

BEFORE THE GOVERNOR AND CABINET  
STATE OF FLORIDA  
SITTING AS THE SITING BOARD

IN RE:  
POWER PLANT SITE CERTIFICATION  
OF CEDAR BAY COGENERATION  
PROJECT, PA-88-24

DOAH Case No. 88-5740  
OGC Case No. 88-1089

**FINAL ORDER APPROVING MODIFICATION OF CERTIFICATION**

On June 17, 1992, the Siting Board entered an Order Instituting Modification Proceedings with respect to the power plant site certification issued February 18, 1991, to AES Cedar Bay, Inc., and Seminole Kraft Corporation for the Cedar Bay Cogeneration Project in Jacksonville. The certification modification proceedings were docketed as DOAH Case No. 88-5740. On or about April 13, 1993, all parties to the modification proceedings before DOAH executed a Settlement Stipulation dated April 12, 1993, which resolved all disputed issues of fact and law among the parties. On April 14, 1993, a Joint Agreed Motion to Relinquish Jurisdiction based upon the Settlement Stipulation was filed by the Department on behalf of all parties. On April 28, 1993, the assigned DOAH Hearing Officer, Robert T. Benton II, entered an order relinquishing jurisdiction of the proceeding to the Board for the purpose of taking final agency action in the matter.

The Siting Board, having reviewed the terms of the Settlement Stipulation and otherwise having been fully advised as to this matter, concludes that the Stipulation effects an appropriate resolution of the controversy over the site certification for the

Cedar Bay Cogeneration Project. The Board believes that this resolution is consistent with the public interest and with the intent of the Board as expressed in its Order of June 17, 1992. The revised Conditions of Certification agreed to by all parties and attached as Appendix A implement the agreed modifications and improvements to the project and assure that construction and operation will comply with the non-procedural standards of the agencies of jurisdiction.

Accordingly, the Board ORDERS:

1. The certification for the Cedar Bay Cogeneration Project, PA 88-24, issued February 18, 1991, is MODIFIED. The Conditions of Certification contained in Appendix A shall henceforth apply to govern construction and operation of the Cedar Bay Cogeneration Project in accordance with Section 403.511, Florida Statutes (Supp. 1992).
2. The certification is further MODIFIED to reflect that the name of certificate holder AES Cedar Bay, Inc. has been changed to Cedar Bay Cogeneration, Inc.

Any party to this Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes (Supp. 1992) by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Regulation and Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and by filing a copy of the Notice of Appeal, accompanied with the applicable filing fees, with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days

from the date this Order is filed with the Clerk of the Department of Environmental Regulation.

DONE AND ORDERED this 11<sup>th</sup> day of May, 1993, in Tallahassee, Florida, pursuant to the vote of the Governor and Cabinet, sitting as the Siting Board, at the duly constituted Cabinet meeting on May 11, 1993.

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to S120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

*Richard Carter*      5-14-93  
Clerk                                      Date

BY THE GOVERNOR AND CABINET,  
SITTING AS THE SITING BOARD

*Lawton Chiles*  
Lawton Chiles, Governor

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that a true and correct copy of the foregoing document has been sent by U.S. Mail or by Hand Delivery to the following listed persons:

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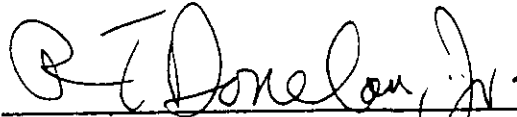
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STATE OF FLORIDA DEPARTMENT  
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State of Florida Department of Environmental Protection  
CBCP/Seminole Kraft Corp.  
Cedar Bay Cogeneration Project  
PA 88-24A

(Revised 4/12/93)

CONDITIONS OF CERTIFICATION

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STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
CEDAR BAY COGENERATION, INC./SEMINOLE KRAFT CORP.  
CEDAR BAY COGENERATION PROJECT  
PA 88-24A

CONDITIONS OF CERTIFICATION

When a condition is intended to refer to both Cedar Bay Cogeneration, Inc. (CBC) and Seminole Kraft Corp., the term "CBC/SK" or "permittees" will be used. When a condition is intended to refer to the "Cedar Bay Cogeneration Project" the terms "Cedar Bay Cogeneration Project", "CBCP", or "Project" will be used.

Where a condition applies only to Cedar Bay Cogeneration, Inc. the term Cedar Bay Cogeneration, Inc." (CBC) or the term "permittee," where it is clear that "CBC" is the intended responsible party, will be used. Similarly, where a condition applies only to Seminole Kraft Corp., the term "Seminole Kraft Corp." or the abbreviation "SK" or the term "permittee," where it is clear that SK is the intended responsible party, will be used. The Department of Environmental Protection may be referred to as DEP or the Department. RESD represents the City of Jacksonville, Regulatory and Environmental Services Department. SJRWMD represents the St. Johns River Water Management District.

I. GENERAL

The construction and operation of CBCP shall be in accordance with all applicable provisions of at least the following regulations of the Department: Chapters 17-210 through 17-297, 17-302, 17-4, 17-256 (Opening Burning), 17-601, 17-702, 17-312, 17-532, 17-550, 17-555, 17-25, 17-610, 17-660, and 17-772, Florida Administrative Code (F.A.C.) or their successors as they are renumbered.

II. AIR

The construction and operation of CBCP shall be in accordance with all applicable provisions of Chapters 17-210 through 17-297, F.A.C. In addition to the foregoing, CBCP shall comply with the following conditions of certification as indicated.

A. Emission Limitations for CBCP Boilers

1. Fluidized Bed Coal Fired Boilers (CFB)

a. The maximum coal charging rate of each CFB shall neither exceed 104,000 lbs/hr., 39,000 tons per month (30 consecutive days), nor 390,000 tons per year (TPY). This reflects a combined total of 312,000 lbs/hr., 117,000 tons per month, and 1,170,000 TPY for all three CFBs.



b. The maximum charging rate to each of two CFBs of short fiber recycle rejects from the SK recycling process shall not exceed 210 yd<sup>3</sup>/day wet and 69,588 yd<sup>3</sup>/yr wet. This reflects a combined total of 420 yd<sup>3</sup>/day wet and 139,176 yd<sup>3</sup>/yr wet for the two CFBs that fire recycle rejects. The third CFB will not utilize recycle rejects, nor will it be equipped with handling and firing equipment for recycle rejects.

c. The maximum heat input to each CFB shall not exceed 1063 MMBtu/hr. This reflects a combined total of 3189 MMBtu/hr. for all three units.

d. The sulfur content of the coal shall not exceed 1.2% by weight on an annual basis. The sulfur content shall not exceed 1.7% by weight on a shipment (train load) basis.

e. Auxiliary fuel burners shall be fueled only with No. 2 fuel oil with a maximum sulfur content of 0.05% by weight. The fuel oil shall normally only be used for startups. During commercial operation the maximum annual oil usage shall not exceed 1,900,000 gals./year. The maximum heat input from the fuel oil shall not exceed 380 MMBtu/hr. for each of the CFBs.

f. The CFBs shall be fueled only with the fuels permitted in Conditions II.A.1a, 1b, and 1e above. Other fuels or wastes shall not be burned without prior specific written approval of the Secretary of DEP pursuant to condition XXI, Modification of Conditions.

g. The CFBs may operate continuously, i.e., 8760 hrs/yr, but shall not exceed 25.98 x 10<sup>6</sup> MMBtu/yr total annual heat input.

h. To the extent that it is consistent with Condition II.A.1b. and the following, CBCP shall burn all of the short fiber rejects generated by Seminole Kraft in processing recycled paper. No less than ninety (90) days prior to completion of construction, CBCP shall submit a plan to DEP for conducting a 30-day test burn within one year after initial compliance testing. That test burn shall be designed to ascertain whether the CFBs can burn the rejects as supplemental fuel without exceeding any of the limitations on emissions and fuel usage contained in Condition II.A. and without causing any operational problems which would affect the reliable operation (with customary maintenance) of the CFBs and without violating any other environmental requirements. CBCP shall notify DEP and the Regulatory and Environmental Services Department (RESD) at least thirty (30) days prior to initiation of the test burn. The results of the test burn and CBCP's analysis shall be reported to DEP and to the RESD within forty-five (45) days of completion of the test burn. DEP shall notify CBCP within thirty (30) days thereafter of its approval or disapproval of any conclusion by CBCP that the test burn demonstrated that the rejects can be burned in compliance with this Condition of Certification.

2. Coal Fired Boiler Controls

The emissions from each CFB shall be controlled using the following systems:

- a. Limestone injection and fuel sulfur limitations, for control of sulfur dioxide and acid gases.
- b. Baghouse, for control of particulate matter.
- c. CBCP shall conduct a test to determine whether substantial additional removal of mercury can be obtained through a carbon injection system for mercury removal, as described in Exhibit 74 of the administrative record for the Lee County Resource Recovery Facility, which feeds carbon reagent into the CFB exhaust stream prior to the baghouse. Within one hundred eighty (180) days after initial compliance testing, CBCP shall conduct a test on one CFB to compare mercury emissions to the atmosphere with and without carbon injection. The test program will include the testing of carbon injection between the boiler and the fabric filter. Carbon forms to be tested may include activated carbon with or without additives and pulverized coal with or without additives. After consultation with the DEP, RESD, and EPRI, CBC shall submit a mercury control test protocol to DEP for approval by December 1, 1993. Results of the test shall be submitted to the DEP within 90 days of completion.
- d. Selective Non-catalytic Reduction (SNCR) for control of NOx.
- e. Good combustion characteristics, which are an inherent part of the CFB technology, for control of carbon monoxide and volatile organic compounds.

3. Flue gas emissions from each CFB shall not exceed the following:

<u>Pollutant</u>	<u>lbs/MMBtu</u>	<u>Emission Limitations</u>		
		<u>lbs/hr.</u>	<u>TPY</u>	<u>TPY for 3 CFBs</u>
CO	0.175 <sup>1</sup>	186 <sup>1</sup>	758	2273
NOx	0.17 <sup>2</sup>	180.7 <sup>2</sup>	736.1	2208
SO <sub>2</sub>	0.24 <sup>3</sup>	255.1 <sup>3</sup>	--	--
	0.20 <sup>4</sup>	--	866	2598
VOC	0.015	16.0	65	195
PM	0.018	19.1	78	234
PM <sub>10</sub>	0.018	19.1	78	234
H <sub>2</sub> S <sub>04</sub> mist	4.66e-04	0.50	2.0	6.1
Fluorides	7.44e-04	0.79	3.2	9.7
Lead	6.03e-05	0.06	0.26	0.78
Mercury	2.89e-05	0.03	0.13	0.38
Beryllium	8.70e-06	<u>0.01</u>	<u>0.04</u>	0.11

[Note: TPY represents a 93% capacity factor.]

- (1) Eight-hour rolling average, except for initial and annual compliance tests and the CEM certification, when 1-hour standard applies.
- (2) Thirty-day rolling average.
- (3) Three-hour rolling average.
- (4) Twelve-Month rolling average (MRA).

4. Ammonia (NH<sub>3</sub>) slip from exhaust gases shall not exceed 10 ppmvd when burning coal at 100% capacity and 30 ppmvd when burning oil.

5. Visible emissions (VE) shall not exceed 20% opacity (6 min. average), except for one 6 minute period per hour when VE shall not exceed 27% opacity pursuant to 40 CFR 60.42a.

6. Compliance with the emission limits shall be determined by EPA reference method tests included in the July 1, 1992 version of 40 CFR Parts 60 and 61, Rule 17-297, F.A.C., and listed in Condition No. II.A.8 of this permit or by equivalent methods after prior written DEP approval. In addition, compliance with the emission limitations in Condition No. II.A.3 for CO, NO<sub>x</sub> and SO<sub>2</sub> and with the opacity requirements in Condition No. II.A.5 shall be determined with the Continuous Emission Monitoring Systems (CEMs) identified in Condition No. II.A.9.

7. The CFBs are subject to 40 CFR Part 60, Subparts A and Da; except that where requirements within this certification are more restrictive, the requirements of this certification shall apply.

