



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

DEP03-019

David B. Struhs
Secretary

March 17, 2003

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

N. Bert Gianazza, P.E.
Jacksonville Electric Authority
21 West Church Street
Jacksonville, Florida 32202-3139

**RE: Brandy Branch Generating Station
Modification to Conditions of Certification
DEP Case Number PA 00-43A
OGC Number 03-0528**

ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Gianazza:

Pursuant to Rule 62-17.211, Florida Administrative Code ("F.A.C.") the Department hereby modifies the Conditions of Certification for the Jacksonville Electric Authority Brandy Branch Generating Station. The modification is intended to correct a number of scrivener's errors which were included in the original Conditions of Certification.

On January 13, 2003, all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification. Additionally, on January 15, 2003, notice of the Department's intent to modify the Conditions of Certification for this facility was published in the Florida Administrative Weekly ("FAW"), and on the Department's internet home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices." Those notices specified that pursuant to Section 403.516, Florida Statutes ("F.S."), and Rule 62-17.211, Florida Administrative Code ("F.A.C."), all parties to the certification proceeding have 45 days from the issuance of notice by mail to such party's last address of record in which to file a written objection to the modification; that any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the requested modification has 30 days from the date of publication of the public notice in the Florida Administrative Weekly to object in writing; that failure to act within the time frame constitutes a waiver of the right to become a

party; and that the Department will issue an Order Modifying the Conditions of Certification for this facility if no written objections are received by the Department.

No objections to the modification have been received by the Department. The Conditions of Certification for the Jacksonville Electric Authority Brandy Branch Generating Station are hereby modified as follows:

Condition II is hereby changed to read:

II. Applicable Rules

The construction and operation of the certified facility shall be in accordance with all applicable provisions of Florida Statutes and Department and Water Management District rules, including the following regulations: {St. Johns River WMD's: 40 C-2, 40C-3, 40C-8, 40-C21} and DEP's 62-4, 62-17, 62-256, 62-296, 62-297, 62-301, 62-302, 62-531, 62-532, 62-550, 62-555, 62-560, 62-600, 62-601, 62-604, 62-610, 62-620, 62-621, 62-650, 62-660, 62-699, ~~62-660~~, 62-701, 62-762, 62-767, 62-769, and 62-770, Florida Administrative Code (F.A.C.), or their successors as they are renumbered.

Condition III. I. and M are hereby changed to read:

III. Definitions

I. "Permittee" or "Licensee" shall mean the owners and operators of the certified facility.

M. "~~NWF, SR, SJR, SWF, or SF WMD~~" shall mean the ~~Northwest Florida, Suwannee River, St. Johns River, Southwest Florida, or South Florida Water~~ Management District.

Condition IV. N. and U. are hereby changed to read:

IV. General Conditions

N. Modification of Conditions

Pursuant to Section 403.516(1), F.S., Section 120.569(2)(n), F.S., and Rule 62-17.211, F.A.C., the Siting Board hereby delegates the authority to the Secretary of the Department of Environmental Protection to modify these Conditions of Certification:

1. The certification shall be modified to conform to subsequent DEP-issued amendments, modifications, or renewals of any separately issued Prevention of Significant Deterioration (PSD) permit, Title V Air Operation permit, Underground Injection Control (UIC) permit, or National Pollutant Discharge Elimination System (NPDES) permit for the project. In the event of a conflict, the more stringent of the conditions of such permits or of these Conditions of Certification shall be controlling.

2. The Secretary of the Department may modify any condition of this certification, after proper notice, except those pertaining to a change in fuel.

3. The Secretary of the Department may modify any condition of this certification if the Secretary finds that an immediate danger to the public health, safety, or welfare requires the issuance of an immediate final order temporarily modifying these Conditions of Certification. If the Secretary elects to exercise this delegated authority, the Secretary shall prepare an immediate final order that recites with particularity the facts underlying the Secretary's finding of an immediate danger to the public health, safety, or welfare. The immediate final order and the modification to the Conditions of Certification shall be effective only for so long as is necessary to address the immediate danger and shall be applicable or enjoined from the date rendered.

