



Jeb Bush
Governor

Department of
Environmental Protection

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

David B. Struhs
Secretary

File

March 21, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Timothy Cotner
Plant Director
Cedar Bay Generating Company, L.P.
9640 Eastport Road
Jacksonville, FL 32226

Re: Final Title V Permit No.: 0310337-002-AV
Cedar Bay Cogeneration Facility

Dear Mr. Cotner:

Enclosed please find a "Notice of Permit Change" for the Cedar Bay Cogeneration Facility located at 9640 Eastport Road, Jacksonville, Duval County. A description of permit changes and replacement pages for the Final Title V Permit No. 0310337-002-AV are also included. These changes are made due to submission by Cedar Bay Generating Company, L.P. of a complete RMP plan to EPA on June 17, 1999.

If you have any questions, please contact Wendy Alexander, at 850/921-9527.

Sincerely,

C. H. Faney, P.E.
Chief
Bureau of Air Regulation

CHF/wa

Enclosures

cc: Mr. Gregg Worley, U.S. EPA, Region 4 (INTERNET E-mail Memorandum)
Ms. Elizabeth Bartlett, U.S. EPA, Region 4 (INTERNET E-mail Memorandum)

"More Protection, Less Process"

Printed on recycled paper.

NOTICE OF PERMIT CHANGE

In the Matter of a Permit Change:

Timothy Cotner
Plant Director
Cedar Bay Generating Company, L.P.
9640 Eastport Road
Jacksonville, FL 32226

FINAL Permit No.: 0310337-002-AV
Cedar Bay Cogeneration Facility

Pursuant to Rule 62-4.080, Florida Administrative Code (F.A.C.), the Department of Environmental Protection (permitting authority) gives notice of its intent to reopen FINAL Permit No. 0310337-002-AV, issued on July 22, 1999, for the reasons stated below.

FINAL Permit No. 0310337-002-AV contains a Facility-Wide Condition to submit a risk management plan (RMP) to the implementing agency, as required by 40 CFR 68. The permittee, Cedar Bay Generating Company, L.P., submitted an RMP to the EPA RMP Reporting Center (implementing agency) on June 17, 1999 and the submitted plan was deemed complete by EPA on July 8, 1999. The Department is adding the submitted RMP to the list of Relevant Documents and updating Facility-Wide Condition No. 4 to ensure continuing compliance with the RMP requirements of Part IV, Chapter 252, F.S. and Rule 9G-21, F.A.C. Enclosed, please find a description of permit changes and replacement pages for Section I., Subsection C., Relevant Documents, and Section II., Facility Wide Conditions. These changes do not affect any other terms or conditions of the existing FINAL permit, including the effective dates.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by the permittee or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of receipt of this notice of intent. A petitioner shall mail a copy of the petition to the permittee at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the permitting authority's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of how and when each petitioner received notice of the agency action or proposed action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and,
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

PERMIT CHANGE

Final Permit No.: 0310337-002-AV

Page 2 of 3

A petition that does not dispute the material facts upon which the permitting authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

Mediation will not be available in this proceeding.

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

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

- (a) The name, address, and telephone number of the petitioner;
- (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any;
- (c) Each rule or portion of a rule from which a variance or waiver is requested;
- (d) The citation to the statute underlying (implemented by) the rule identified in (c) above;
- (e) The type of action requested;
- (f) The specific facts that would justify a variance or waiver for the petitioner;
- (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and,
- (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2), F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

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

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



C. H. Fancy, P.E.

Chief

Bureau of Air Regulation

PERMIT CHANGE

Final Permit No.: 0310337-002-AV

Page 3 of 3

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT CHANGE (including the replacement pages) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 03-28-00 to the person(s) listed or as otherwise noted:

Timothy Cotner*

Barry Andrews, P.E., ENSR

Hamilton S. Oven, Jr., P.E., DEP, Siting Coordination Office

Chris Kirts, P.E., DEP, Northeast District Office

Richard Robinson, P.E., Duval County AWQD

Gregg Worley, USEPA, Region 4 (INTERNET E-mail Memorandum)

Elizabeth Bartlett, USEPA, Region 4 (INTERNET E-mail Memorandum)

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Sandra Knight
(Clerk)

03-28-00
(Date)

PERMIT CHANGE
Final Permit No.: 0310337-002-AV
Cedar Bay Cogeneration Facility

Information is hereby added to Subsection C., Relevant Documents:

This document is on file with USEPA:

Risk Management Plan submitted to the RMP Reporting Center on June 17, 1999 (postmark date).

Facility-Wide Condition No. 4 is hereby changed FROM:

4. Prevention of Accidental Releases (Section 112(r) of CAA). If required by 40 CFR 68 the permittee shall submit to the implementing agency:

- a) a risk management plan (RMP) when, and if, such requirement becomes applicable, and
- b) certification forms and/or RMPs according to the promulgated rule schedule.