8. Compliance Tests for each CFB

a. Initial and subsequent compliance tests for PM/PM<sub>10</sub>, SO<sub>2</sub>, NO<sub>x</sub>, CO, VOC, lead, fluorides, ammonia, mercury, beryllium and H<sub>2</sub>SO<sub>4</sub> mist shall be conducted in accordance with 40 CFR 60.8 (a), (b), (c), (d), (e), and (f).

b. Annual compliance tests shall be performed for PM, CO, SO<sub>2</sub> and NO<sub>x</sub>, commencing no later than 12 months from the initial test.

c. Compliance tests shall be performed for mercury (Hg), beryllium (Be), and lead (Pb) until three consecutive tests (including, if successful, the initial compliance test) are within the annual emission limits specified in Condition II.A.3. above. Such tests shall occur, as necessary, in the first, fifth and tenth years and additional successive five year intervals following commercial operation of the Project.

d. Initial and annual visible emissions compliance tests shall be determined in accordance with 40 CFR 60.11(b) and (e).

e. The compliance tests shall be conducted between 90-100% of the maximum licensed capacity and firing rate for each permitted fuel.

f. The following test methods and procedures of Rule 17-297, F.A.C., and 40 CFR Parts 60 and 61 or other DEP approved methods with prior DEP approval, in writing, shall be used for compliance testing:

- (1) Method 1 for selection of sample site and sample traverses.
- (2) Method 2 for determining stack gas flow rate.
- (3) Method 3 or 3A for gas analysis for calculation of percent O<sub>2</sub> and CO<sub>2</sub>.
- (4) Method 4 for determining stack gas moisture content to convert the flow rate from actual standard cubic feet to dry standard cubic feet.
- (5) Method 5 or Method 17 for particulate matter.
- (6) Method 6, 6C, or 8 for SO<sub>2</sub>.
- (7) Method 7, 7A, 7B, 7C, 7D, or 7E for nitrogen oxides.
- (8) Method 8 for sulfuric acid mist.
- (9) Method 9 for visible emissions, in accordance with 40 CFR 60.11 and Appendix A.
- (10) Method 10 for CO.
- (11) Method 12 for lead.
- (12) Method 13A or 13B for fluorides.
- (13) Method 19 for sulphur dioxide removal efficiency pursuant to 40 CFR 60.48a.
- (14) Method 18 or 25 for VOCs.
- (15) Method 101A or EPA Method 29 for mercury.
- (16) Method 104 for beryllium.
- (17) Method 201 or 201A for PM<sub>10</sub> emissions.
- (18) Ammonia (NH<sub>3</sub>) Method to be determined by the Department.

9. Continuous Emission Monitoring for each CFB

CBCP shall install, certify, calibrate, operate, and maintain continuous emission monitoring systems for opacity, SO<sub>2</sub>, NO<sub>x</sub>, CO, and O<sub>2</sub> or CO<sub>2</sub>, pursuant to all applicable requirements of Rule 17-296.800, F.A.C., Chapter 17-297, F.A.C., 40 CFR 60 Subpart A, 40 CFR 60 Subpart Da, 40 CFR 60 Appendix B, and 40 CFR 60 Appendix F. These CEMS shall be used to determine compliance with the emission limitations in Condition No. II.A.3 for CO, NO<sub>x</sub>, and SO<sub>2</sub> and with

the opacity requirements in Condition No. II.A.5. The permittee may elect to install, certify, calibrate, operate, and maintain multiple span continuous emission monitoring systems for sulfur dioxide and nitrogen oxides providing certification tests and calibrations are performed for each span. Each of the continuous emission monitoring systems for sulfur dioxide and nitrogen oxides shall continuously record data on a span that satisfies the requirements of 40 CFR 60.47a. Any exception to the above must be specifically authorized by DEP in writing and in accordance with state and federal regulations.

a. CEMS data shall be recorded and reported in accordance with Chapter 17-297, F.A.C., and 40 CFR 60.49a and 60.7. A record shall be kept for periods of startup, shutdown and malfunction.

b. A malfunction means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

c. The procedures under 40 CFR 60.13 shall be followed for installation, evaluation and operation of all CEMS.

d. Opacity monitoring system data shall be reduced to 6-minute averages, based on 36 or more data points, and gaseous CEMS data shall be reduced to 1-hour averages, based on 4 or more data points, in accordance with 40 CFR 60.13(h).

e. For purposes of reports required under this certification, excess emissions are defined as any calculated average emission concentration, as determined pursuant to Condition No. II.A.11 herein, which exceeds the applicable emission limit in Condition No. II.A.3.

f. The permittee is subject to all applicable provisions of Rule 17-4.130, Plant Operation-Problems.

#### 10. Operations Monitoring for each CFB

a. Devices shall be installed to continuously monitor and record steam production, and flue gas temperature at the exit of the control equipment.

b. All coal and No. 2 fuel oil usage shall be recorded on a 24-hr (daily) basis for each CFB. Recycle rejects usage on a volumetric basis shall be estimated and recorded for each 24-hour period in which rejects are burned.

#### 11. Reporting for each CFB

a. A minimum of thirty (30) days prior written notification of compliance testing shall be given to DEP's N.E. District office and to the RESD office, in accordance with 40 CFR 60.8.

b. In accordance with Rule 17-297.570, F.A.C., the results of compliance test shall be submitted to the RESD office within 45 days after completion of the last test run.

c. The owner or operator shall submit excess emission reports to RESD, in accordance with Rule 17-210.700, F.A.C., and 40 CFR 60.7(c) and (d). The reports shall include the following:

(1) The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factors used, and the date and time of commencement and completion of each period of excess emissions (40 CFR 60.7(c)(1)).

(2) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the furnace boiler system. The nature and cause of any malfunction (if known) and the corrective action taken or preventive measures adopted (40 CFR 60.7(c)(2)).

(3) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks, and the nature of the system repairs or adjustments (40 CFR 60.7(c)(3)).

(4) When no excess emissions have occurred or the continuous monitoring system has not been inoperative, repaired, or adjusted, such information shall be stated in the report (40 CFR 60.7(c)(4)).

(5) The owner or operator shall maintain a file of all measurements, including continuous monitoring systems performance evaluations; monitoring systems or monitoring device calibration; checks; adjustments and maintenance performed on these systems or devices; and all other information required by this permit recorded in a permanent form suitable for inspection (40 CFR 60.7(e)).

d. Annual and quarterly reports shall be submitted to RESD as per Rule 297.500, F.A.C.

12. Any change in the method of operation, fuels utilized, equipment, or operating hours or any other changes pursuant to Rule 17-212.200, F.A.C., defining modification, shall be submitted for approval to DEP's Bureau of Air Regulation.

13. All records of documentation shall be kept on file for a minimum of 3 years pursuant to Rule 17-4.160(4), F.A.C.

14. The permittee is subject to all applicable provisions of Rule 17-210.700, F.A.C., Excess Emissions.

15. The permittee is subject to all applicable provisions of Rule 17-210.650, F.A.C., Circumvention.

16. The permittee is subject to all applicable provisions of Rule 17-4.160, F.A.C., Permit Conditions.

B. CBCP - Material Handling and Treatment

1. The material handling and treatment operations including coal and limestone unloading buildings, coal and limestone reclaim hoppers, coal crusher house, limestone dryer, fly and bed ash silos, ash pelletizer, pellet curing silo, coal and limestone day silos, conveyors, storage areas and related equipment, may be operated continuously, i.e. 8760 hrs/yr, except that the limestone crushers/dryers may be operated for a maximum of 11 hours per day (maximum of 2920 hrs/yr) at maximum capacity.

2. The material handling/usage rates for coal, limestone, fly ash, and bed ash shall not exceed the following:

<u>Material</u>	<u>Handling/Usage Rate</u>	
	<u>TPM</u>	<u>TPY</u>
Coal	117,000	1,170,000
Limestone	27,000	320,000
Fly Ash	28,000	336,000
Bed Ash	8,000	88,000

Note: TPM is tons per month based on 30 consecutive days, TPY is tons per year.

3. The VOC emissions from the maximum No. 2 fuel oil utilization rate of 240 gals/hr., and 700,800 gals/year for the limestone dryers; and 8000 gals/hr., and 1,900,000 gals/year for the three boilers are not expected to be significant.

4. Material handling sources shall be regulated as follows:

a. The material handling and treatment area sources with either fabric filter or baghouse controls are as follows:

- Coal Crusher Building
- Coal Silo Conveyor
- Limestone Pulverizer/Conveyor
- Limestone Storage Bin
- Bed Ash Hopper
- Bed Ash Silo
- Fly Ash Silo
- Bed Ash Bin
- Fly Ash Bin
- Pellet Vibratory Screen
- Pelletizing Ash Recycle Tank
- Pelletizing Recycle Hopper
- Cured Pellet Recycle Conveyor
- Pellet Recycle Conveyor

The emissions from the above listed sources are subject to the particulate emission limitation requirement of 0.003 gr/dscf (applicant requested limitation which is more stringent than what is allowed by Rule 17.296.711, F.A.C.). Since these sources are RACT standard type, then a one-time verification test on each

b. In accordance with Rule 17-297.570, F.A.C., the results of compliance test shall be submitted to the RESD office within 45 days after completion of the last test run.

c. The owner or operator shall submit excess emission reports to RESD, in accordance with Rule 17-210.700, F.A.C., and 40 CFR 60.7(c) and (d). The reports shall include the following:

(1) The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factors used, and the date and time of commencement and completion of each period of excess emissions (40 CFR 60.7(c)(1)).

(2) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the furnace boiler system. The nature and cause of any malfunction (if known) and the corrective action taken or preventive measures adopted (40 CFR 60.7(c)(2)).

(3) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks, and the nature of the system repairs or adjustments (40 CFR 60.7(c)(3)).

(4) When no excess emissions have occurred or the continuous monitoring system has not been inoperative, repaired, or adjusted, such information shall be stated in the report (40 CFR 60.7(c)(4)).

(5) The owner or operator shall maintain a file of all measurements, including continuous monitoring systems performance evaluations; monitoring systems or monitoring device calibration; checks; adjustments and maintenance performed on these systems or devices; and all other information required by this permit recorded in a permanent form suitable for inspection (40 CFR 60.7(e)).

d. Annual and quarterly reports shall be submitted to RESD as per Rule 297.500, F.A.C.

12. Any change in the method of operation, fuels utilized, equipment, or operating hours or any other changes pursuant to Rule 17-212.200, F.A.C., defining modification, shall be submitted for approval to DEP's Bureau of Air Regulation.

13. All records of documentation shall be kept on file for a minimum of 3 years pursuant to Rule 17-4.160(4), F.A.C.

14. The permittee is subject to all applicable provisions of Rule 17-210.700, F.A.C., Excess Emissions.

15. The permittee is subject to all applicable provisions of Rule 17-210.650, F.A.C., Circumvention.

16. The permittee is subject to all applicable provisions of Rule 17-4.160, F.A.C., Permit Conditions.



B. CBCP - Material Handling and Treatment

1. The material handling and treatment operations including coal and limestone unloading buildings, coal and limestone reclaim hoppers, coal crusher house, limestone dryer, fly and bed ash silos, ash pelletizer, pellet curing silo, coal and limestone day silos, conveyors, storage areas and related equipment, may be operated continuously, i.e. 8760 hrs/yr, except that the limestone crushers/dryers may be operated for a maximum of 11 hours per day (maximum of 2920 hrs/yr) at maximum capacity.

2. The material handling/usage rates for coal, limestone, fly ash, and bed ash shall not exceed the following:

<u>Material</u>	<u>Handling/Usage Rate</u>	
	<u>TPM</u>	<u>TPY</u>
Coal	117,000	1,170,000
Limestone	27,000	320,000
Fly Ash	28,000	336,000
Bed Ash	8,000	88,000

Note: TPM is tons per month based on 30 consecutive days, TPY is tons per year.

3. The VOC emissions from the maximum No. 2 fuel oil utilization rate of 240 gals/hr., and 700,800 gals/year for the limestone dryers; and 8000 gals/hr., and 1,900,000 gals/year for the three boilers are not expected to be significant.

4. Material handling sources shall be regulated as follows:

a. The material handling and treatment area sources with either fabric filter or baghouse controls are as follows:

- Coal Crusher Building
- Coal Silo Conveyor
- Limestone Pulverizer/Conveyor
- Limestone Storage Bin
- Bed Ash Hopper
- Bed Ash Silo
- Fly Ash Silo
- Bed Ash Bin
- Fly Ash Bin
- Pellet Vibratory Screen
- Pelletizing Ash Recycle Tank
- Pelletizing Recycle Hopper
- Cured Pellet Recycle Conveyor
- Pellet Recycle Conveyor

The emissions from the above listed sources are subject to the particulate emission limitation requirement of 0.003 gr/dscf (applicant requested limitation which is more stringent than what is allowed by Rule 17.296.711, F.A.C.). Since these sources are RACT standard type, then a one-time verification test on each

source shall be required for PM mass emissions to demonstrate that the baghouse control systems can achieve the 0.003 gr/dscf. The performance tests shall be conducted using EPA Method 5 pursuant to Rule 17-297, F.A.C., and 40 CFR 60, Appendix A (July, 1991 version).

b. The PM emissions from the following process, equipment, and/or facility in the material handling and treatment area sources shall be controlled using wet suppression/removal techniques as follows:

- Coal Car Unloading
- Ash Pellet Hydrator
- Ash Pellet Curing Silo
- Ash Pelletizing Pan

The above listed sources are subject to a visible emission (VE) and a particulate matter (PM) emission limitation requirement of 5% opacity and 0.01 gr/dscf (applicant requested limitation, which is more stringent than what is allowed by rule), respectively, in accordance with Rule 17-296.711, F.A.C. Initial and subsequent compliance tests shall be conducted for VE and PM using EPA 9 and 5, respectively, in accordance with Rule 17-297, F.A.C., and 40 CFR 60, Appendix A (July, 1991 version).

5. Visible Emissions (VE) shall not exceed 5% opacity from any source in the material handling and treatment area listed in Condition II. B.4., in accordance with Rule 17-296.711(2)(a), F.A.C. After the compliance tests have been performed, neither DEP nor RESD will require particulate matter mass tests in accordance with EPA Method 5 unless the VE limit of 5% opacity is exceeded for a given source, or unless DEP or RESD, based on other information, has reason to believe the particulate emission limits are being violated in accordance with Rule 17-297.620(4), F.A.C.

