  
V.P. Power Generation  
Gulf Power Company  
One Energy Place  
Pensacola, Florida 32520-0110

Re: Crist Mercury Research Center (MerRC)  
Project ID No. 0330045-011-AC

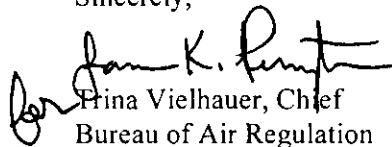
Dear Mr. Ussery:

Enclosed is one copy of the Draft Air Construction Permit relative to the request from Gulf Power Company to construct and operate a temporary research center for evaluating mercury (Hg) emission reduction techniques on Crist Unit 5. The subject facility is located in Pensacola, Escambia County.

The Public Notice of Intent to Issue Air Construction Permit 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 James K. Pennington, 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,

  
Tina 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:

Mr. Gene L. Ussery, V.P. Power Generation  
Gulf Power Company  
One Energy Place  
Pensacola, Florida 32520-0110

DEP File No. 0330045-011-AC

### **INTENT TO ISSUE AIR CONSTRUCTION PERMIT**

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

The applicant, Gene Ussery, Vice President of Power Generation – Gulf Power Company, applied on January 25, 2005, to the Department for an Air Construction Permit at its Crist Electric Generating Plant, located on Pate Road, off 10 Mile Road (on Governors Bayou) in Pensacola, Escambia County. The request is to construct and operate a temporary 5 MW equivalent slip-stream facility equipped with a complete system of flue gas cleanup technologies at Crist Unit 5. The proposed slip-stream facility will incorporate a Selective Catalytic Reduction (SCR) system, a rotary air-heater, an electrostatic precipitator (ESP), a baghouse (BH), and a wet flue gas desulphurization (FGD) system. According to the application, no increase of pollutants above PSD thresholds is anticipated. Based upon information provided by the applicant and pursuant to the applicant's request, the Department has determined that there is a satisfactory showing that all test information should be kept confidential as "secret processes", in accordance with Section 403.111, Florida Statutes. Accordingly, all documents or information submitted or disclosed as confidential to the Department related to tests conducted and test results shall be maintained as confidential, pursuant to applicable Florida law.

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 an Air Construction Permit is required relative to temporary installations such as the one described herein.

The Department intends to issue this Air Construction Permit 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 Air Construction Permit. 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 Air Construction Permit. 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

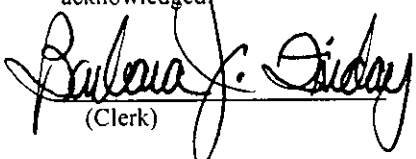
**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this Intent to Issue Air Construction Permit (including the Public Notice of Intent to Issue Air Construction Permit and the Draft Air Construction Permit) was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 2/24/05 to the person(s) listed:

- Gene L. Ussery, Gulf Power \*
- G. Dwain Waters, Gulf Power
- Gregory N. Terry, P.E., Gulf Power
- Gregg Worley, EPA
- John Bunyak, NPS
- Sandra Veazey, NWD

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) 2/24/05 (Date)

**PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT**

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No. 0330045-011-AC

Gulf Power Company  
Crist Electrical Generating Plant  
Escambia County

The Department of Environmental Protection (Department) gives notice of its intent to issue an Air Construction Permit for Crist Electrical Generating Plant, located on Pate Road, off 10 Mile Road, on Governors Bayou, Pensacola, Escambia County. The permit is to allow the construction and operation of a temporary 5 MW equivalent slip-stream facility equipped with a complete system of flue gas cleanup technologies at Crist Unit 5. The proposed slip-stream facility will incorporate a Selective Catalytic Reduction (SCR) system, a rotary air-heater, an electrostatic precipitator (ESP), a baghouse (BH), and a wet flue gas desulphurization (FGD) system. According to the applicant, no increase of pollutants above PSD thresholds is anticipated. As such, a Determination of Best Available Control Technology (BACT) was not required, since there will be no significant increases in criteria pollutants as defined by Table 62-212.400-2 of the Florida Administrative Code. Based upon information provided by the applicant and pursuant to the applicant's request, the Department has determined that there is a satisfactory showing that all test information should be kept confidential as "secret processes", in accordance with Section 403.111, Florida Statutes. Accordingly, all documents or information submitted or disclosed as confidential to the Department related to tests conducted and test results shall be maintained as confidential, pursuant to applicable Florida law. The applicant's mailing address is: One Energy Place, Pensacola FL 32520-0110.