[40 CFR 68]

TO:

4. Prevention of Accidental Releases (Section 112(r) of CAA).

a. As required by Section 112(r)(7)(B)(iii) of the CAA and 40 CFR 68, the owner or operator shall submit an updated Risk Management Plan (RMP) to the Chemical Emergency Preparedness and Prevention Office (CEPPO) RMP Reporting Center.

b. As required under Section 252.941(1)(c), F.S., the owner or operator shall report to the appropriate representative of the Department of Community Affairs (DCA), as established by department rule, within one working day of discovery of an accidental release of a regulated substance from the stationary source, if the owner or operator is required to report the release to the United States Environmental Protection Agency under Section 112(r)(6) of the CAA.

c. The owner or operator shall submit the required annual registration fee to the DCA on or before April 1, in accordance with Part IV, Chapter 252, F.S. and Rule 9G-21, F.A.C.

Any required written reports, notifications, certifications, and data required to be sent to the DCA, should be sent to:

Department of Community Affairs
Division of Emergency Management
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
Telephone: 850/413-9921, Fax: 850/488-1739

Any Risk Management Plans, original submittals, revisions or updates to submittals, should be sent to:

RMP Reporting Center
Post Office Box 3346
Merrifield, VA 22116-3346
Telephone: 703/816-4434

Any required reports to be sent to the National Response Center, should be sent to:

National Response Center
EPA Office of Solid Waste and Emergency Response
USEPA (5305 W)
401 M Street, SW
Washington, D.C. 20460
Telephone: 1/800/424-8802

Send the required annual registration fee using approved forms made payable to:

Cashier
Department of Community Affairs
State Emergency Response Commission
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2149

[Part IV, Chapter 252, F.S. and Rule 9G-21, F.A.C.]

Subsection C. Relevant Documents.

The following documents are part of this permit:

Appendix 40 CFR 60, Subpart A

Appendix PSS-1, Protocol for Start-up and Shutdown

Appendix I-1, List of Insignificant Emissions Units and/or Activities

Appendix SS-1, Stack Sampling Facilities (version dated 10/7/96)

Appendix TV-2, Title V Conditions (version dated 11/10/98)

Appendix JEPB Rule 2

Figure 1: Summary Report-Gaseous and Opacity Excess Emission and Monitoring
System Performance (40 CFR 60)

Table 297.310-1, Calibration Schedule

{Permitting Note: The documents listed below are not a part of this permit; however, they are specifically related to this permitting action.}

These documents are provided to the permittee for informational purposes:

Appendix A-1, Abbreviations, Acronyms, Citations, and Identification Numbers (version dated 2/5/97)

Appendix H-1, Permit History / ID Number Transfers

Table 1-1, Summary of Air Pollutant Standards and Terms

Table 2-1, Summary of Compliance Requirements

These documents are on file with the permitting authority:

Initial Title V Permit Application Received June 14, 1996

Initial Title V Permit Application Supplementary Information Received October 5, 1998

This document is on file with USEPA:

Risk Management Plan submitted to the RMP Reporting Center on 06/17/99 (postmark date).

Section II. Facility-wide Conditions.

The following conditions apply facility-wide:

1. Appendix TV-2, Title V Conditions, is a part of this permit.

{Permitting note: Appendix TV-2, Title V Conditions is distributed to the permittee only. Other persons requesting copies of these conditions shall be provided one copy when requested or otherwise appropriate. If desired, a copy of Appendix TV-2, Title V Conditions can be downloaded from the Division of Air Resources Management's Internet Web site located at either of the following addresses:

"<http://www2.dep.state.fl.us/air/enhancd/permitting/TitleVperm.htm>"

"<http://www2.dep.state.fl.us/air/litesite/TitleVperm.htm>".}

2. **Not federally enforceable.** General Pollutant Emission Limiting Standards. Objectionable Odor Prohibited. The permittee shall not cause, suffer, allow, or permit the discharge of air pollutants which cause or contribute to an objectionable odor.

[Rule 62-296.320(2), F.A.C.]

3. **Not federally enforceable.** Odor Nuisance. Pursuant to Jacksonville Ordinance Code (JOC) Chapter 376, any facility that causes or contributes to the emission of objectionable odors which results in the City of Jacksonville Air and Water Quality Division (AWQD) receiving and validating complaints from five (5) or more different households within a 90 day period and can be cited for objectionable odors.

[JOC Chapter 376]

4. Prevention of Accidental Releases (Section 112(r) of CAA).

a. As required by Section 112(r)(7)(B)(iii) of the CAA and 40 CFR 68, the owner or operator shall submit an updated Risk Management Plan (RMP) to the Chemical Emergency Preparedness and Prevention Office (CEPPO) RMP Reporting Center.

b. As required under Section 252.941(1)(c), F.S., the owner or operator shall report to the appropriate representative of the Department of Community Affairs (DCA), as established by department rule, within one working day of discovery of an accidental release of a regulated substance from the stationary source, if the owner or operator is required to report the release to the United States Environmental Protection Agency under Section 112(r)(6) of the CAA.

c. The owner or operator shall submit the required annual registration fee to the DCA on or before April 1, in accordance with Part IV, Chapter 252, F.S. and Rule 9G-21, F.A.C.