6. All sources subject to visible emissions and particulate matter mass emissions performance tests shall conduct them concurrently, except where inclement weather interferes.

7. The maximum emissions from each of the limestone dryers while using oil shall not exceed the following (based on AP-42 factors, Table 1, 3-1, Industrial Distillate, 10/86):

Pollutant	Estimated Limitations		
	lbs/hr.	TPY	TPY for 2 dryers
PM/PM <sub>10</sub>	0.24	0.32	0.64
SO <sub>2</sub>	0.85	1.15	2.3
CO	0.60	0.81	1.62
NOx	2.40	3.25	6.5
VOC	0.05	0.06	0.12

Visible emissions from the dryers shall not exceed 5% opacity.

8. The maximum sulfur content of No. 2 fuel oil shall not exceed 0.05% by weight. The maximum firing rate of No. 2 fuel oil for each limestone dryer shall not exceed 120 gals/hr., or

350,400 gals/year. This reflects a combined total fuel oil firing rate of 240 gals/hr., and 700,800 gals/year, for the two dryers.

9. Initial and annual PM and Visible Emission compliance tests for all the emission points in the material handling and treatment area, including but not limited to the sources specified in this permit, shall be conducted in accordance with the July 1, 1991 version of 40 CFR 60, Appendix A, using EPA Methods 5 and 9, respectively.

10. Compliance test reports shall be submitted to RESD within 45 days of test completion in accordance with Rule 17-297.570 of the F.A.C.

11. Any changes in the method of operation, raw materials processed, equipment, or operating hours or any other changes pursuant to F.A.C. Rule 17-212.200, defining modification, shall be submitted for approval to DEP's Bureau of Air Regulation (BAR).

#### C. Requirements For the Permittees

1. Beginning one month after certification, CBCP shall submit to RESD and DEP's BAR, a quarterly status report briefly outlining progress made on engineering design and purchase of major equipment, including copies of technical data pertaining to the selected emission control devices. These data should include, but not be limited to, guaranteed efficiency and emission rates, and major design parameters such as air/cloth ratio and flow rate. The Department may, upon review of these data, disapprove the use of any such device. Such disapproval shall be issued within 30 days of receipt of the technical data.

2. CBCP shall report any delays in construction and completion of the project which would delay commercial operation by more than 90 days to the RESD office.

3. Reasonable precautions to prevent fugitive particulate emissions during construction, such as coating of roads and construction sites used by contractors, regrassing or watering areas of disturbed soils, will be taken by CBCP. CBCP is subject to all applicable provisions of Rule 17-296.310(3), F.A.C., Unconfined Emissions of Particulate Matter.

4. Fuel shall not be burned in any CBCP unit unless the control devices are operating properly, pursuant to 40 CFR Part 60 Subpart Da.

5. The maximum sulfur content of the No. 2 fuel oil utilized in the CFBs and the two unit limestone dryers shall not exceed 0.05 percent by weight. Samples shall be taken of each fuel oil shipment received and shall be analyzed for sulfur content and heating value. Records of the analyses shall be kept a minimum of three years to be available for DEP and RESD inspection.

6. Coal fired in the CFBs shall have a sulfur content not to exceed 1.7 percent by weight on a shipment (train load) basis. Coal sulfur content shall be determined and recorded in accordance with 40 CFR 60.47a.

7. CBC shall maintain a daily log of the amounts and types of fuel used and copies of fuel analyses containing information on sulfur content and heating values.

8. CBCP shall provide stack sampling facilities as required by Rule 17-297.345 F.A.C.

9. Prior to commercial operation of each source, the permittee shall submit to the BAR a standardized plan or procedure that will allow that permittee to monitor emission control equipment efficiency and enable the permittee to return malfunctioning equipment to proper operation as expeditiously as possible.

10. All CBCP records of documentation shall be kept on file for a minimum of three years pursuant to Rule 17-4.160(14), F.A.C.

#### D. Contemporaneous Emission Reductions

This certification and any individual air permits issued subsequent to the final order of the Board certifying the power plant site under 403.509, F.S.; shall require, that the following Seminole Kraft Corporation sources be permanently shut down and made incapable of operation, and shall turn in their operation permits to the Division of Air Resources Management's Bureau of Air Regulation, within 30 days of written confirmation by DEP of the successful completion of the initial compliance tests on the CBCP boilers: the No. 1 PB (power boiler), the No. 2 PB, the No. 3 PB, the No. 1 BB (bark boiler), and the No. 2 BB. RESD shall be specifically informed in writing within thirty days after each individual shut down of the above referenced equipment. Within one year of surrender of operating permits as provided above, SK shall have completed the following steps to ensure compliance with this condition:

- Remove all oil guns
- Remove motors and selected conveyor parts in wood feed system for bark boilers
- Dismantle stacks
- Disconnect boiler feedwater pumps
- Sever fuel line connections
- Remove fan motors

These sources shall not, under any circumstances, be restarted, refurbished or re-permitted as new or existing sources, at the SK or CBCP site.

This requirement shall operate as a joint and individual requirement to assure common control for purpose of ensuring that all commitments relied on are in fact fulfilled.

### E. SK Steam Boiler Emissions

1. This certification and any individual air permits issued by the Department subsequent to the final order of the Board certifying the power plant site under Section 403.509, F.S., shall incorporate the following limitations on the total tonnage of the specified criteria pollutants allowed to be emitted annually by any natural gas-fired boiler or combination of boilers constructed and operated by SK to provide up to 375,000 lbs/hr of steam for use in its recycled paper process:

#### Tons Per Year

CO	553
NO <sub>x</sub>	310
SO <sub>2</sub>	25, except as provided in (2) below

2. In the event that the ceiling for SO<sub>2</sub> is expected to be exceeded due to unavailability of natural gas caused by factors beyond the control of SK, SK may notify the Department that it must exceed the ceiling as provided herein; and emissions of SO<sub>2</sub> during the period of such curtailment shall not be counted against the yearly emissions ceiling of 25 tons unless administrative proceedings result in a finding that the exceedance was within Seminole Kraft's control. In no event shall the annual emissions of SO<sub>2</sub> from the steam boilers referenced above exceed a ceiling of 41 tons per year.

3. The notice shall include a statement or reasons for the request and supporting documentation, and shall be published by SK, without supporting documents, in a newspaper of general circulation in Jacksonville, as defined in Section 403.5115(2), F.S. The filing and publication of the notice no later than 7 days following the date of exceedance, shall preclude any finding of violation by DEP until final disposition of any administrative proceedings.

### III. WATER DISCHARGES

Any discharges into any waters of the State during construction and operation of CBCP shall be in accordance with all applicable provisions of Chapters 17-301, 17-302 and 17-660, F.A.C., and 40 CFR, Part 423, Effluent Guidelines and Standards for Steam Electric Power Generating Point Source Category, except as provided herein. Also, CBCP shall comply with the following conditions of certification:

#### A. Plant Effluents and Receiving Body of Water

For discharges made from the CBCP power plant site the following conditions shall apply:

1. CBCP shall not discharge any cooling system, demineralizer regeneration, floor drainage or other process wastewaters from the operation of the CBCP facility into any waters of the State. CBCP shall install a closed-loop cooling water system in accordance with technical specifications set forth in the Zero Discharge System Plan submitted by CBCP to the Department.

2. Pursuant to the Zero Discharge Plan, CBCP shall make available to Seminole Kraft up to 500 gpm of reclaimed water that has been treated to a quality satisfactory for use in Seminole Kraft's cooling tower.

3. Receiving Body of Water - The receiving bodies of water for storm water discharges have been determined by the Department to be those waters of the St. John's River (during construction only) or the Broward River and any other waters affected which are considered to be waters of the State within the definition of Chapter 403, Florida Statutes (F.S.).

4. Point of Discharge (POD) - The point of discharge has been determined by the Department to be where the storm water effluent physically enters the waters of the State in the St. John's River (during construction) via Outfall OSN 001 and Broward River (during construction and operation) via Outfall OSN 003 and OSN 008.

5. Chemical Wastes from CBCP - All low volume wastes (demineralizer regeneration, floor drainage, labs drains, and similar wastes) and chemical metal cleaning wastes shall be collected and treated in the the zero discharge treatment system or disposed of off-site.

6. Seminole Kraft Corporation (SKC) shall shut down the mill's once through cooling system within 10 days after written notification by DEP of the successful completion of the initial compliance tests on the CBCP boilers conducted pursuant to Condition II.A.7. SKC shall inform the DEP Northeast District Office of the shutdown and surrender all applicable operating permits for that facility within 21 days of such notification.

7. Storm Water Runoff

a. Construction - During construction there shall be no discharges from the stormwater basins for storms less than the ten-year, twenty four-hour storm event. Any discharge from the storm water runoff collection system from a storm event less than the once in ten year, twenty-four hour storm shall meet the following limits and shall be monitored at OSNs 003 and 008 by a grab sample once per discharge, but not more often than once per week:

Effluent Characteristic	Discharge Limits
Flow (MGD)	Instantaneous Maximum
TSS (mg/l)	Report
pH	50
	6.0-9.0

All applicable discharge limitations, described in Part I of the NPDES permit (FL0041173) for stormwater discharges during the period of construction from this facility, shall apply under this permit and be reported to the Department as part of the Monthly Operation Report.

b. Operation

1. Yard Area Runoff - During normal plant operation, necessary measures shall be used to settle, filter, treat or absorb silt-containing or pollutant-laden storm water runoff to limit the suspended solids to 50 mg/l or less at OSN 003 during rainfall periods greater than the 22-year, 24-hour rainfall. During periods of operation when the CBCP is off-line, these necessary measures, as specified above, shall be used during rainfall periods greater than a 12-year, 24-hour storm. The discharge shall comply with all the monitoring requirements for Yard Area Runoff specified in Part I of NPDES Permit FL0041173 for this facility.

2. Storage Area Runoff - During operation there shall be no discharges from the stormwater basins for storms less than the fifty-year, twenty four-hour storm event. Any discharge from the storm water runoff collection system from a storm event less than the once in 50 year, twenty-four hour storm shall meet the limits in 7.a. above and shall be monitored at OSN 008 by a grab sample once per discharge, but not more often than once per week. The discharge shall comply with all the monitoring requirements for the Coal, Limestone, and Ash Storage Area specified in Part I of NPDES Permit FL0041173 for this facility.

c. Control measures shall consist at the minimum of filters, sediment traps, barriers, berms or vegetative planting. Exposed or disturbed soil shall be protected as soon as possible to minimize silt, and sediment-laden runoff. The pH shall be kept within the range of 6.0 to 9.0 in the discharge to the St. Johns River and 6.5 to 8.5 in the Broward River.

d. Special consideration must be given to the control of sediment laden runoff resulting from storm events during the construction phase. Best management practices erosion controls should be installed early during the construction period so as to prevent the transport of sediment into surface waters which could result in water quality violations and Departmental enforcement action. Revegetation and stabilization of disturbed areas should be accomplished as soon as possible to reduce the potential for further soil erosion. Should construction phase runoff pose a threat to the water quality of state waters, additional measures such as treatment of impounded runoff or by the use of turbidity curtains (screens) in on-site impoundments shall be immediately implemented with any releases to state waters to be controlled.

e. It is necessary that there be an entity responsible for maintenance of the system pursuant to Section 17-25.027, F.A.C.

f. Correctional action or modification of the system will be necessary should mosquito problems occur.

g. CBC shall submit to DEP with copy to RESD and the SJRWMD, erosion control plans for the entire construction project (or discrete phases of the project) detailing measures to be taken to prevent the offsite discharge of turbid waters during construction. These plans must also be provided to the construction contractor prior to the initiation of construction.

h. All swale and retention basin side slopes shall be seeded and mulched or sodded within thirty days following their completion and a substantial vegetative cover must be established within ninety days of seeding.

8. Sanitary wastes from CBCP shall be collected and routed for treatment to the SKC domestic wastewater treatment plant.

#### B. Water Monitoring Programs

1. Necessity and extent of continuation of monitoring programs may be modified in accordance with Condition No. XXI, Modification of Conditions.

2. Chemical Stormwater Monitoring - The parameters described in Condition III.A. shall be monitored during discharge as described in condition III A. commencing with the start of construction or operation of the CFBs and reported quarterly to the Northeast District Office.

#### 3. Coal, Ash, and Limestone Storage Areas

a. Runoff from the coal pile, ash and lime stone storage areas shall be retained on-site during normal operations up to the 50-year, 24-hour storm event. Monitoring



of metals, such as iron, copper, zinc, mercury silver, and aluminum, shall be done once a month during any month when a discharge occurs at OSNs 003 or 008.

b. Stormwater from the storage area runoff pond shall be sampled the first time each month there is a discharge to the cooling tower pretreatment system under the operating conditions approved herein. Samples shall be taken for 12 separate months and analyses performed as specified in Condition 5 below.