An air quality impact analysis was not required. 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 Air Construction Permit. 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.

**NOTICE TO BE PUBLISHED IN THE NEWSPAPER**

February 24, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Gene L. Ussery  
V.P. Power Generation  
Gulf Power Company  
One Energy Place  
Pensacola, Florida 32520-0110

File No. 0330045-011-AC  
SIC No. 4911  
Expires: April 1, 2010

Re: Crist Mercury Research Center (MerRC)

Dear Mr. Ussery:

The Department has reviewed the request from Gulf Power received on January 25, 2005 concerning the construction of a temporary research center for evaluating mercury (Hg) emission reduction techniques. As indicated in the application, research has shown that pollution control technologies designed to control NO<sub>x</sub>, SO<sub>2</sub>, and PM can affect overall Hg performance. In order to investigate these relationships, Gulf Power is planning a 5 MW equivalent slip-stream facility equipped with a complete system of flue gas cleanup technologies at Crist Unit 5, located in Escambia County, Florida. The proposed slip-stream facility will incorporate a Selective Catalytic Reduction (SCR) system, a rotary air-heater, an electrostatic precipitator (ESP), a baghouse (BH), and a wet flue gas desulphurization (FGD) system. Based upon information provided by the applicant and pursuant to the applicant's request, the Department has determined that there is a satisfactory showing that all test information should be kept confidential as "secret processes", in accordance with Section 403.111, Florida Statutes. Accordingly, all documents or information submitted or disclosed to the Department as confidential related to tests conducted and test results shall be maintained as confidential, pursuant to applicable Florida law.

According to the application, no increase of pollutants above PSD thresholds is anticipated. Therefore, you are hereby authorized to construct the aforementioned slipstream, and conduct performance tests in accordance with the included conditions. All conditions of existing permits related to air pollution emission limits and control equipment remain in force.

The project shall be subject to the following conditions:

1. The permittee shall notify the DEP Northwest District and the Bureau of Air Regulation, in writing, at least seven days prior to beginning construction. Notification shall also occur within seven days, in writing, of completion of construction activities. An "as-built" drawing, including all actual equipment specifications shall also be provided.
2. For the duration of the project, once the permittee has established any test program (or granted a 3<sup>rd</sup> party the rights to do such test program) a Scope of Work shall be sent by fax to the DEP Northwest District Office as soon as possible and in advance of the planned commencement of the test program. This Scope of Work will give *general* descriptions of processes, work planned, dates of the tests and general objectives of the tests.

Proprietary or confidential data, documents or information submitted or disclosed to FDEP shall be identified as such by the Permittee and shall be maintained as such pursuant to applicable Florida law.