Any required written reports, notifications, certifications, and data required to be sent to the DCA, should be sent to:

Department of Community Affairs
Division of Emergency Management
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
Telephone: 850/413-9921, Fax: 850/488-1739

Cedar Bay Generating Company, L.P.
Cedar Bay Cogeneration Facility

FINAL Permit No.: 0310337-002-AV
Facility ID No.: 0310337

Any Risk Management Plans, original submittals, revisions or updates to submittals, should be sent to:

RMP Reporting Center
Post Office Box 3346
Merrifield, VA 22116-3346
Telephone: 703/816-4434

Any required reports to be sent to the National Response Center, should be sent to:

National Response Center
EPA Office of Solid Waste and Emergency Response
USEPA (5305 W)
401 M Street, SW
Washington, D.C. 20460
Telephone: 1/800/424-8802

Send the required annual registration fee using approved forms made payable to:

Cashier
Department of Community Affairs
State Emergency Response Commission
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2149

[Part IV, Chapter 252, F.S. and Rule 9G-21, F.A.C.]

5. Insignificant Emissions Units and/or Activities. Appendix I-1, List of Insignificant Emissions Units and/or Activities, is a part of this permit.

[Rules 62-213.440(1), 62-213.430(6), and 62-4.040(1)(b), F.A.C.]

{Permitting Note: No unregulated emissions units and/or activities have been identified as of issuance date of this permit}

6. General Pollutant Emission Limiting Standards. Volatile Organic Compounds Emissions or Organic Solvents Emissions. The permittee shall allow no person to store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department.

{Permitting Note: No vapor emission control devices or systems are deemed necessary nor ordered by the Department as of the issuance date of this permit.}

[Rule 62-296.320(1)(a), F.A.C.]

7. General Particulate Emission Limiting Standards. General Visible Emissions Standard. Except for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart (20 percent opacity). EPA Method 9 is the method of compliance pursuant to Chapter 62-297, F.A.C.

[Rules 62-296.320(4)(b)1. & 4., F.A.C.]

8. Not federally enforceable. Reasonable precautions to prevent emissions of unconfined particulate matter at this facility include:

- a) Unconfined PM related to coal transfer points is controlled by water spray in key locations as necessary.
- b) Unconfined PM related to coal, limestone (aragonite) and ash mobile equipment operations is controlled by wetting the coal pile and road surfaces.

[Rule 62-296.320(4)(c)2., F.A.C.; and, Proposed by applicant in initial Title V permit application received June 14, 1996.]

{Permitting Note: This condition presents the reasonable precautions to be implemented in accordance with Rule 62-296.320(4)(c), F.A.C., in lieu of the requirements of Condition No. 58 of Appendix TV-2.}

9. When appropriate, any recording, monitoring, or reporting requirements that are time-specific shall be in accordance with the effective date of the permit, which defines day one.

[Rule 62-213.440, F.A.C.]

10. Not federally enforceable. Appendix JEPB Rule 2 is incorporated by reference. The facility shall be subject to JEPB Rule 2, Parts I through VII, and Parts IX through XIII.

{Permitting note: This appendix provides the applicable rules of the City of Jacksonville Environmental Protection Board (JEPB) contained in Rule 2, Air Pollution Control, and the corresponding rules of the Department that have been adopted by reference and within the SOA (Specific Operating Agreement) signed with the Department.}

11. The permittee shall submit all compliance related notifications and reports required of this permit to the Regulatory and Environmental Services Department, Air and Water Quality Division (AWQD) office at the following address:

City of Jacksonville
Regulatory and Environmental Services Department
Air and Water Quality Division
117 W. Duval Street, Suite 225
Jacksonville, Florida 32202-3718
Telephone: 904/630-3484
Fax: 904/630-3638

12. Any reports, data, notifications, certifications, required to be sent to the United States Environmental Protection Agency, Region 4, should be sent to:

United States Environmental Protection Agency, Region 4
Air, Pesticides & Toxics Management Division
Air & EPCRA Enforcement Branch
Air Enforcement Section
61 Forsyth Street
Atlanta, Georgia 30303
Telephone: 404/562-9055
Fax: 404/562-9163

Z 210 660 427

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

Mr. Timothy Cotner
Plant Director
Cedar Bay Generating Co., L.P.
9640 Eastport Rd.
Jacksonville, FL 32226

PS Form 3800, April 1995

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	03-28-00 Jpb

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Mr. Timothy Cotner
Plant Director
Cedar Bay Generating Co., L.P.
9640 Eastport Rd.
Jacksonville, FL 32226

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

3/31/00

C. Signature
x *T. Benoit* Agent
 Addressee

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

POB 24324

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

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)

3 210 660 427