4. The ground water levels shall be monitored continuously at selected wells as approved by the SJRWMD. Chemical analyses shall be made on samples from all monitored wells identified in Condition IV.F. and IV.G. below. The location, frequency and selected chemical analyses shall be as given in Condition IV.F and IV.G. The ground water monitoring program shall be implemented at least one year prior to commercial operation of the CFBs. The chemical analyses shall be in accord with the latest edition of Standard Methods for the Analysis of Water and Wastewater. The data shall be submitted within 30 days of collection/analysis to the SJRWMD.

5. The reclaimed water transferred to Seminole Kraft for cooling tower make-up water shall be monitored for the following parameters:

Flow (gallons per minute)	Continuous/Flow Meter
pH (standard units)	Weekly/Meter or Grab
Iron (mg/L)	Monthly/Grab
Total Copper (ug/L)	Monthly/Grab
Zinc (mg/L)	Monthly/Grab
Mercury (ug/L)	Monthly/Grab
Silver (ug/L)	Monthly/Grab
Aluminum (mg/L)	Monthly/Grab
Cadmium (ug/L)	Monthly/Grab
Arsenic (ug/L)	Monthly/Grab
Antimony (mg/L)	Monthly/Grab

**IV. GROUND WATER****A. Water Well Construction Permit**

Prior to the construction, modification, or abandonment of a production well for the SK paper mill, Seminole Kraft must obtain a Water Well Construction Permit from the SJRWMD pursuant to Chapter 40C-3, F.A.C. Construction, modification, or abandonment of a production well will require modification of the SK consumptive use permit when such construction, modification or abandonment is other than that specified and described on SK's consumptive use permit application form. The construction, modification, or abandonment of a monitor well specified in Condition IV.H. will require the prior approval of the Department. All monitor wells intended for use over thirty days must be noticed to RESD prior to construction or change of status from temporary to permanent.

**B. Well Criteria, Tagging and Wellfield Operating Plan**

Leaking or inoperative well casings, valves, or controls must be repaired or replaced by SK as required to eliminate the leak or make the system fully operational. Failure to make such repairs will be cause for deeming the well abandoned in accordance with Chapter 17.21.02(5), F.A.C., Chapter 373.309, Florida Statutes and Chapter 366.301 (b), and .307 (a), Jacksonville ordinance Code. Wells deemed abandoned will require plugging according to state and local regulations.

A SJRWMD-issued identification tag must be prominently displayed by SK at each SK withdrawal site by permanently affixing such tag to the pump, headgate, valve or other withdrawal facility as provided by Section 40C-2.401, Florida Administrative Code. The SK must notify the SJRWMD in the event that a replacement tag is needed.

SK must develop and implement a Wellfield Operating Program within six (6) months after construction of wells or start-up of the CBCP. This program must describe which wells are primary, secondary, and standby (reserve); the order of preference for using the wells; criteria for shutting down and restarting wells; describe CBCP and SKC responsibilities in the operation of the well field, and any other aspects of well field management operation, such as who the well field operator is and any other aspects of wellfield management operation. This program must be submitted to the SJRWMD and a copy to RESD within six (6) months of certification and receive SJRWMD approval before the wells may be used to supply water for the Cedar Bay Cogeneration plant.

### C. Maximum Annual Withdrawals

CBCP's maximum annual use from the Floridan aquifer may not exceed 530.7 million gallons. Maximum daily use from the Floridan aquifer for the CBCP may not exceed 1.45 million gallons. The use of potable water from the Floridan aquifer for cooling purposes is prohibited. The use of potable water from the Floridan aquifer for control of fugitive dust emissions is prohibited when alternative water sources are available, such as treated wastewater, shallow aquifer wells or stormwater. The use of Floridan aquifer potable water for the sole purpose of waste stream dilution is prohibited.

### D. Water Use Transfer

The SJRWMD must be notified, in writing, within 90 days of the transfer of this certification. All transfers are subject to the provisions of Section 40C-2.351, F.A.C., which state that all terms and conditions of the permit shall be binding of the transferee.

### E. Emergency Shortages

Nothing in this certification is to be construed to limit the authority of the SJRWMD to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statutes, or to formulate a plan for implementation during periods of water shortage, pursuant to Section 373.246, Florida Statutes. In the event a water shortage, is declared by the District Governing Board, the CBCP shall adhere to water shortage restrictions as specified by SJRWMD to the extent the restrictions apply to all other similar users.

### F. Monitoring and Reporting

1.a. The permittee shall maintain records of total daily use by the CBCP on a monthly basis for each year ending on December 31st. These records shall be submitted to the SJRWMD on Form EN-3 by January 31st of each year.

b. Prior to beginning water usage, all points where water is delivered from the SKC water supply or wastewater system for use at CBCP must be equipped with totalizing flow meters. Such meters must maintain a 95% accuracy, be verifiable and be installed according to the manufacturer's specifications.

c. CBCP must maintain the required flow meter(s). In case of failure or breakdown of any meter or other flow measuring device, the SJRWMD must be notified in writing within 5 days of its discovery. A defective meter must be repaired or replaced within 30 days of its discovery.

d. Total withdrawals from each monitored source must be recorded continuously, totalled monthly, and reported to the SJRWMD at least every six months from the initiation of the monitoring using SJRWMD Form No. EN-50.

e. CBCP must have all flow meters checked for accuracy once every 3 years within 30 days of the anniversary date of commencement of operation of the CBCP, and recalibrated if the difference between the actual flow and the meter reading is greater than 5%. SJRWMD Form No. EN-51 must be submitted to the SJRWMD within 10 days of meter inspection and calibration.

2. Water quality samples shall be taken by SK in May and October of each year from each SK production well. The samples shall be analyzed by a DEP certified laboratory for the following parameters:

Magnesium	Sulfate
Sodium	Carbonate
Potassium	Bi-Carbonate (or alkalinity if pH is 6.9 or lower)
Chloride	Calcium

All major ion analyses shall be checked for anion/cation balance and must balance within 5 percent prior to submission. It is recommended that duplicates be taken to allow for laboratory problems or loss. The sample analyses shall be submitted to the SJRWMD by May 30 and October 30 of each year.

3. Legal uses of water existing at the time of certification application may not be significantly adversely impacted by the consumptive use for the CBCP. If unanticipated significant adverse impacts occur, the consumptive use shall be subject to modification in whole or in part to curtail or abate the adverse impacts, unless the impacts can be mitigated by CBCP.

4. Off-site land uses existing at the time of certification application may not be significantly adversely impacted as a result of the consumptive use for the CBCP. If unanticipated significant adverse impacts occur, the consumptive use shall be subject to revocation or modification in whole or in part to curtail or abate the adverse impacts, unless the impacts can be mitigated by CBCP.

5. During the seventh year following issuance of this certification order, CBCP shall submit a report to SJRWMD, DEP, and RESD demonstrating compliance with these conditions of certification, Chapter 373, Florida Statutes, and the Rules of SJRWMD and DEP, applicable to the consumptive use of water. Compliance shall be demonstrated with rules and statutory provisions in effect at that time.

SJRWMD shall evaluate the report and notify DEP in a report of any issues regarding compliance with this certification and applicable rules and statutory provisions, including whether the consumptive use of water for the CBCP complies with those provisions of Chapter 272, Florida Statutes, and DEP's and SJRWMD's rules applicable to its consumptive use and whether any conditions of certification must be amended, added or deleted in order to insure that the referenced rules and statutory provisions are complied with. SJRWMD shall respond within 30 days of receipt of CBCP's report as to whether or not it contains information sufficient to make a determination as to compliance with the referenced rules and statutory provisions. Thereafter, DEP shall notify CBCP and RESD within ninety (90) days after DEP's determination that CBCP's report is sufficient. Section 40C-1.610, F.A.C., shall apply. An opportunity for hearing pursuant to Section 120.57, Florida Statutes, shall be afforded any party. In any hearing requested pursuant to this condition of certification, the burden of demonstrating compliance shall be on CBCP. The continued consumptive use of water for the CBCP shall be dependent upon CBCP demonstrating and presenting sufficient data to establish that its consumptive use meets the referenced rules or statutory provisions. The Board hereby delegates to the Secretary the authority to enter final orders regarding this condition in the event an administrative hearing is requested.

#### G. Ground Water Monitoring Requirements

After consultation with the DEP, RESD, and SJRWMD, CBCP shall install a monitoring well network to monitor ground water quality horizontally and vertically through the aquifer above the Hawthorn Formation. Ground water quantity and flow directions will be determined seasonally at the site through the preparation of seasonal water table contour maps, based upon water level data obtained during the applicant's preoperational monitoring program. From these maps and the results of the detailed subsurface investigation of site stratigraphy, the water quality monitoring well network will be located. A ground water monitoring plan that meets the requirements of Section 17-522.600(3), F.A.C., shall be submitted to the Department's Northeast District Office for review. Approval or disapproval of the ground water monitoring plan shall be given within 60 days of receipt. Ground water monitoring shall be required at CBCP's pelletized ash storage area, each sedimentation pond, and each coal pile storage area, and SK's new lime mud storage area. Insofar as possible, the monitoring wells may be selected from the existing wells and piezometers used in the permittees preoperational monitoring program, provided that the wells construction will not preclude their use. Existing wells will be properly sealed in accordance with Chapter 17-532, F.A.C., whenever they are abandoned due to construction of facilities. The water samples collected from each of the monitor wells shall be collected immediately after removal by pumping of a quantity of water

equal to at least three casing volumes. The water quality analyses shall be performed monthly during the year prior to commercial operation and quarterly thereafter. No sampling or analysis is to be initiated until receipt of written approval of a site-specific quality assurance project plan (QAPP) by the Department. Results shall be submitted to the RESD and the DEP NE District by the fifteenth (15th) day of the month following the month during which such analyses were performed prior to commercial operation, or by the 30th day of the month following the calendar quarter such analyses were performed after start of commercial operation. Testing for the following constituents is required around unlined ponds or storage areas:

TDS	Cadmium
Conductance	Zinc
pH	Copper
Redox	Nickel
Sulfate	Selenium
Sulfite	Chromium
Color	Arsenic
Chloride	Beryllium
Iron	Mercury
Aluminum	Lead
	Gross Alpha

Conductivity shall be monitored in wells around all lined solid waste disposal sites, coal piles, and wastewater treatment and sedimentation ponds.

- H. Leachate
  - 1. Zone of Discharge

Leachate from CBCP's coal storage piles, SK's lime mud storage area or CBCP's sedimentation ponds shall not cause or contribute to contamination of waters of the State (including both surface and ground waters) in excess of the limitations of Chapter 17-302, and 17-520, F.A.C., beyond the boundary of a zone of discharge extending to the top of the Hawthorn Formation below the waste landfill cell or pond rising to a depth of 50 feet at a horizontal distance of 200 feet from the edge of the storage pile, landfill or ponds, or rising to the boundary of the site, as appropriate.

## 2. Corrective Action

When the ground water monitoring system shows a potential for this facility to cause or contribute to a violation of the ground water quality standards of Chapter 17-520, F.A.C., at the boundary of the zone of discharge, the appropriate ponds or coal pile shall be bottom sealed, relocated, or the operation of the affected facility shall be altered in such a manner as to assure the Department that no violation of the ground water standards will occur beyond the boundary of the zone of discharge.

### I. Water Use Audit

At the end of the second year of production withdrawals, CBCP must have conducted an audit of the amount of water used in the various operational processes, landscaping practices and domestic facilities. If the audit results indicate losses of water due to leakage, a leak detection analysis must be conducted and submitted to the SJRWMD and a leak repair program must be implemented.

### J. Water Conservation Awareness Program

Prior to beginning water usage, CBCP must implement and submit to the SJRWMD an employee awareness program (including such measures as posting signs regarding water conservation and reporting leaks) concerning water conservation.

V. CONTROL MEASURES DURING CONSTRUCTION

A. Storm Water Runoff

During construction, appropriate measures shall be used to settle, filter, treat or absorb silt-containing or pollutant-laden storm water runoff to limit the total suspended solids to 50 mg/l or less and pH to 6.0 to 9.0 at OSN 003 during rainfall events that are lesser in intensity than the 10-year, 24-hour rainfall, and to prevent an increase in turbidity of more than 29 NTU above background in waters of the State.

Control measures shall consist at the minimum of sediment traps, barriers, berms or vegetative planting. Exposed or disturbed soil shall be protected as soon as possible to minimize silt- and sediment-laden runoff. The pH shall be kept within the range of 6.0 to 9.0 at OSN.003. Stormwater drainage to the Broward River shall be monitored as indicated below:

Monitoring Point	Parameters	Frequency	Sample Type
*Storm water drainage to the Broward River from the runoff treatment pond	BOD5, TOC, suspended solids, turbidity, dissolved oxygen, pH, TKN, Total phosphorus, Fecal Coliform, Total Coliform	**	**
	Oil and grease	**	**

\*Monitoring shall be conducted at suitable points for allowing a comparison of the characteristics of preconstruction and construction phase drainage and receiving waters.

\*\*The frequency and sample type shall be as outlined in a sampling program prepared by the applicant and submitted at least ninety days prior to start of construction for review and approval by the DEP Northeast District Office. The District Office will furnish copies of the sampling program to the RESD and SJRWMD and shall indicate approval or disapproval within 60 days of submittal.

B. Sanitary Wastes

Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of the Department and the RESD.