3. Beginning June 30, 2006, the permittee shall be responsible for submitting semi-annual summary reports. These reports will outline each test program conducted and outline each test program results. Proprietary or confidential data, documents or information submitted or disclosed to FDEP shall be identified as such by the Permittee and shall be maintained as such pursuant to applicable Florida law. The semi-annual summary reports will be sent to the DEP Northwest District Office and the Bureau of Air Regulation. The first summary will be due June 30, 2006 and will cover all tests and the results from such tests conducted between July 1, 2005 and December 31, 2005. In a like manner, a similar summary shall be submitted for each 180 day period thereafter.
4. At the end of each calendar year, the permittee shall include on the Annual Operating Report (AOR) a calculation of Crist Unit 5 emission increases/decreases as a result of the slipstream. Any deviation from the permittee's original estimates (that no PSD Significant Emission Rate thresholds will be crossed) shall be brought to the Department's attention immediately.
5. Stack emissions shall not exceed any limit within existing permits.
6. All stack performance tests shall be conducted using EPA Reference Methods, as contained in 40 CFR 60 (Standards of Performance for New Stationary Sources), 40 CFR 61 (National Emission Standards for Hazardous Air Pollutants), and 40 CFR 266, Appendix IX (Multi-metals), or any other method approved by the Department, in writing, in accordance with Chapter 62-297, F.A.C. [NOTE: this permit condition is only applicable to any stack testing conducted on Crist Unit 5 pursuant to and during the test programs.]
7. Daily records of the slipstream operation (i.e. insertion of and/or removal of equipment from service as well as records of tests performed) shall be maintained on site and available for Department inspection.
8. The project shall not result in the release of objectionable odors pursuant to Rule 62-296.320(2). F.A.C.
9. Performance testing shall cease as soon as possible if the boiler operations are not in accordance with the conditions within existing permits, or this authorization protocol. Performance testing shall not resume until appropriate measures to correct the problem(s) have been implemented.
10. This Department action is only to authorize the MerRC construction and operation. Notification shall occur within 45 days, in writing, upon completion of the final test. Prior to December 31, 2009 the permittee shall provide the DEP Northwest District Office and the Bureau of Air Regulation with its plans to disassemble and remove all slipstream components, returning the unit back to its original condition. Such plans shall be completely executed by April 1, 2010.
11. Unless otherwise specified herein, the preliminary test matrix submitted by the applicant, and received by FDEP via e-mail on February 3, 2005, is acceptable and incorporated herein as Attachment "A".

This letter must be attached to permit No. 0440045-009-AV and shall become a part of the permit.

Sincerely,

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Michael G. Cooke, Director  
Division of Air Resource  
Management

# Memorandum

# Florida Department of Environmental Protection

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TO: Trina Vielhauer

THRU: ~~J. K. Pennington~~

FROM: M. P. Halpin *MPH*

DATE: February 11, 2005

SUBJECT: Gulf Power Company  
Crist Unit 5 Mercury Research Center (MerRC)  
DEP File No. 0330045-011-AC

Attached is the public notice package for the Crist Electric Generating Plant Mercury Research Center to be located at Crist Unit 5. This is an existing coal-fired facility located in Pensacola, Escambia County.

As indicated in the application, research has shown that pollution control technologies designed to control NO<sub>x</sub>, SO<sub>2</sub>, and PM can affect overall Hg performance. In order to investigate these relationships, Gulf Power is planning a 5 MW equivalent slip-stream facility equipped with a complete system of flue gas cleanup technologies at Crist Unit 5, located in Escambia County, Florida. The proposed slip-stream facility will incorporate a Selective Catalytic Reduction (SCR) system, a rotary air-heater, an electrostatic precipitator (ESP), a baghouse (BH), and a wet flue gas desulphurization (FGD) system.

The applicant anticipates that the facility will be in operation for up to five years. According to the application, no increase of pollutants above PSD thresholds is anticipated. Given that this is a "research" facility, I have allowed a fair amount of flexibility for the permittee, requiring only advance notice of testing and disclosure of test results.

I recommend your approval.

JKP/mph

Attachments





# Department of Environmental Protection

Jeb Bush  
Governor

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

Colleen M. Castille  
Secretary

February 11, 2005

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Mr. Gene L. Ussery  
V.P. Power Generation  
Gulf Power Company  
One Energy Place  
Pensacola, Florida 32520-0110


Re: Crist Mercury Research Center (MerRC)  
TDF Test Burn  
AIRS ID No. 0330045-011-AC

Dear Mr. Ussery:

Enclosed is one copy of the Draft Air Construction Permit relative to the request from Gulf Power Company to construct and operate a temporary research center for evaluating mercury (Hg) emission reduction techniques on Crist Unit 5. The subject facility is located in Pensacola, Escambia County.

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Please submit any written comments you wish to have considered concerning the Department's proposed action to J. K. Pennington, 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,  
  
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Bureau of Air Regulation

TV/mph  
Enclosures

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In the Matter of an  
Application for Permit by:

Mr. Gene L. Ussery, V.P. Power Generation  
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DEP File No. 0330045-011-AC

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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 Air Construction Permit. 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.

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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.