4. In the event of a prolonged [thirty (30) days or more] equipment malfunction or shutdown of pollution control equipment, the Secretary of the Department may allow facility operation to resume and continue to take place under an immediate final order temporarily modifying these Conditions of Certification, provided that the Licensee demonstrates that such operation will be in compliance with all applicable ambient air quality standards and PSD increments, water quality standards and rules, solid waste rules, domestic wastewater rules and industrial wastewater rules. During such malfunction or shutdown, the operation of the facility shall comply with all other requirements of this certification and all applicable state and federal emission and effluent standards not affected by the malfunction or shutdown.

N. ~~Modification of Conditions~~

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

1. ~~The permittee shall comply with rules, adopted by the Department subsequent to the issuance of the certification, which prescribe new or stricter criteria to the extent that the rules are applicable to electric power plants. Except where express variances, exceptions, exemptions, or other relief have been granted, subsequently adopted rules which prescribe new or stricter criteria shall operate as automatic modifications to the certification.~~

2. ~~The permittee may choose to operate in compliance with any~~

~~rule subsequently adopted by the Department which prescribes criteria more lenient than the criteria required by the terms and conditions in the certification which are not site specific.~~

~~3. The Siting Board hereby delegates to the Secretary of the Department of Environmental Protection the authority to modify, after notice and opportunity for hearing, any conditions pertaining to monitoring or sampling and conditions of Certification pertaining to consumptive use of water, specification of control equipment, related time schedules, effluent or emission standards or limitations, groundwater, mixing zones, zones of discharge, leachate control programs, railroad spur, transmission lines, access roads or pipeline construction, source of treated effluent cooling water, mitigation, transfer or assignment of the Certification or related federally delegated permits, or any special studies conducted, as necessary to attain the objectives of Chapter 403, Florida Statutes, which are not in conflict with Condition of Certification Part VII.~~

~~4. Subject to the notice requirements of 403.516(1), F.S., the certification shall be automatically modified to conform to subsequent DEP issued amendments, modifications, or renewals of any separately issued Prevention of Significant Deterioration (PSD) permit, Title V Air Operation permit, or National Pollutant Discharge Elimination System (NPDES) permit for the project, and the conditions of such permits shall be controlling over these Conditions of Certification.~~

~~5. Except as provided in IV.N.1., 2., 3., and 4., amendments or modifications of certification shall be governed by Section 403.516, F.S.~~

U. Historical or Archaeological Finds

If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site, the permittee shall notify the DEP District office and the Bureau of Historic Preservation, Division of Historical Resources, R.A. Gray Building, Tallahassee, Florida 32399-0250, telephone number (850) 487-2073.

Condition V. B.2. and 3. are hereby changed to read:

V. Construction

B. Control Measures

2. Any open burning in connection with initial land clearing shall be in accordance with Chapter 62-256, F.A.C., Chapter ~~51-2~~ 51-2, F.A.C., Uniform Fire Code Section ~~33.101~~ 33.1-01 Addendum, and any other applicable County regulation. Any burning of construction-generated material, after initial land clearing that is allowed

to be burned in accordance with Chapter 62-256, F.A.C., shall be approved by the DEP Northeast District office in conjunction with the Division of Forestry and any other county regulations that may apply. Burning shall not occur if not approved by the appropriate agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions.

3. Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of the appropriate local health agency. The sewage treatment plant shall be operated in accordance with Chapters 62-600 through 62-699 ~~62-600-699~~, F.A.C.

Condition VI. is hereby changed to read:

VI. Air

A. PSD or Title V Permits

The Permittee shall apply for and obtain a revision to any Department issued PSD or Title V permit in accordance with Department Rules in Chapter 620-4.030, Florida Administrative Code, before beginning construction of any planned substantial modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in the applicable portions of Chapter 62-4.030, F.A.C.

