



Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

November 28, 2000

CERTIFIED MAIL - Return Receipt Requested

Mr. Walter P. Bussells  
Managing Director & CEO  
Jacksonville Electric Authority  
21 West Church Street  
Jacksonville, Florida 32202

Re: Jacksonville Electric Authority: St. Johns River Power Park  
Conditional Exemption Designation for an Emergency Generator

Dear Mr. Bussells:

The Department has evaluated the submittal received October 16, 2000, regarding the above referenced natural gas or propane fired emergency generator to be located at the above referenced facility. The natural gas or propane fired emergency generator qualifies for the exemption pursuant to Rule 62-210.300(3)(a)20., Florida Administrative Code (F.A.C.). Also, the potential pollutant emissions for the emissions unit are less than the pollutant thresholds established in Rule 62-213.430(6), F.A.C., and would qualify for "insignificant" status. The emissions unit is not subject to the Federal Acid Rain Program. In addition, the total amount of fuel for all such emergency generators within the facility will not exceed 4.4 million cubic feet per calendar year of natural gas or propane, or an equivalent prorated amount if multiple fuels are used. Therefore, upon the next opening of the Title V operation permit, the referenced emission unit will be incorporated into Appendix I-1, List of Insignificant Emissions Units and/or Activities.

The existing facility is a "major source of air pollution" or "Title V Source" for criteria pollutants and hazardous air pollutant emissions pursuant to Rule 62-210.200, F.A.C., Definitions, and received its initial Title V operation permit on December 31, 1997, and became effective on January 1, 1998. Since the proposed contemporaneous pollutant emissions increases are much less than the significant emissions rates contained in Table 212.400-2, F.A.C., the proposal is not subject to PSD new source review pursuant to Rule 62-212.400(5), F.A.C. Finally, there are no specific emission limiting standards pursuant to Rule 62-204.800 and Chapter 62-296, F.A.C.

Based on the above findings, the Department is granting a conditional exemption from the air permitting requirements of the Florida Department of Environmental Protection for the subject emergency generator. The exemption is based on the premise that any air pollutants emitted from the proposed emergency generator will not be in significant quantities to contribute to air pollution problems in the state pursuant to Rule 62-4.040(1)(b), F.A.C.

The conditions of this exemption are:

A. An Emergency Generator

1. The emissions unit is not subject to the Federal Acid Rain Program.
2. The only fuels allowed to be fired are natural gas and propane.
3. The total amount of fuel for all such emergency generators within the facility shall not exceed 4.4 million cubic feet per calendar year of natural gas or propane, or an equivalent prorated amount if multiple fuels are used.
4. The owner or operator(s) will account for the amount of fuel(s) fired.
5. Any records kept will be retained for a five year period and made available for Department inspection upon request.

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*File*  
11/29/00

6. The emissions unit is a Onan 75 GGHF generator with a Ford Model WSG-1068 naturally aspirated 415 c.i. (6.8 L) V10 engine.

7. If the conditions on which this exemption are based change, the owner or operator shall notify the Department's Bureau of Air Regulation of the changes and request the exemption be amended.

8. Upon the next opening of the facility's Title V operation permit, this emissions unit will be identified/designated as an "insignificant" emissions unit/activity and placed into Appendix I-1, List of Insignificant Emissions Units and/or Activities.

This conditional exemption will take effect 21 days from the clerking date unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, Florida Statutes (F.S.). The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed agency action may petition for an administrative proceeding (hearing) under 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 at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within twenty-one 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 twenty-one days of publication of the public notice or within twenty-one days of receipt of this notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within twenty-one days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and, (f) A demand for relief.

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

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

Mediation is not available in this proceeding.

#### NOTICE OF APPEAL RIGHTS

Any party to this conditional exemption has the right to seek judicial review of it under Section 120.68, F.S., by filing a Notice of Appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the Notice of Appeal accompanied by the

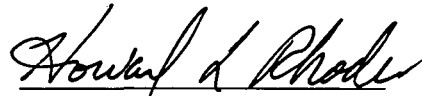
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applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within thirty days after this conditional exemption is filed with the Clerk of the Department.

A copy of the conditional exemption and accompanying materials related to the proposed agency action are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Division of Air Resources Management, Suite 23, Magnolia Courtyard, 111 South Magnolia Drive, Tallahassee, Florida 32301, and at the Department's Northeast District Office, 7825 Baymeadows Way, Suite 200B, Jacksonville, Florida 32256-7590.

Executed in Tallahassee, Florida.

**STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION**



Howard L. Rhodes, Director  
Division of Air Resources Management  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
(850)488-0114

Jacksonville Electric Authority  
St. Johns River Power Park  
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November 28, 2000  
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### CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF CONDITIONAL EXEMPTION and all copies were sent by certified mail before the close of business on 11/29/00 to the person(s) listed:

Mr. Walter P. Bussells, Managing Director and CEO, JEA

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this NOTICE OF CONDITIONAL EXEMPTION were sent by U.S. mail on the same date to the person(s) listed, unless otherwise noted:

Mr. Chris Kirts, NED (Interoffice mail)  
Mr. N. Bert Gianazza, P.E., JEA  
Mr. Scott Sheplak, BAR (hand delivered)

Clerk Stamp

**FILING AND ACKNOWLEDGMENT FILED**, on this date, pursuant to Section 120.52(7), F.S., with the designated agency Clerk, receipt of which is hereby acknowledged.

Barbara J. Friday 11/29/00  
(Clerk) (Date)

HLR/CHF/bm

Enclosure

**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. Walter P. Bussells  
 Managing Director & CEO  
 Jacksonville Electric  
 Authority  
 21 West Church Street  
 Jacksonville, Florida  
 32202

2. Article Number (Copy from service label)  
 7099 3400 0000 1449 2679

**COMPLETE THIS SECTION ON DELIVERY**

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

T. HEANEY

C. Signature

X *T. Heaney*

- Agent  
 Addressee

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

**DEC 04 2000**

3. Service Type

- Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

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

Article Sent To:

Mr. Walter P. Bussells

Postage \$

Certified Fee

Return Receipt Fee  
 (Endorsement Required)

Restricted Delivery Fee  
 (Endorsement Required)

Total Postage & Fees \$

Postmark  
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Name (Please Print Clearly) (to be completed by mailer)

Mr. Walter P. Bussells

Street, Apt. No., or PO Box No.

21 West Church Street

City, State, ZIP+4

Jacksonville, Florida 32202

PS Form 3800, July 1999

See Reverse for Instructions

7099 3400 0000 1449 2679