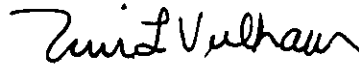
The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number 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

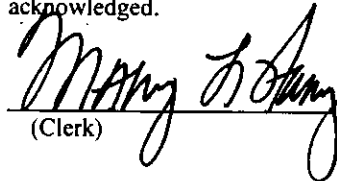
**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this Intent to Issue Air Construction Permit (including the Public Notice of Intent to Issue Air Construction Permit and the Draft Air Construction Permit) was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 2/14/05 to the person(s) listed:

Gene L. Ussery, Gulf Power \*  
G. Dwain Waters, Gulf Power  
Gregory N. Terry, P.E., Gulf Power  
Gregg Worley, EPA  
John Bunyak, NPS  
Sandra Veazey, NWD

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) 2/14/05  
(Date)

**PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT**

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No. 0330045-011-AC

Gulf Power Company  
Crist Electrical Generating Plant  
Escambia County

The Department of Environmental Protection (Department) gives notice of its intent to issue an Air Construction Permit for Crist Electrical Generating Plant, located on Pate Road, off 10 Mile Road, on Governors Bayou, Pensacola, Escambia County. The permit is to allow the construction and operation of a temporary 5 MW equivalent slip-stream facility equipped with a complete system of flue gas cleanup technologies at Crist Unit 5. The proposed slip-stream facility will incorporate a Selective Catalytic Reduction (SCR) system, a rotary air-heater, an electrostatic precipitator (ESP), a baghouse (BH), and a wet flue gas desulphurization (FGD) system. According to the applicant, no increase of pollutants above PSD thresholds is anticipated. As such, a Determination of Best Available Control Technology (BACT) was not required, since there will be no significant increases in criteria pollutants as defined by Table 62-212.400-2 of the Florida Administrative Code. The applicant's mailing address is: One Energy Place, Pensacola FL 32520-0110.

An air quality impact analysis was not required. 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 Air Construction Permit. 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  
Northwest District Office  
160 Governmental Center  
Pensacola, Florida 32502-5794  
Telephone: (850) 595-8300  
Fax: (850) 595-4417

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



February 11, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Gene L. Ussery  
V.P. Power Generation  
Gulf Power Company  
One Energy Place  
Pensacola, Florida 32520-0110

File No. 0330045-011-AC  
SIC No. 4911  
Expires: April 1, 2010

Re: Crist Mercury Research Center (MerRC)

Dear Mr. Ussery:

The Department has reviewed the request from Gulf Power received on January 25, 2005 concerning the construction of a temporary research center for evaluating mercury (Hg) emission reduction techniques. As indicated in the application, research has shown that pollution control technologies designed to control NO<sub>x</sub>, SO<sub>2</sub>, and PM can affect overall Hg performance. In order to investigate these relationships, Gulf Power is planning a 5 MW equivalent slip-stream facility equipped with a complete system of flue gas cleanup technologies at Crist Unit 5, located in Escambia County, Florida. The proposed slip-stream facility will incorporate a Selective Catalytic Reduction (SCR) system, a rotary air-heater, an electrostatic precipitator (ESP), a baghouse (BH), and a wet flue gas desulphurization (FGD) system. According to the application, no increase of pollutants above PSD thresholds is anticipated.

You are hereby authorized to construct the aforementioned slipstream, and conduct performance tests in accordance with the included conditions. All conditions of existing permits related to air pollution emission limits and control equipment remain in force.

The project shall be subject to the following conditions:

1. The permittee shall notify the DEP Northwest District and the Bureau of Air Regulation, in writing, at least seven days prior to beginning construction. Notification shall also occur within seven days, in writing, of completion of construction activities. Within this notification, shall be included specific details of the first 120 days of planned testing (exclusive of equipment start-up and shake-down testing) which the applicant proposes to conduct. An "as-built" drawing, including all actual equipment specifications shall also be provided.
2. For the duration of the project, the permittee shall notify the DEP Northwest District at least 7 days prior to commencing any emission testing, such that the Department may witness such tests. A weekly summary of daily emission testing activities (for the upcoming week), sent by fax to the DEP Northwest District Office shall suffice for this notification.
3. At the end of each 90 day period (quarterly), the permittee shall submit to the DEP Northwest District Office and the Bureau of Air Regulation a written summary of all test results during the prior 90 day period, as well as specific details of the next 90 days of planned testing.