B. Compliance with Regulations and Permit Programs

The construction and operation of all units at the Brandy Branch Generating Station (Brandy Branch) steam electric power plant site shall be in accordance with all applicable provisions of Chapter 62, Florida Administrative Code including all requirements of the State of Florida State Implementation Plan and approved Title V permit program. In addition, the construction and operation of the units shall be in accordance with 40 CFR Part 60, especially for opacity, NO_x, and SO₂ during periods of startup, shutdown, and malfunction; the provisions of PSD permits PSD-FL-267 and PSD-FL-310; and the following conditions of certification:

C. Emissions Limitations – Unit 1 (based on PSD-FL-267)

1. No change

2. e. Carbon Monoxide (CO) emissions:

a. The concentration of CO in the exhaust gas when firing natural gas shall not exceed 15 ppmvd when firing natural gas and 20 ppmvd when firing

fuel oil as measured by EPA Method 10. CO emissions (at ISO conditions) shall not exceed 48.0 lb/hr (when firing natural gas) and 65.0 lb/hr (when firing fuel oil) as indicated by EPA Method 10. [Rule 62-212.400, F.A.C.]

b. f. Within 18 months after the initial compliance test on any individual CT, the permittee shall prepare and submit for the Department's review and acceptance an engineering report regarding the lowest CO emission rate that can consistently be achieved firing natural gas. This lowest recommended rate shall include a reasonable operating margin, taking into account long-term performance expectations and good operating and maintenance practices. The Department may revise the CO emission rate based upon this report. [BACT determination]

~~3. g. Sulfur Dioxide (SO₂) emissions: SO₂ emissions 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 J.3. and K.2 will demonstrate compliance with the applicable NSPS SO₂ emissions limitations from the combustion turbine. [BACT, 40CFR60 Subpart GG and Rules 62-4.070, 62-212.400, and 62-204.800(7), F.A.C.]~~

SO₂ 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.]

4. h. Visible emissions (VE): VE emissions shall not exceed 10 percent opacity when firing natural gas or No. 2 or superior grade of fuel oil. Particulate matter emissions shall not exceed 9.0 lb/hr (front catch) while firing natural gas and 17.0 lb/hr (front catch) while firing fuel oil as indicated by opacity. [Rule 62-296.320(4)(b), F.A.C.]

5. i. Volatile Organic Compounds (VOC) Emissions: The concentration of VOC in the exhaust gas when firing natural gas shall not exceed 2 ppmvd when firing natural gas and 3.5 ppmvd when firing fuel oil as assured by EPA Methods 18 and/or 25A. VOC emissions (at ISO conditions) shall not exceed 4.0 lb/hr (when firing natural gas) and 7.5 lb/hr (when firing fuel oil) as indicated by EPA Methods 18 and/or 25A. [Rule 62-212.400, F.A.C.]

D. Emissions Limitations - Units 2 and 3 (Based on PSD-FL-310)

E. through I. no change.

J. Notification, Reporting, And Recordkeeping

1. and 2. no change.

3. Special Record Keeping Requirements: The owner or operator shall obtain, make, and keep the following records:

a. a) Hours of operation for each combustion turbine by fuel type shall be submitted with the Annual Operation Report (AOR) for the prior year.

b. b) Hours of operation for each combustion turbine shall be kept for each consecutive 12-month period by fuel type.

c. c) Daily hours of fuel oil operation shall be kept for each combustion turbine during any day in which fuel oil is fired.

d. d) Daily (as-fired) sulfur content of fuel oil shall be kept for each combustion turbine during any day in which fuel oil is fired.

e. e) Daily hours of operation when the CT is being fired and the SCR is not in service, along with support documentation demonstrating that the unit was in a startup or shutdown condition.

Condition VII is hereby changed to read:

VII. Wetlands Resource Management

A. Mitigation

1. Mitigation required by Permit Numbers 16-156348-001-E1 and 16-156348-002-E1 shall be achieved. If the combined cycle conversion results in additional wetland ~~wetland~~ impacts not covered by those permits, additional information requested by the Department shall be submitted. Upon receiving complete information, the Department will assess the revised mitigation plan within 90 days. If the Department, upon review of the proposed mitigation, determines that the proposed mitigation is inadequate to offset the wetland loss and habitat degradation from this project, the permittee shall propose additional mitigation.

B. Water Quality Standards

The project shall comply with applicable state water quality standards, including:

1. Rule 62-302.500, F.A.C. - minimum criteria for all surface waters at all places and at all times,

2. Rule 62-302.500, F.A.C. - Surface waters: general criteria,
3. Rule 62-302.400, F.A.C. - Class III Waters - Recreation, Propagation and maintenance of a healthy, well balanced population of Fish and Wildlife, and
4. Rule 62-302.530(70), F.A.C. - Turbidity shall not exceed 29 Nephelometric Turbidity Units above background.