C. Environmental Control Program

CBCP shall establish an environmental control program under the supervision of a qualified person to assure that all construction activities conform to good environmental



practices and the applicable conditions of certification. A written plan for controlling pollution during construction shall be submitted to DEP and RESD within sixty days of issuance of the Certification. The plan shall identify and describe all pollutants and waste generated during construction and the methods for control, treatment and disposal. CBCP shall notify the Department's Northeast District Office and RESD by telephone within 24 hours if possible if unexpected harmful effects or evidence of irreversible environmental damage are detected by it during construction, shall immediately report in writing to the Department, and shall within two weeks provide an analysis of the problem and a plan to eliminate or significantly reduce the harmful effects or damage and a plan to prevent reoccurrence.

D. Construction Dewatering Effluent

There shall be no discharge of construction dewatering effluent.

VI. SAFETY

The overall design, layout, and operation of the facilities shall be such as to minimize hazards to humans and the environment. Security control measures shall be utilized to prevent exposure of the public to hazardous conditions. The Federal Occupational Safety and Health Standards will be complied with during construction and operation. The Safety Standards specified under Section 440.56, F.S., by the Industrial Safety Section of the Florida Department of Commerce will also be complied with.

VII. SCREENING

The CBCP shall provide screening of the site to the extent feasible through the use of aesthetically acceptable structures, vegetated earthen walls and/or existing or planted vegetation.

VIII. TOXIC, DELETERIOUS, OR HAZARDOUS MATERIALS

The spill of any toxic, deleterious, or hazardous materials shall be reported in the manner specified by Condition XI, Noncompliance Notification.

IX. SOLID WASTE STORAGE AND DISPOSAL

CBCP shall be responsible for arranging for the proper storage, handling, disposal, or reuse of any solid waste generated by the CBCP facility. Solid waste produced by the operation of the CBCP facility shall be removed from site and disposed of in a permitted disposal facility, with the exception of bottom ash and fly ash. Bottom ash and fly ash will be pelletized, or made into aggregate form, and either

shipped back to the mine utilizing the trains to deliver the coal, or sold as an additive to concrete, or utilized by companies specializing in the marketing and utilization of combustion by-products. The bottom ash and fly ash shall not be disposed of in a landfill within Duval County. If the CBCP decides to dispose of the bottom ash or fly ash by other than returning it to the mine, they shall notify RESD and DEP. Prior to removal and disposal of spent lime mud and pond tailings, the CBCP shall determine whether those wastes are hazardous under 40 CFR 26 and 17-730, F.A.C. If wastes are determined to be hazardous, they shall be disposed of in accordance with Chapter 17-730, F.A.C., after consultation with the DEP and RESD. If not hazardous, disposal shall be to a landfill designed to ensure compliance with groundwater quality criteria as contained in Chapters 17-3, and 17-730 F.A.C. All solid wastes disposed of on site shall comply with the provisions of Chapter 17-701, F.A.C. Ground water monitoring in accordance with 17-4, and 17-520, F.A.C. shall be implemented at the lime mud disposal site.

At least ninety (90) days prior to disposal or use of any sludge generated by pretreatment of reclaimed Seminole Kraft wastewater or zero wastewater discharge system, CBCP shall report to DEP and RESD concerning the chemical characterization of any such sludge. DEP reserves the right to require additional sampling and analysis as necessary to ensure that the above-cited regulations are complied with. Prior to any such sludge disposal, CBCP shall obtain a letter of acceptance from a permitted disposal site. On or before the last day of the first year of commercial operation, and each year of commercial operation thereafter, CBCP shall report to DEP and RESD concerning the composition and quantity of sludge generated by the zero water discharge system and the method of disposal, including name and location of facilities handling, treating, storing, and/or disposing of said sludge waste.

#### **X. CHANGE IN DISCHARGE**

All discharges or emissions authorized herein to CBCP shall be consistent with the terms and conditions of this certification. The discharge of any pollutant not identified in the application or any discharge more frequent than, or at a level in excess of, that authorized herein shall constitute a violation of this certification. Any anticipated facility expansions, production increases, or process modification which will result in new, different or increased discharges or expansion in steam generating capacity will require a submission of new or supplemental application to DEP's Siting Coordination Office pursuant to Chapter 403, F.S.

**XI. NONCOMPLIANCE NOTIFICATION**

If, for any reason, either permittee does not comply with or will be unable to comply with any limitation specified in this certification, the permittee shall notify the DEP's Northeast District Office and RESD office by telephone as soon as possible but not later than the first DEP working day after the permittee becomes aware of said noncompliance, and shall confirm the reported situation in writing within seventy-two (72) hours supplying the following information:

A. A description and cause of noncompliance; and

B. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying event.

**XII. FACILITIES OPERATION**

Each permittee shall at all times maintain in good working order and operate as efficiently as possible all of its treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this certification. Such systems are not to be bypassed without prior Department (Northeast District) approval and after notice to RESD except where otherwise authorized by applicable regulations.

**XIII. ADVERSE IMPACT**

Each permittee shall take all reasonable steps to minimize any adverse impact resulting from its noncompliance with any limitation specified in this certification, including, but not limited to, such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying event.

**XIV. RIGHT OF ENTRY**

The permittees shall allow the Secretary of the Florida Department of Environmental Protection and/or authorized DEP representatives, and representatives of the RESD and SJRWMD, upon the presentation of credentials:

A. To enter upon the permittee's premises where an effluent source is located or in which records are required to be kept under the terms and conditions of this permit; and

B. To have access to and copy all records required to be kept under the conditions of this certification; and

C. To inspect and test any monitoring equipment or monitoring method required in this certification and to sample any discharge or emissional pollutants; and

D. To assess any damage to the environment or violation of ambient standards.

E. SJRWMD authorized staff, upon proper identification, will have permission to enter, inspect, and observe permitted and related CBCP facilities in order to determine compliance with the approved plans, specifications, and conditions of this certification.

F. RESD authorized staff, upon proper identification, will have permission to enter, inspect, sample any discharge, and observe permitted and related facilities in order to determine compliance with the approved plans, specifications, and conditions of this certification.

#### **XV. REVOCATION OR SUSPENSION**

This certification may be suspended, or revoked pursuant to Section 403.512, Florida Statutes, or for violations of any Condition of Certification.

#### **XVI. CIVIL AND CRIMINAL LIABILITY**

This certification does not relieve either permittee from civil or criminal responsibility or liability for noncompliance with any conditions of this certification, applicable rules or regulations of the Department, or Chapter 403, Florida Statutes, or regulations thereunder.

Subject to Section 403.511, Florida Statutes, this certification shall not preclude the institution of any legal action or relieve either permittee from any responsibilities or penalties established pursuant to any other applicable State Statutes or regulations.

#### **XVII. PROPERTY RIGHTS**

The issuance of this certification does not convey any property rights in either real or personal property, tangible or intangible, nor any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. The permittees shall obtain title, lease or right of use to any sovereign submerged lands occupied by the plant, transmission line structures, or appurtenant facilities from the State of Florida.

#### **XVIII. SEVERABILITY**

The provisions of this certification are severable, and, if any provision of this certification or the application of any provision of this certification to any circumstances is held invalid, the application of such provision to other circumstances and the remainder of the certification shall not be affected thereby.

**XVIV. DEFINITIONS**

The meaning of terms used herein shall be governed by the definitions contained in Chapter 403, Florida Statutes, and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these general or special conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative, by the use of the commonly accepted meaning as determined by the Department.

**XX. REVIEW OF SITE CERTIFICATION**

A. The certification shall be final unless revised, revoked, or suspended pursuant to law. At least every five years from the date of issuance of this certification or any National Pollutant Discharge Elimination Control Act Amendments of 1972 for the plant units, the Department shall review all monitoring data that has been submitted to it or its agent(s) during the preceding five-year period for the purpose of determining the extent of the permittee's compliance with the conditions of this certification of the environmental impact of this facility. The Department shall submit the results of its review and recommendations to the permittees. Such review will be repeated at least every five years thereafter.

**XXI. MODIFICATION OF CONDITIONS**

The conditions of this certification may be modified in the following manner:

A. The Board hereby delegates to the Secretary the authority to modify, after notice and opportunity for hearing, any conditions pertaining to consumptive use of water, reclaimed water, monitoring, sampling, ground water, surface water, mixing zones, or variances to water quality standards, zones of discharge, leachate control programs, effluent limitations, air emission limitations, fuel, or solid waste disposal, right of entry, railroad spur transmission line, access road, pipelines, or designation of agents for the purpose of enforcing the conditions of this certification.

B. All other modifications shall be made in accordance with Section 403.516, Florida Statutes.

**XXII. FLOOD CONTROL PROTECTION**

The plant and associated facilities shall be constructed in such a manner as to comply with the Duval County flood protection requirements.

**XXIII. EFFECT OF CERTIFICATION**

Certification and conditions of certification are predicated upon design and performance criteria indicated in the application. Thus, conformance to those criteria, unless specifically amended, modified, or as the Department and parties are otherwise notified, is binding upon the applicants in the preparation, construction, and maintenance of the certified project. In those instances where a conflict occurs between the application's design criteria and the conditions of certification, the conditions shall prevail.

**XXIV. NOISE**

To mitigate the effects of noise produced by the steam blowout of steam boiler tubes, each permittee shall conduct public awareness campaigns prior to such activities to forewarn the public of the estimated time and duration of the noise. The permittees shall comply with the applicable noise limitations specified in Environmental Protection Board Rules or The City of Jacksonville Noise Ordinance.

**XXV. USE OF WATER FOR COOLING PURPOSES**

The CBCP shall use reclaimed wastewater from the Seminole Kraft paper mill (in addition to any wastewater generated by the CBCP that is suitable for reuse for that purpose) for cooling water supply. In the event of disruption of SKC reclaimed wastewater as the cooling water makeup source for Cedar Bay, Inc., Cedar Bay, Inc. will utilize the water retained in SKC's holding basins or other non-potable sources of water as cooling water makeup.

At least 90 days prior to beginning commercial operation, Cedar Bay Cogeneration, Inc. shall submit to the Department a report concerning the actual measured pollutant characteristics of reclaimed water to be obtained from the Seminole Kraft paper mill. Such report shall be based on approved analytical results from four monthly samples obtained directly from the Seminole Kraft waste stream to be tied in with the CBCP cooling system, and shall include the concentrations of BOD5, COD, total organic carbon, total suspended solids, ammonia, pH, oil and grease, calcium, magnesium, sodium, potassium, alkalinity as mg of CaCO<sub>3</sub>, sulfate, chloride, nitrate, fluoride, silica, chlorine, phosphate (total) as P, cyanide, iron, manganese, aluminum, nickel, zinc, copper, cadmium, chromium, beryllium, arsenic, selenium, antimony, mercury, barium, silver, lead, thallium, phosphorus, and TKN. Where applicable, wastewater sampling and analyses conducted by SKC under the terms of operation permit number I016-200147 may be used to meet the terms of this condition. Any other sampling and analyses submitted under the terms of this permit shall be in accordance with a Department-approved Quality Assurance Plan. Results of all testing and sampling specified above shall be submitted to the Department within 30 days of testing.

Seminole Kraft's generation, treatment, or discharge of its wastewater is not covered by this site certification, and the permitting of Seminole Kraft's generation, treatment, or discharge of its wastewater does not require Siting Board approval.

**XXVI. ENFORCEMENT**

A. The Secretary may take any and all lawful actions as he or she deems appropriate to enforce any condition of this certification.

B. Any participating agency (federal, state, local) may take any and all lawful actions to enforce any condition of this certification that is based on the rules of that agency. Prior to initiating such action the agency head shall notify the Secretary of that agency's proposed action.

C. RESD may initiate any and all lawful actions to enforce the conditions of this certification that are based on the Department's rules, after obtaining the Secretary's written permission to so process on behalf of the Department.

**XXVII. ENDANGERED AND THREATENED SPECIES**

Prior to start of construction, CBCP shall survey the site for endangered and threatened species of animal and plant life. Plant species on the endangered or threatened list shall be transplanted to an appropriate area if practicable. Gopher Tortoises and any commensals on the rare or endangered species list shall be relocated after consultation with the Florida Game and Fresh Water Fish Commission. A relocation program, as approved by the FGFWFC, shall be followed.

**XXVIII. ENVIRONMENTALLY SENSITIVE LAND ACQUISITION**

a. Periodic Payments

1. As a condition of this certification, CBCP shall be required to make periodic monetary contributions for the purpose of funding a program for the acquisition and management of environmentally sensitive lands in Duval County, Florida. These payments shall be made to The Nature Conservancy, Inc., in trust for the State of Florida, to be used as provided in Section B below; and to the City of Jacksonville Environmental Land Acquisition Trust Fund, to be used as provided in Section C below.

2. The two million dollar payment made by or on behalf of the AES Corporation to The Nature Conservancy, Inc., (TNC) on or about June 16, 1992, shall be deemed to be the first of two periodic payments, totaling 4.5 million dollars, which the CBCP is obligated to make to TNC under this condition. The second periodic payment, 2.5 million dollars, shall be transmitted within 48 hours of the date on

which the CBCP commences commercial operation. TNC shall hold all funds received from CBCP or on behalf of CBCP in trust for the State of Florida.