**DRAFT**

Mr. Gene L. Ussery  
February 11, 2005  
Page 2

4. At the end of each calendar year, the permittee shall include on the Annual Operating Report (AOR) a calculation of Crist Unit 5 emission increases/decreases as a result of the slipstream. Any deviation from the permittee's original estimates (that no PSD Significant Emission Rate thresholds will be crossed) shall be brought to the Department's attention immediately.
5. Stack emissions shall not exceed any limit within existing permits.
6. Performance tests shall be conducted using EPA Reference Methods, as contained in 40 CFR 60 (Standards of Performance for New Stationary Sources), 40 CFR 61 (National Emission Standards for Hazardous Air Pollutants), and 40 CFR 266, Appendix IX (Multi-metals), or any other method approved by the Department, in writing, in accordance with Chapter 62-297, F.A.C.
7. Daily records of the slipstream operation (i.e. insertion of and/or removal of equipment from service as well as records of tests performed) shall be maintained on site and available for Department inspection.
8. The project shall not result in the release of objectionable odors pursuant to Rule 62-296.320(2), F.A.C.
9. Performance testing shall cease as soon as possible if the boiler operations are not in accordance with the conditions within existing permits, or this authorization protocol. Performance testing shall not resume until appropriate measures to correct the problem(s) have been implemented.
10. This Department action is only to authorize the MerRC construction and operation. Notification shall occur within 5 days, in writing, upon completion of the final test. Prior to December 31, 2009 the permittee shall provide the DEP Northwest District Office and the Bureau of Air Regulation with its plans to disassemble and remove all slipstream components, returning the unit back to its original condition. Such plans shall be completely executed by April 1, 2010.
11. Unless otherwise specified herein, the preliminary test matrix submitted by the applicant, and received by FDEP via e-mail on February 3, 2005, is acceptable and incorporated herein as Attachment "A".

This letter must be attached to permit No. 0440045-009-AV and shall become a part of the permit.

Sincerely,

---

Michael G. Cooke, Director  
Division of Air Resource  
Management

TV/mh



**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. Gene L. Ussery  
 V.P. Power Generation  
 Gulf Power Company  
 One Energy Place  
 Pensacola, Florida 32520-0110

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
 X *L. Jones*

B. Received by (Printed Name) C. Date of Delivery  
 L. Jones 2-25-05

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) 7000 2670 0000 7027 9959

**U.S. Postal Service  
 CERTIFIED MAIL RECEIPT  
 (Domestic Mail Only; No Insurance Coverage Provided)**

7000 2670 0000 7027 9959

Mr. Gene L. Ussery, V.P. of Power Generation

|   |           |
|---|-----------|
| Postage   | \$        |
| Certified Fee                                     |           |
| Return Receipt Fee<br>(Endorsement Required)      |           |
| Restricted Delivery Fee<br>(Endorsement Required) |           |
| <b>Total Postage &amp; Fees</b>                   | <b>\$</b> |

Postmark  
 Here

Sent To  
 Mr. Gene L. Ussery, V.P. of Power Generation  
 Street, Apt. No., or PO Box No.  
 One Energy Place  
 City, State, ZIP+4  
 Pensacola, Florida 32520-0110

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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Mr. Gene L. Ussery  
 V.P. Power Generation  
 Gulf Power Company  
 One Energy Place  
 Pensacola, Florida 32520-0110

2. Article Number  
 (Transfer from service label)

7000 167 0013 3110 2608

PS Form 3811, August 2000

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
 James Blakey

B. Received by (Printed Name) C. Date of Delivery  
 JAMES BLAKEY 2 15 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

**U.S. Postal Service  
 CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

7000 1670 0013 3110 2608

|   |    |
|---|----|
| Postage   | \$ |
| Certified Fee                                     |    |
| Return Receipt Fee<br>(Endorsement Required)      |    |
| Restricted Delivery Fee<br>(Endorsement Required) |    |

Postmark  
 Here

1  
 Se Mr. Gene L. Ussery  
 St V.P. Power Generation  
 C Gulf Power Company  
 One Energy Place  
 Pensacola, Florida 32520-0110

PS Form 3800, May 2000

See Reverse for Instructions