

Brandy Branch Generating Station  
Duval County

RECORDED

THE FLORIDA TIMES-UNION  
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Affidavit of Publication

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Florida Times-Union

The Department of Environmental Protection (Department) gives notice of its intent to issue a PSD Permit Modification to Brandy Branch Generating Station, located near Baldwin City, Duval County. The permit modification incorporates the language for Dry Low NOx (DLN) combustor tuning as an authorized exclusion (subject to specific provisions) for the demonstration of compliance with emission standards via Continuous Emission Monitoring Systems (CEMS). Similar provisions currently exist within many PSD Permits to accommodate turbine combustor tuning. The applicant's mailing address is: 21 West Church Street, Jacksonville, FL 32202-3139.

A new determination of Best Available Control Technology (BACT) was not required, nor was an air quality impact analysis. The Department will issue the Final Permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of this Public Notice of Intent to Issue PDS 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 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 the 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. 5:00 p.m., Monday through Friday, except legal holidays, at:

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| Florida Department of Environmental Protection<br>Bureau of Air Regulation<br>111 S. Magnolia Drive, Suite 4<br>Tallahassee, Florida, 32301<br>Telephone: (850) 488-1344<br>Fax: (850) 922-6979 | Florida Department of Environmental Protection<br>Northeast District<br>Suite 200B, 7825 Baymeadows Way<br>Jacksonville, Florida 32256<br>Telephone: (904) 448-4300 | City of Jacksonville<br>Environmental Resource Mgt/EQD<br>117 West Duval Street Suite 225<br>Jacksonville, FL 32202<br>Telephone: (904) 630-4900 |
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The complete project file includes the application, Draft permit, and the information submitted by the Responsible Official, exclusive of confidential records under Section 403 111, F.S. Interested persons may review specific details of this project by contacting the Administrator, North Permitting Section, at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

J.E.A./ENVIRONMENTAL  
ATTN: KASEY CLEGHORN  
21 W CHURCH ST T-8  
JACKSONVILLE FL 32202

REFERENCE: 0334984  
R079949 Public Notice

State of Florida  
County of Duval

Before the undersigned authority personally appeared Tiffany Powell who on oath says she is a Legal Advertising Representative of The Florida Times-Union, a daily newspaper published in Jacksonville in Duval County, Florida; that the attached copy of advertisement is a legal ad published in The Florida Times-Union. Affiant further says that The Florida Times-Union is a newspaper published in Jacksonville, in Duval County, Florida, and that the newspaper has heretofore been continuously published in Duval County, Florida each day, has been entered as second class mail matter at the post office in Jacksonville, in Duval County, Florida for a period of one year preceeding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

PUBLISHED ON: 06/20

FILED ON: 06/20/05

Name: Tiffany Powell Title: Legal Advertising Representative  
In testimony whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

NOTARY: *[Signature]*



WILLA SHIPP  
Notary Public, State of Florida  
My Comm. expires May 13, 2006  
Notary No. DD 117248