3. Commencing on the anniversary of the second payment required by subsection (2) above, and continuing each year for 30 years thereafter, a payment of \$300,000 shall be submitted to the City of Jacksonville for each year that the CBCP remains in commercial operation. Each annual payment shall be transmitted within 48 hours of the anniversary of the date on which commercial operation commenced at CBCP, and shall be deposited in the Jacksonville Environmental Land Acquisition Trust Fund (JELATF) established by § 110.362 of the Jacksonville Ordinance Code.

4. Any failure to achieve timely transmission of a periodic payment required by this condition shall be grounds for revocation of the certification.

5. All funds attributable to the periodic payments required by this condition shall be received, held, disbursed, and expended in conformance with the applicable provisions of this Condition.

6. The express intent of this Condition is to assure that these periodic payments fund the acquisition of lands possessing substantial ecological value to the ecosystem of the St. Johns River watershed; and that lands acquired with funds provided under this condition be managed to retain or enhance the ecological values for which they were acquired. Funds made available under this Condition shall not be used for the development of urban recreational facilities which conflict with the natural resource values of a site. Prohibited facilities include ball fields or courts, playgrounds, and other developed amenities which are not dependent on ecological conditions for their existence and which are not ancillary to public access for recreational enjoyment of the available natural resources.

7. Properly managed natural resource-based recreation which does not degrade the ecological values of a site shall be encouraged through the development of appropriate management plans which shall be approved by the Department for any tract purchased under this Condition. Management of any site shall be consistent with the acquisition criteria specified in this Condition and shall be coordinated with other managers of natural lands in the region, such as the Department, the St. Johns River Water Management District, the National Park Service, the Division of Forestry, and the Florida Game and Fresh Water Fish Commission.

8. Funds made available under this Condition may be used to participate in existing public and private environmental land acquisition programs such as the Conservation and Recreational Lands Program (CARL), Save Our Rivers (SOR), Florida Communities Trust (FCT), Land



Acquisition Trust Fund (LATF), Preservation 2000, The Nature Conservancy, and other similar programs consistent with the intent behind this condition.

b. Land Acquisition Process: State of Florida

1. All land acquisition and management activities funded by the certification for the use and benefit of the State of Florida or its designee shall be undertaken in accordance with the process established by this Section.

2. The Nature Conservancy (TNC) shall serve as the agent for acquisition of any parcel of land purchased with funds made available under this condition. The Department and TNC shall enter into an agreement which incorporates the provisions of this Condition and such other provisions not inconsistent with this Condition that the Department finds necessary to assure that this Section is properly implemented in the public interest. The agreement shall specify the duties and responsibilities of the parties with respect to the retention and disbursement of funds received to assure an accurate accounting and audit trail.

3. There shall be a six member Land Acquisition and Management Advisory Council (LAMAC) comprising two representatives appointed by each of the following governmental entities: the Department, the St. Johns River Water Management District, and the City of Jacksonville. TNC shall appoint a representative to serve as chair of the LAMAC. The LAMAC shall hold one or more public hearings for the purpose of receiving public input as to lands potentially suitable for acquisition under this Section. Following appropriate public input, the LAMAC shall report its findings to the Department.

4. After review of the LAMAC report, TNC shall identify and list as many land acquisition options as it deems practicable. A copy of the list shall be submitted to each of the entities represented on the LAMAC. In establishing this list, TNC shall consider:

a. the regional environmental importance of each parcel of property, taking into account its proximity to water bodies and other publicly-held land;

b. the extent of wildlife habitat and diversity on each parcel and the effect of its acquisition on regional efforts towards wildlife conservation; and

c. the potential of each parcel for environmental enhancement, restoration, and natural resource-based recreational uses.

The LAMAC shall review and approve the land acquisition options list before any parcels are acquired under this condition.

5. Following approval of the list, TNC shall initiate selection of parcels to be acquired. In selecting parcels for acquisition, preference shall be given to parcels located near the CBCP site, including parcels within or adjacent to the Timucuan Ecological and Historical Preserve managed by the National Park Service. Preference shall also be given to the selection of larger parcels which can be purchased using contributions from other entities to supplement funds available under this condition. After approval by the Secretary of the Department of a proposed acquisition, the parcel shall be purchased by TNC in trust for the State of Florida.

6. Title to any parcel purchased under this condition shall ultimately vest in a governmental entity following a determination by the Secretary of the Department, after consultation with the LAMAC, as to how the property can be managed most appropriately in the public interest. It is understood that title to a newly-purchased parcel may initially vest in TNC pending this determination and transfer of the title to an appropriate government entity or entities for management. The Siting Board hereby delegates to the Secretary of the Department the authority to select the governmental entity or entities most suitable to hold title and manage any property purchased under this condition. Upon notification from the Department that the selection has occurred, TNC shall forthwith execute a transfer of title to the designated entity or entities.

7. TNC shall be entitled to receive reimbursement from funds held by it under this Condition for any costs related to the performance of an acquisition under this Section. TNC may expend on an annual basis up to two per cent of the purchase price of a parcel to which it holds interim title to defray expenses associated with management of that parcel until title can be transferred as specified in subsection (6).

8. TNC is hereby authorized to explore and enter into financing arrangements which will allow the expected proceeds of the periodic payments required under this condition to be capitalized for immediate utilization in land acquisition or for appropriate installment payments in the event that it is possible to defer full payment for a parcel over a number of years. CBCP shall cooperate to the maximum extent in assisting TNC to achieve such alternate financing arrangements for the benefit of the public as may be practicable.

c. Land Acquisition Process: City of Jacksonville

1. All land acquisition and management activities funded by Section A.3 of this Condition for the use and benefit of the City of Jacksonville or its designee shall be undertaken in accordance with the process established by this Section.

2. The Real Estate Division of the City of Jacksonville Public Works Department or another appropriate governmental entity shall serve as the agent for acquisition of any parcel of land purchased with funds made available under this Condition. The Department and the City of Jacksonville shall enter into an agreement which incorporates the provisions of this Condition and such other provisions not inconsistent with this Condition that the Department finds necessary to assure that this Section is properly implemented in the public interest. The agreement shall specify the duties and responsibilities of the parties with respect to the retention and disbursement of funds received to assure an accurate accounting and audit trail.

3. The City of Jacksonville, acting through the Jacksonville Environmental Land Selection Committee (JELSC) established by Mayoral Executive Order 85-81, as amended by Executive Order 91-147, pursuant to § 110.362 of the Jacksonville Ordinance Code, shall identify and list as many land acquisition options as it deems practicable. In establishing its list, JELSC shall consider:

a. the regional environmental importance of each parcel of property, taking into account its proximity to water bodies and other publicly-held land;

b. the extent of wildlife habitat and diversity on each parcel and the effect of its acquisition on regional efforts towards wildlife conservation; and

c. the potential of each parcel for environmental enhancement, restoration, and natural resource-based recreational uses.

d. the goals, objectives, and policies of the Conservation/Coastal Management element of the City's Comprehensive Plan, as amended.

A copy of the JELSC list, as it may be amended from time to time, shall be supplied to the Department and to the St. Johns River Water Management District. JELSC shall furnish a copy of the list upon its initial preparation and after any subsequent amendment thereto.

4. Lands to be acquired under this Section with funds made available in whole or in part under this Condition may be acquired only with the concurrence of the Jacksonville City Council and the Department. In selecting parcels for acquisition, preference shall be given to parcels located near the CBCP site, including parcels within or adjacent to the Timucuan Ecological and Historical Preserve managed by the National Park Service. Preference shall also be given to the selection of larger parcels which can be purchased using contributions from other entities to supplement funds available under this condition. After approval by the Department and the City Council of a proposed acquisition, the parcel shall be purchased by the City.

5. With the approval of the Department and the City Council, title to land acquired under this Section may be sold or transferred to a governmental entity to facilitate effective and beneficial management of the parcel. Any funds received by the City as a result of sale or transfer of property previously acquired under this Section shall be deposited in the JELATF and remain subject to the provisions of this Condition.

6. Any funds paid by CBCP to the JELATF in fulfillment of this Condition or in accordance with any other Condition of Certification may be used for the purpose of managing lands acquired under this Section.

7. The City of Jacksonville is hereby authorized to explore and enter into financing arrangements which will allow the expected proceeds of the periodic payments available under this Section to be capitalized for immediate utilization in land acquisition and management or for appropriate installment payments in the event that it is possible to defer full payment for a parcel over a number of years. CBCP shall cooperate to the maximum extent in assisting the City to achieve such alternate financing arrangements for the benefit of the public as may be practicable.

8. Sale or transfer of any parcel acquired under this Section shall be subject to a reversionary interest retained by the Board of Trustees of the Internal Improvement Trust Fund. In the event that the property ever ceases to be used and managed for environmental purposes consistent with this Condition, ownership of the property shall immediately revert to the State of Florida.

#### **XXIX. TRANSFER OF CERTIFICATION**

If the Cedar Bay Cogeneration Project is sold or legally transferred to another owner, notice of such sale or transfer shall immediately be submitted to the Florida Department of Environmental Protection and the agency parties to this certification by the previous certification holder (permittee) and the assignee. Included in the notice shall be the identification of the entity responsible for compliance with the Certification. Any assignment or transfer shall carry with it the full responsibility for the limitations and conditions of this Certification.

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

AES CEDAR BAY, INC., and  
SEMINOLE KRAFT CORPORATION,

Petitioners,

vs.

DOAH CASE NO. 88-5740

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL REGULATION,

Respondent,

and

CITY OF JACKSONVILLE,  
DEPARTMENT OF COMMUNITY AFFAIRS,  
PUBLIC SERVICE COMMISSION, ST.  
JOHNS RIVER WATER MANAGEMENT  
DISTRICT, JACKSONVILLE ELECTRIC  
AUTHORITY, CHARLES W. BOSTWICK,  
WILLIAM C. BOSTWICK, BARNETT  
BANKS TRUST COMPANY, N.A., IMESON  
INTERNATIONAL PARK, INC., and  
INDUSTRIAL PARK DEVELOPMENT  
CORPORATION, CITIZENS COMMITTEE,  
INC., SIERRA CLUB, FLORIDA  
AUDUBON SOCIETY, THE DUVAL  
AUDUBON SOCIETY, INC., and  
STAFFORD CAMPBELL,

Intervenors.

SETTLEMENT STIPULATION

The parties in this and related proceedings, Cedar Bay Cogeneration, Inc. ("CBC") (formerly known as AES Cedar Bay, Inc.), Seminole Kraft Corporation ("SK"), the Florida Department of Environmental Regulation ("DER"), St. Johns River Water Management District ("SJRWMD"), City of Jacksonville, the Citizens' Committee, Inc. (including all of its members, who are listed on Attachment A

hereto), William C. Bostwick, Sierra Club, Florida Audubon Society, The Duval Audubon Society, Inc., and Stafford Campbell, as indicated below by their signatures or the signatures of their counsel or representatives (collectively "the Parties"), enter into the following settlement stipulation and agreement (Agreement), which shall be binding on themselves and their members, principals, successors and assigns. Persons signing on behalf of a group, organization, or legal entity represent that they have all necessary power and authority to execute this agreement and to bind said group, organization, or legal entity and its members.

#### **A. Purposes**

1. The intent of this Agreement is to resolve fully and finally, and with prejudice, all disputes, issues or other matters arising in the above-styled proceeding and in all related permitting proceedings or appeals at the federal, state, regional and local levels arising out of, or related to, the certification of, the petition for modification of certification of, or the permitting of, the Cedar Bay Cogeneration Project ("CBCP" or "Project") and its construction and operation in a manner binding on the parties to this Agreement. This Agreement resolves all issues which were raised or could have been raised in this proceeding or any other proceeding, including but not limited to the issue of use of natural gas in the Project or the Project's satisfaction of federal, state, regional and local environmental or other regulations. The parties will not seek administrative or judicial review, or seek revocation of, any certification or permit

for the Project which is consistent with the terms of this Agreement. This Agreement neither waives nor expands the rights available to any Party under existing law to seek enforcement or any other remedy for violation of this Agreement, the conditions of certification, or any state or federal permit for facts occurring after the date of this Agreement.

2. Each Party hereby requests, intending to be bound by its individual execution of this Agreement, that the Florida Power Plant Siting Board (Siting Board) enter a Final Order Approving Modification of Site Certification that contains the Conditions of Certification attached hereto as Attachment B and the provisions of this Agreement contained in Paragraphs 3 through 6 inclusive. All other provisions of this Agreement which are not included in the modified certification or other related permit shall be independently binding on the parties hereto. Furthermore, the parties agree that the findings implicit and explicit in this document establish that, if operated in compliance with the certification and applicable permits, the CBCP as now proposed plus the package boilers now proposed by SKC fully satisfy the Florida Electrical Power Plant Siting Act, all applicable federal, state, regional and local environmental requirements, and the Siting Board's Order Initiating Modification Proceedings, dated June 17, 1992, and are associated with, "[o]n balance," fewer "environmental impacts" than are associated with the SKC recycling operation without the CBCP as now proposed.

**B. Conditions of Certification**

3. A revised Condition of Certification No. XXVIII shall be included in the Conditions of Certification as contained in Attachment C hereto.

