



Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

March 16, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Walter P. Bussels, Managing Director and CEO  
Jacksonville Electric Authority  
Brandy Branch Facility  
21 West Church Street  
Jacksonville, Florida 32202-3139

Re: DEP File No. 0310485-004-AC (PSD-FL-267)  
Brandy Branch Facility (Permit No. 0310485-004-AC, PSD-FL-267)  
Request for Permit Modification

Dear Mr. Bussells:

Enclosed is one copy of the Department's Intent to Issue PSD Permit Modification and the "PUBLIC NOTICE OF INTENT TO ISSUE PSD PERMIT MODIFICATION".

The "PUBLIC NOTICE OF INTENT TO ISSUE PSD PERMIT MODIFICATION" must be published one time only as soon as possible in a newspaper of general circulation in the area affected, pursuant to Chapter 50, Florida Statutes. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

Please submit any written comments you wish to have considered concerning the Department's proposed action to A. A. Linero, P.E., Administrator, New Source Review Section at the above letterhead address. If you have any questions, please call Michael P. Halpin, P.E. at 850/921-9519.

Sincerely,

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

CHF/mph  
Enclosures

"More Protection, Less Process"

Printed on recycled paper.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Received by (Please Print Clearly)	B. Date of Delivery
1. Article Addressed to:		C. Signature	
<p>Mr. Darrel Graziani, P.E.  EHE - Air Pollution Control Section  Palm Beach County Health Department  P. O. Box 29  West Palm Beach, FL 33402-0029</p>		<p>x <i>Ray Moore</i> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>	
2. Article Number (Copy from service label)		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
7099 3400 0000 1449 2655		3. Service Type	
PS Form 3811, July 1999		<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

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

Article Sent To:

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

To:

Name: Mr. Darrel Graziani, P.E.  
Street: EHE - Air Pollution Control Section  
City: Palm Beach County Health Department  
P. O. Box 29  
City: West Palm Beach, FL 33402-0029

PS Form 3800, July 1999 See Reverse for Instructions

7099 3400 0000 1449 2655

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Received by (Please Print Clearly) <b>T. HEANEY</b>	B. Date of Delivery
1. Article Addressed to:		C. Signature <b>X T. Heaney</b>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
Mr. Walter P. Bussells Jacksonville Electric Authority 21 West Church Street Jacksonville, Florida 32202		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No  <b>MAR 21 2001</b>	
2. Article Number (Copy from service label) <b>7099 3400 0000 1449 2686</b>		3. Service Type	
PS Form 3811, July 1999		<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
Domestic Return Receipt		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
		102595-99-M-1789	

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
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Article Sent To:

Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

7099 3400 0000 1449 2686

Mr. Walter P. Bussells  
 Jacksonville Electric Authority  
 21 West Church Street  
 Jacksonville, Florida 32202

PS See Reverse for Instructions

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this order was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 3/16/01 to the person(s) listed:

Walter P. Bussells, JEA \*  
N. Bert Gianazza, P.E., JEA \*  
Chris Kirts, NED  
James L. Manning, P.E. RESD  
Gregg Worley, EPA  
John Bunyak, NPS

Clerk Stamp

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

Charlotte J Hayes 3/16/01  
(Clerk) (Date)

April XX, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Walter P. Bussells  
Chief Executive Officer  
Jacksonville Electric Authority (JEA)  
21 West Church Street  
Jacksonville, Florida 32202-3139  
RE: Brandy Branch Facility (Permit No. 0310485-004-AC, PSD-FL-267)  
Intent to Issue PSD Permit Modification

The applicant, JEA, applied on March 12, 2001, to the Department for a modification to permit language, clarifying the monitoring requirements for sulfur dioxide. This requirement is specified within air construction permit number 0310485-001-AC, which allows for construction of the Brandy Branch Facility located at Baldwin City, Duval County. The Department has reviewed the request. The wording specified in Specific Condition 23 of Section III. Emission Units Specific Conditions is hereby modified as follows, consistent with other recently issued permits:

23. Sulfur Dioxide (SO<sub>2</sub>) emissions: SO<sub>2</sub> emissions (at ISO conditions) shall not exceed 1.1 pounds per hour when firing pipeline natural gas and 98.2 pounds per hour when firing maximum 0.05 percent sulfur No. 2 or superior grade distillate fuel oil as measured by applicable compliance methods described below. [Rule 62-212.400, F.A.C.] shall be limited by firing pipeline natural gas (sulfur content not greater than 2 grains per 100 standard cubic foot) and 0.05% sulfur oil. Compliance with this requirement in conjunction with implementation of the Custom Fuel Monitoring Schedule in Specific Conditions 44 and 45 will demonstrate compliance with the applicable NSPS SO<sub>2</sub> emissions limitations from the combustion turbine. Note: This will effectively limit the combined SO<sub>2</sub> emissions for EU-001 through EU-003 to 117 tons per year. [BACT, 40CFR60 Subpart GG and Rules 62-4.070, 62-212.400, and 62-204.800(7), F.A.C.]

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

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

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

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

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

Mediation is not available in this proceeding.

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

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

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

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

This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition

conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this order will not be effective until further order of the Department.

Any party to this permitting decision (order) has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

\_\_\_\_\_  
Howard L. Rhodes, Director  
Division of Air Resources  
Management

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this order was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on \_\_\_\_\_ to the person(s) listed:

Walter P. Bussells, JEA \*  
N. Bert Gianazza, P.E., JEA \*  
Chris Kirts, NED  
James L. Manning, P.E. RESD  
Gregg Worley, EPA  
John Bunyak, NPS

Clerk Stamp

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

\_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
(Date)

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

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No. 0310485-004-AC, PSD-FL-267

JEA Brandy Branch Generating Facility  
Duval County

The Department of Environmental Protection (Department) gives notice of its intent to issue a PSD permit modification for the JEA Brandy Branch Generating Facility located in Duval County. The applicant's mailing address is: 21 West Church Street, Jacksonville, Florida 32202. A Best Available Control Technology (BACT) Determination was not required pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD).

This is a newly constructed facility consisting of three simple cycle combustion turbines (CT's) and ancillary equipment. The main fuel for the CT's is pipeline natural gas although 0.05% sulfur fuel oil is permitted for partial use. These units have a PSD Permit (0310485-001-AC) issued by the State of Florida.

The applicant proposes a change to the permit, in order to clarify the methods of compliance for sulfur dioxide. This change is summarized below:

Sulfur Dioxide (SO<sub>2</sub>) emissions: SO<sub>2</sub> emissions (at ISO conditions) shall not exceed 1.1 pounds per hour when firing pipeline natural gas and 98.2 pounds per hour when firing maximum 0.05 percent sulfur No. 2 or superior grade distillate fuel oil as measured by applicable compliance methods described below. [Rule 62-212.400, F.A.C.] shall be limited by firing pipeline natural gas (sulfur content not greater than 2 grains per 100 standard cubic foot) and 0.05% sulfur oil. Compliance with this requirement in conjunction with implementation of the Custom Fuel Monitoring Schedule in Specific Conditions 44 and 45 will demonstrate compliance with the applicable NSPS SO<sub>2</sub> emissions limitations from the combustion turbine. Note: This will effectively limit the combined SO<sub>2</sub> emissions for EU-001 through EU-003 to 117 tons per year. [BACT, 40CFR60 Subpart GG and Rules 62-4.070, 62-212.400, and 62-204.800(7), F.A.C.]

No annual increases of regulated pollutants will occur as a result of the modification and no emission limit increases are requested.

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

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

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

Mediation is not available in this proceeding.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the

**NOTICE TO BE PUBLISHED IN THE NEWSPAPER**



Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

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

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

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

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

Dept. of Environmental Protection  
Bureau of Air Regulation  
Suite 4, 111 S. Magnolia Drive  
Tallahassee, Florida, 32301  
Telephone: 850/488-0114  
Fax: 850/922-6979

Dept. of Environmental Protection  
Northeast District  
Suite 200B, 7825 Baymeadows Way  
Jacksonville, Florida 32256  
Telephone: 904/448-4300

The complete project file includes the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Source Review Section, or the Department's reviewing engineer for this project, at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

**NOTICE TO BE PUBLISHED IN THE NEWSPAPER**