4. An additional condition of certification No. II.A.8.c. shall be included in the Conditions of Certification, as follows:

Compliance tests shall be performed for mercury (Hg), beryllium (Be), and lead (Pb) until three consecutive tests (including, if successful, the initial compliance test) are within the annual emission limits specified in Condition II.A.3. above. Such tests shall occur, as necessary, in the first, fifth and tenth years and additional successive five year intervals following commercial operation of the Project.

5. Revised Conditions of Certification No. II.A.6 and II.A.9. to address the use of Continuous Emissions Monitors for determining compliance with emissions limits for sulfur dioxide, nitrogen oxides, carbon monoxide and opacity shall be included in the Conditions of Certification, as follows:

6. Compliance with the emission limits shall be determined by EPA reference method tests included in the July 1, 1992 version of 40 CFR Parts 60 and 61, Rule 17-297, F.A.C., and listed in Condition No. II.A.8 of this permit or by equivalent methods after prior written DEP approval. In addition, compliance with the emission limitations in Condition No. II.A.3 for CO, NO<sub>x</sub>, and SO<sub>2</sub> and with the opacity requirements in Condition No. II.A.5 shall be determined with the Continuous Emission Monitoring Systems (CEMs) identified in Condition No. II.A.9.

9. CBCP shall install, certify, calibrate, operate, and maintain continuous emission monitoring systems for opacity, SO<sub>2</sub>, NO<sub>x</sub>, CO, and O<sub>2</sub> or CO<sub>2</sub>, pursuant to all applicable requirements of Rule 17-296.800, F.A.C., Chapter 17-297, F.A.C., 40 CFR 60 Subpart A, 40 CFR 60 Subpart Da, 40 CFR 60 Appendix B, and 40 CFR 60 Appendix F. These CEMs shall be used to determine compliance with the emission limitations in Condition No. II.A.3 for CO, NO<sub>x</sub>, and SO<sub>2</sub> and with the opacity



requirements in Condition No. II.A.5. The permittee may elect to install, certify, calibrate, operate, and maintain multiple span continuous emission monitoring systems for sulfur dioxide and nitrogen oxides providing certification tests and calibrations are performed for each span. Each of the continuous emission monitoring systems for sulfur dioxide and nitrogen oxides shall continuously record data on a span that satisfies the requirements of 40 CFR 60.47a. Any exception to the above must be specifically authorized by DEP in writing and in accordance with state and federal regulations.

6. Revised Conditions of Certification II.D. and II.E. to address Seminole Kraft Corporation's annual emissions from its new package boilers and actions to dismantle or render inoperable SK's existing power and bark boilers following surrender of the air permits for those boilers shall be included in the Conditions of Certification as follows:

D. Contemporaneous Emission Reductions

This certification and any individual air permits issued subsequent to the final order of the Board certifying the power plant site under section 403.509, F.S., shall require that the following Seminole Kraft Corporation sources be permanently shut down and made incapable of operation, and shall turn in their operation permits to the Division of Air Resources Management's Bureau of Air Regulation, within 30 days of written confirmation by DER of the successful completion of the initial compliance tests on the CBCP boilers: the No. 1 PB (power boiler), the No. 2 PB, the No. 3 PB, the No. 1 BB (bark boiler), and the No. 2 BB. RESD shall be specifically informed in writing within thirty days after each individual shut down of the above referenced equipment. Within one year of surrender of operating permits as provided above, SK shall have completed the following steps to ensure compliance with this condition:

Remove all oil guns;

Remove motors and selected conveyor parts in wood feed system for bark boilers;

Dismantle stacks;

Disconnect boiler feedwater pumps;

Sever fuel line connections; and

Remove fan motors.

These sources shall not, under any circumstances, be restarted, refurbished or re-permitted as new or existing sources, at the SK or CBCP site.

This requirement shall operate as a joint and individual requirement to assure common control for purpose of ensuring that all commitments relied on are in fact fulfilled.

#### E. SK Steam Boiler Emissions

1. This certification and any individual air permits issued by the Department subsequent to the final order of the Board certifying the power plant site under Section 403.509, Florida Statutes, shall incorporate the following limitations on the total tonnage of the specified criteria pollutants allowed to be emitted annually by any natural gas-fired boiler or combination of boilers constructed and operated by SK to provide up to 375,000 lbs/hr. of steam for use in its recycled paper process:

	Tons Per Year
CO	553
NO <sub>x</sub>	310
SO <sub>2</sub>	25, except as provided in E.2 below.

2. In the event that the ceiling for SO<sub>2</sub> is expected to be exceeded due to unavailability of natural gas caused by factors beyond the control of SK, SK may notify the Department that it must exceed the ceiling as provided herein; and emissions of SO<sub>2</sub> during the period of such curtailment shall not be counted against the yearly emissions ceiling of 25 tons unless administrative proceedings result in a finding that the exceedance was within Seminole Kraft's control. In no event shall the annual emissions of SO<sub>2</sub> from the steam boilers referenced above exceed a ceiling of 41 tons per year.

3. The notice shall include a statement of reasons for the request and supporting documentation, and shall be published by SK, without supporting documents, in a newspaper of general circulation in Jacksonville as defined in section 403.5115(2), Florida Statutes. The filing and publication of the notice no later than 7 days following the date of exceedance shall preclude any finding of violation by DER until final disposition of any administrative proceedings.

#### C. Other Environmental Provisions

7. As an incentive to achieve lower sulfur dioxide emissions than permitted under the Conditions of Certification, CBC shall pay

annually to the City of Jacksonville, Land Acquisition Trust Fund, \$400 for each ton of sulfur dioxide emitted in excess of 2208 tons per calendar year from the CBCP's three circulating fluidized bed boilers, combined, up to the total annual permitted sulfur dioxide emissions for the Project; provided, however, that any taxes, charges or fees payable under an applicable regulatory program on account of emissions above 2208 tons per year but below the maximum permitted annual emissions shall be deducted from the \$400 per ton payable under this provision. The annual sulfur dioxide emissions from the CBCP's CFB boilers for purposes of this provision shall be determined based on continuous emissions monitoring data for the calendar year. The amount of any such payments due for a calendar year shall be determined by March 1st of the following year and be paid to the City of Jacksonville, Land Acquisition Trust Fund, by May 1st. Any annual emissions of sulfur dioxide above 2208 TPY but below the maximum permitted annual emissions shall not constitute a violation of the Conditions of Certification or of this Agreement.

8. As an incentive to achieve lower nitrogen oxide emissions than permitted under the Conditions of Certification, CBC shall pay annually to the City of Jacksonville, Land Acquisition Trust Fund, \$200 for each ton of nitrogen oxides emitted in excess of 1948 tons per calendar year from the CBCP's three circulating fluidized bed boilers, combined, up to the total annual permitted nitrogen oxide emissions for the Project; provided, however, that any taxes, charges or fees payable under an applicable regulatory program on

account of emissions above 1948 tons per year but below the maximum permitted annual emissions shall be deducted from the \$200 per ton payable under this provision. The annual nitrogen oxide emissions from the CBCP's CFB boilers for purposes of this provision shall be determined based on continuous emissions monitoring data for the calendar year. The amount of any such payments due for a calendar year shall be determined by March 1st of the following year and be paid to the City of Jacksonville, Land Acquisition Trust Fund, by May 1st. Any annual emissions of nitrogen oxides above 1948 TPY but below the maximum permitted annual emissions shall not constitute a violation of the Conditions of Certification or of this Agreement.

9. CBC agrees to donate to the City of Jacksonville the sum of \$575,000 within 30 days after commencement of commercial operation. Of this sum, \$350,000 shall be earmarked for construction of a new fire station east of the rail line in the vicinity of the intersection of Main St. and Busch Dr. to improve response times for emergency vehicles to reach the residential areas near the Project site. The other \$225,000 shall be earmarked for the purchase of one (1) mobile air quality monitoring van, for use by the City of Jacksonville Department of Regulatory and Environmental Services to monitor ambient air for concentrations of non-criteria pollutants. The City of Jacksonville shall use its best efforts to acquire such an air quality monitoring van for a purchase price less than \$225,000. If the City is successful in

acquiring such a van for less than \$225,000, the remaining funds shall be applied toward the construction of the new fire station.

10. CBC agrees to provide onsite and offsite improvements to mitigate impacts across the Broward River from noise and light created by the Project. Such improvements shall be done in accordance with the landscape plan for the Project as approved by the City of Jacksonville on April 2, 1993. During the first three years of commercial operation, CBC, after consultation with the Citizens' Committee, Inc., will provide further mitigation for noise and light impacts by providing additional onsite or offsite improvements including improvements to the CBCP, which are intended to reduce such impacts; however, no such further improvements and related services, including consulting fees, shall exceed a total cost of \$120,000. Any such improvements to the Project shall not occur if such mitigation would cause any adverse impacts to, including filling of, wetlands; require adverse modifications of the stormwater management system or ponds; or cause a violation of the conditions of certification, applicable law or the City of Jacksonville's landscape ordinance.

11. The Project shall be constructed in conformance with the conceptual Site Plan attached hereto as Attachment D. This site plan represents the facilities that are currently to be constructed and operated pursuant to the Site Certification, as modified pursuant to these proceedings and this Agreement, and the locations of those facilities. Any future modifications to this Site Plan shall be made in accordance with applicable law and regulations.

12. The parties agree that CBC will not be required to pursue a federal National Pollutant Discharge Elimination System (NPDES) or other permit for a surface water discharge permit for any Phase II water treatment system as referenced in the Siting Board's Order Instituting Modification Proceedings, dated June 17, 1992. No such Phase II water treatment system is proposed and any prior proposal has been withdrawn in favor of the CBCP's zero discharge system.

13. The parties hereto agree not to oppose the issuance of any NPDES permit for the Project for the discharge of storm water or runoff caused by extreme rainfall events from the yard area and storage area runoff ponds as shown on Attachment D, provided that the proposed discharge is consistent with the data previously submitted on or about April 4, 1993 to DER, SJRWMD, and the City of Jacksonville in support of the Petition for Modification of Certification. For purposes of this agreement, an extreme rainfall event is defined as 1) a 50 year/24 hour storm for runoff from the storage area; 2) a 22 year/24 hour storm for runoff from the yard area when the CBCP turbine generator is operating; or 3) a 12 year/24 hour storm for runoff from the yard area when the CBCP turbine generator is not operating.

14. The parties agree that there is no basis to require the preparation or completion of an environmental impact statement (EIS) for the Project and that the parties will not request that such an EIS be completed or prepared.

15. Any proposal to plant trees as an offset of carbon dioxide emissions from the Project, as proposed by a previous owner

of the stock of CBC, is satisfied by the improvements made pursuant to the modified conditions of certification and this Agreement.

16. Seminole Kraft stipulates that the issuance of the original certification for the CBCP consumed all creditable emissions resulting from the shutdown of Seminole Kraft's existing bark and power boilers. Any creditable emissions resulting from the shutdown of the kraft recovery boilers, lime kilns, smelt dissolving tanks and slaker No. 3 shall be determined as provided in Rule 17-212.400(a), F.A.C. and any permit issued for SK's three proposed package boilers; but SK acknowledges that no creditable emissions remain for sulfur dioxide.

17. The Project and the Seminole Kraft recycling mill are independent sources of air emissions. Accordingly, neither shall be entitled to receive further air emission credits or offsets based upon the operating performance of the other below its air emission limits established in the attached Conditions of Certification or any air permit nor shall there be enforcement taken against one of these parties for violations of legal requirements by the other of these two parties.

#### D. Other Provisions

18. With respect to the first public announcement of this settlement agreement, the timing and wording of the first release of this Agreement will be reserved to the City of Jacksonville, the Sierra Club, Audubon Societies, Stafford Campbell and the Citizens' Committee, after consultation on such timing and wording with representatives of CBC and Seminole Kraft. Nothing released is to

be derogatory of any party to this Agreement, nor inconsistent with the terms of this Agreement. Subsequent releases may be made by any party to this Agreement at its option, but in all instances shall be consistent with the terms of this Agreement.

19. The Parties agree to cooperate in obtaining final action by the Siting Board on the proposed modification as expeditiously as possible. The Parties agree that any presentation which they may make to the Hearing Officer and the Siting Board shall be consistent with the terms, provisions and spirit of this Agreement and with the modified conditions of certification. The parties further agree to consult with one another in advance of the meeting of the Siting Board concerning any presentation they may make to the Board.

20. The Citizens' Committee Inc., Sierra Club, Florida Audubon Society, Duval Audubon Society, and Stafford Campbell agree to return no later than April 30, 1993 to counsel for CBC and SK, respectively, all copies of all documents which are subject to any confidentiality agreement in this case.

21. Within 30 days following final action by the Siting Board approving the modifications of site certification, CBC will state in writing to the United States Environmental Protection Agency that it will operate the Project in compliance with Section II of the Conditions of Certification attached hereto and Paragraph 5 of this Agreement as though those provisions were incorporated into the existing air permit for the Project and accepts them as



federally enforceable. CBC will contemporaneously provide a copy of this letter to the other Parties to this Agreement.

22. As an element of this Agreement, CBC has provided the Certificate attached as Attachment E.

23. All Parties waive any right to appeal, to challenge or to take other judicial or administrative action to oppose, in any forum available, the issuance of a final revised air permit for the Project which contains permit conditions that are substantially equivalent to the Conditions of Certification contained in Section II of the conditions of certification in Attachment B hereto and the additional provisions of Paragraph 5 herein. The Parties reserve and do not waive the right to challenge or otherwise oppose any final revised air permit for the Project that contains conditions substantially different from those addressed by section II of the conditions of certification and Paragraph 5 of this Agreement.

24. This agreement may be executed in multiple counterparts.

WHEREFORE, the parties hereto signify their ratification of this Settlement Stipulation by affixing their signatures hereto:

Stafford Campbell

[Signature]  
Date: 4/13/93

Sierra Club, Florida Audubon Society, The Duval Audubon Society, Inc.

By: [Signature]  
James Heard, Attorney  
Date: 4/13/93

Citizens' Committee, Inc.

By: [Signature]  
Barbara Broward, President  
Date: 4/13/93

Cedar Bay Cogeneration, Inc.

By: [Signature]  
Gary P. Sams, Attorney  
Date: 4/12/93

Florida Department of Environmental Regulation

By: [Signature]  
Richard T. Donelan  
Assistant General Counsel  
Date: 12 April 93

City of Jacksonville

By: [Signature]  
ED AUSTIN  
Its: MAYOR  
Date: April 14, 1993

St. Johns River Water Management District

By: [Signature]  
Assistant General Counsel  
Its: Assistant General Counsel  
Date: 15 April 93

Seminole Kraft Corporation

By: [Signature]  
Scott Shirley, Attorney  
Date: 4/12/93

Charles W. Bestwick

[Signature]  
Date: 13 April 1993

The Estate of William C.  
Bostwick and Barnett Banks  
Trust Company, N.A.

By: ~~Charles M. Bostwick~~  
Charles M. Bostwick

Date: ~~12<sup>th</sup> April 1993~~

SETTLEMENT STIPULATION

ATTACHMENT A

ALL MEMBERS OF CITIZENS' COMMITTEE

ATTACHMENT A

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

AES CEDAR BAY, INC. and SEMNOLE  
KRAFT CORPORATION,

Petitioners.

vs.

DEPARTMENT OF ENVIRONMENTAL  
REGULATION,

Respondent,

and

CASE NO. 88-5740

CITY OF JACKSONVILLE, DEPARTMENT OF  
COMMUNITY AFFAIRS, PUBLIC SERVICE  
COMMISSION, ST. JOHNS RIVER WATER  
MANAGEMENT DISTRICT, JACKSONVILLE  
ELECTRIC AUTHORITY, CHARLES W.  
BOSTWICK, WILLIAM C. BOSTWICK,  
BARNETT BANKS TRUST COMPANY, N.A.,  
IMESON INTERNATIONAL PARK, INC.,  
INDUSTRIAL PARK DEVELOPMENT  
CORPORATION, CITIZENS COMMITTEE,  
INC., SIERRA CLUB, FLORIDA AUDUBON  
SOCIETY, THE DUVAL AUDUBON SOCIETY,  
INC. and STAFFORD CAMPBELL,

Intervenors.

AFFIDAVIT OF LISA BARCLAY COOPER

Before me, the undersigned authority, personally appeared Lisa Barclay Cooper, who,  
being first duly sworn, deposes and says:

1. I am counsel of record for intervenor The Citizens' Committee, Inc., in the above-styled action. Following is a true and complete list of the members of The Citizens' Committee, Inc.:

- 1. Barbara Broward, President
- 2. Jack B. Lee, Vice President
- 3. Charles. L. Daniels, Vice President
- 4. William C. Val Bostwick, Jr., Secretary
- 5. Dorothy D. Mathias, Treasurer

FURTHER, THE AFFIANT SAYETH NOT.

LSA COOPER  
 LISA BARCLAY COOPER

Sworn to and subscribed before me  
this 12th day of April, 1993.

Margaret A. Z. Stanley  
 Signature of Notary Public

Margaret A. Z. Stanley  
 Name of Notary (Typed, Printed or Stamped)

Commission Number (if not legible or none):

My Commission Expires (if not legible or none):

NOTARY PUBLIC, STATE OF FLORIDA  
 My commission expires Aug. 30, 1993  
 Bonded thru Patterson - Becht Agency

SETTLEMENT STIPULATION

ATTACHMENT B

CONDITIONS OF CERTIFICATION  
APRIL 7, 1993

I N T E R O F F I C E   M E M O R A N D U M

Date: 09-Apr-1993 02:01pm EST  
From: Sue Sullivan TAL  
SULLIVAN S  
Dept: Office of Secretary  
Tel No: 904/487-0472  
SUNCOM:

TO: Clair Fancy TAL  
TO: Bruce Mitchell TAL

( FANCY C )  
( MITCHELL\_B )

**Subject:** Cedar Bay SK conditions

Richard Donelan has gptten a tenative agreement with Seminole Kraft to accept this condition. Richard wants us to wait until he has the final sign off before we change the Conditions of Certification or the SK Permit.

Buck



#### D. Contemporaneous Emission Reductions

This certification and any individual air permits issued subsequent to the final order of the Board certifying the power plant site under 403.509, F.S., shall require, that the following Seminole Kraft Corporation sources be permanently shut down and made incapable of operation, and shall turn in their operation permits to the Division of Air Resources Management's Bureau of Air Regulation, within 30 days of written confirmation by DEP of the successful completion of the initial compliance tests on the CBCP boilers: the No. 1 PB (power boiler), the No. 2 PB, the No. 3 PB, the No. 1 BB (bark boiler), and the No. 2 BB. RESD shall be specifically informed in writing within thirty days after each individual shut down of the above referenced equipment. Within one year of surrender of operating permits as provided above, SK shall take the following steps to ensure compliance with this condition:

Remove all oil guns  
Remove motors and selected conveyor parts in wood feed system for bark boilers  
Dismantle stacks  
Remove boiler feedwater pumps  
Sever fuel line connections  
Remove fan motors

These sources shall not, under any circumstances, be restarted, refurbished or re-permitted as new or existing sources, at the SK or CBCP site.

This requirement shall operate as a joint and individual requirement to assure common control for purpose of ensuring that all commitments relied on are in fact fulfilled.

#### E. SK Steam Boiler Emissions

This certification and any individual air permits issued by the Department subsequent to the final order of the Board certifying the power plant site under Section 403.509, Florida Statutes, shall incorporate the following limitations on the total tonnage of the specified criteria pollutants allowed to be emitted annually by any natural gas-fired boiler or combination of boilers constructed and operated by SK to provide up to 375,000 lbs/hor of steam for use in its recycled paper process:

##### Tons Per Year

CO	553
NO <sub>x</sub>	310
SO <sub>2</sub>	<u>25, except as provided below</u>

In the event that the ceiling for SO<sub>2</sub> is expected to be exceeded due to factors beyond the control of SK, SK may notify the Department that it must exceed the ceiling as provided herein, and

emissions of SO<sub>2</sub> during the period of force majeure curtailment shall not be counted against the yearly emissions ceiling of 25 tons, except that in no event shall the annual emissions of SO<sub>2</sub> from the steam boilers referenced above exceed a ceiling of 41 tons per year. The notice shall include a statement or reasons for the request and supporting documentation. The filing of the notice at least 30 days prior to the date of exceedance, shall preclude any finding of violation for such exceedance by DEP until final disposition of any administrative proceedings thereon.

# TELECOPY COVER SHEET FOR MULTIPLE RECIPIENTS

HUNTON & WILLIAMS  
2000 Pennsylvania Avenue, N.W.  
Washington, DC 20006  
Telecopy Number: (202)778-2201

Name:	Richard Donelan	Tel:	904/488-9730
FAX NO.:	904/488-2439		
Name:	Greg Radlinski	Tel:	904/630-1300
FAX NO.:	904/630-1316		
Name:	Lisa Cooper	Tel:	904/355-7508
FAX NO.:	904/355-1505		
Name:	Gary Sams	Tel:	904/222-7500
FAX NO.:	904/224-8551		

3 Pages (Including Cover)

FROM:

Name: M Teague  
Hunton & Williams (9 Floor)  
(202) 955-1527

If problem with transmission, please contact Telecopy Operator at (202)955-1611.

Special Instructions:

Insert A

In addition, compliance with the emission limitations in Condition No. 3 for CO, NOX, and SO2 and with the opacity requirements in Condition No. 5 shall be determined with the Continuous Emission Monitoring Systems (CEMS) ~~identified in Condition No. 3.~~

Insert B

*In accordance with the Federal Regulations,*  
These CEMS shall be used to determine compliance with the emission limitations ~~in Condition No. 3~~ for CO, NOX, and SO2 and with the opacity requirements, ~~in Condition No. 5.~~

Operator: \_\_\_\_\_

Date: April 9, 1993

Time: \_\_\_\_\_ a.m./p.m.

Client/Matter Name: USGen

Client/Matter No.: 44429.000002

This communication is confidential and is intended to be privileged pursuant to the attorney-client privilege and the work-product doctrine.

If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service.

- (15) Method 201A or EPA Method 20 for mercury.
- (16) Method 204 for beryllium.
- (17) Method 201 or 201A for PM10 emissions.
- (18) Ammonia (NH3) Method to be determined by the Department.

9. Continuous Emission Monitoring for each CFB

~~CBCF shall use continuous emission monitoring systems (CEMS) to determine compliance in accordance with 40 CFR 60.46a, and shall install, certify, calibrate, operate, and maintain continuous emission monitoring systems for opacity, SO<sub>2</sub>, NO<sub>x</sub>, CO, and O<sub>2</sub> or CO<sub>2</sub>, pursuant to all applicable requirements of Rule 17-296.800, F.A.C., Chapter 17-297, F.A.C., 40 CFR 60 Subpart A, 40 CFR 60 Subpart Da, 40 CFR 60 Appendix B, and 40 CFR 60 Appendix F. The permittee may elect to install, certify, calibrate, operate, and maintain multiple span continuous emission monitoring systems for sulfur dioxide and nitrogen oxides providing certification tests and calibrations are performed for each span. Each of the continuous emission monitoring systems for sulfur dioxide and nitrogen oxides shall continuously record data on a span that satisfies the requirements of 40 CFR 60.47a. Any exception to the above must be specifically authorized by DEP in writing and in accordance with state and federal regulations.~~

a. CEMS data shall be recorded and reported in accordance with Chapter 17-297, F.A.C., and 40 CFR 60.49a and 60.7. A record shall be kept for periods of startup, shutdown and malfunction.

b. A malfunction means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

c. The procedures under 40 CFR 60.13 shall be followed for installation, evaluation and operation of all CEMS.

d. Opacity monitoring system data shall be reduced to 6-minute averages, based on 36 or more data points, and gaseous CEMS data shall be reduced to 1-hour averages, based on 4 or more data points, in accordance with 40 CFR 60.13(h).

e. For purposes of reports required under this certification, excess emissions are defined as any calculated average emission concentration, as determined pursuant to Condition No. 10 11 herein, which exceeds the applicable emission limit in Condition No. 3.

1. Flue gas emissions from each CFB shall not exceed the following:

Pollutant	lb/HHBtu	Emission Limitations		
		lbs/hr.	TPY	TPY for 3 CFBs
CO	0.1751	1861	758	2273
NOx	0.172	180.72	736.1	2208
SO <sub>2</sub>	0.243	255.13	--	--
	0.204		866	2598
VOC	0.015	16.0	65	195
PM	0.018	19.1	78	234
PM <sub>10</sub>	0.018	19.1	78	234
H <sub>2</sub> SO <sub>4</sub> mist	4.66e-04	0.50	2.0	6.1
Fluorides	7.44e-04	0.79	3.2	9.7
Lead	6.03e-05	0.06	0.26	0.78
Mercury	2.89e-05	0.03	0.13	0.38
Beryllium	8.70e-06	0.01	0.04	0.11

[Note: TPY represents a 93% capacity factor.]

- 1 Eight-hour rolling average, except for initial and annual compliance tests and the CEM certification, when the 1-hour standard applies.
- 2 Thirty-day rolling average.
- 3 Three-hour rolling average.
- 4 Twelve-month rolling average (MRA).

4. Ammonia (NH<sub>3</sub>) slip from exhaust gases shall not exceed 10 ppmd when burning coal at 100% capacity and 30 ppmd when burning oil.

5. Visible emissions (VE) shall not exceed 20% opacity (6 min. average), except for one 6 minute period per hour when VE shall not exceed 27% opacity pursuant to 40 CFR 60.42a.

6. Compliance with the emission limits shall be determined by EPA reference method tests included in the July 1, 1992 version of 40 CFR Parts 60 and 61, Rule 17-297, P.A.C., and listed in Condition No. ② of this permit or by equivalent methods after prior written DEP approval. <sup>⑤</sup> <sub>A</sub>

7. The CFBs are subject to 40 CFR Part 60, Subparts A and Da; except that where requirements within this certification are more restrictive, the requirements of this certification shall apply.

8. Compliance Tests for each CFB

a. Initial and subsequent compliance tests for PM/PM<sub>10</sub>, SO<sub>2</sub>, NOx, CO, VOC, lead, fluorides, ammonia, mercury,