Condition X is hereby changed to read:

X. Water Discharges

C. Plant Effluents and Receiving Body of Water

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

1. Chemical Wastes

All discharges of low volume wastes (demineralizer, regeneration, floor drainage, lab drains, FGD blowdown and similar wastes) and metal cleaning wastes shall comply with Chapter 62-302, F.A.C. If violations of Chapter 62-302, F.A.C. occur, corrective action shall be taken. These wastewaters shall be directed to an adequately sized and constructed treatment and detention facility.

During periods when treated wastewater does not comply with pH discharge limitations, the treated wastewater may be recycled to the recycle basin, except when the recycle pond has insufficient capacity to retain the recycled wastewater and the runoff from a rainfall event equal to or less than a 25 year-24 hour storm.

2. 5. pH

The pH of the combined discharges shall be such that the pH will fall within the range of 6.0 to 9.0.

3. 6. Polychlorinated Biphenyl Compounds

There shall be no net discharge of polychlorinated biphenyl compounds.

4. 7. Metal Cleaning Wastes

Blowdown from the metal cleaning wastes system shall be treated as appropriate prior to reuse and disposal.

5. 8. Storm Water Runoff

During plant operation, necessary measures shall be used to settle, filter, treat or absorb silt-containing or pollutant-laden stormwater runoff to limit the suspended solids to 50mg/l or less at the POD during rainfall periods less than the 25 year, 24 hour rainfall, and to prevent an increase in turbidity of more than 29 Nephelometric Nephelometric Turbidity Units above background in waters of the State.

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 8.5 at the POD.

D. Water Monitoring Program

The permittee shall monitor and report to the Department the listed parameters on the basis specified herein. The methods and procedures utilized shall receive written approval by the Department. The monitoring program may be reviewed annually by the Department, and a determination may be made as to the necessity and extent of continuation, and may be modified in accordance with Condition No. IV.N. ~~IV.N.~~

Condition XI. B. through E. are hereby changed to read:

XI. Groundwater

B. Pump Test Program and Well Field Construction

60 days prior to construction of the wellfield the applicant shall submit final wellfield construction plans to the SJRWMD for approval. A pump test program shall be performed to obtain aquifer parameters necessary for proper wellfield planning and construction. The proposed test program shall be submitted with the wellfield construction plans so that the SJRWMD in conjunction with the DEP ~~DER~~ can approve the adequacy of the program. The utilization of the test well as a production well is allowable provided the well is constructed to the standards provided in 40C-3, Part II, F.A.C.

Construction plans shall incorporate the appropriate aquifer parameters

determined in the pump test program. The applicant shall submit all well logs and locate, design and construct all wells in accordance with 40C-3, F.A.C.

C. Monitoring and Reporting

5. In the event SJRWMD determines there is a sufficient quality change ~~quality~~ (substantially caused by ~~CHSEC~~ Brandy Branch and causing a potentially significant effect on water use), the Department may propose pursuant to Section 403.516, F.S., that the permittee be required to reduce or cease withdrawal from these groundwater sources and/or that additional parameters be monitored.

D. Leachate

1. Zone of Discharge

Leachate from the wastewater ponds, or storage ponds shall not contaminate waters of the State (including both surface and groundwater) in excess of the limitations of Chapter 62-302, F.A.C., or the Primary and Secondary Drinking Water parameters included in Chapter 62-550, F.A.C., beyond the boundary of separate and individual zones of discharge extending 50 feet below the ground surface and 100 feet from the edge of each individual pile or pond, except as provided in Condition X ~~XXII~~. The zone of discharge is defined in Chapter 62-520., F.A.C.

E. Construction Dewatering Effluent

Construction dewatering effluent shall be treated when appropriate to limit surface water discharges of suspended solids to no more than 50 mg/l. The discharge of construction dewatering liquids shall not cause turbidity in excess of 29 Nephelometric ~~Nephelometric~~ Turbidity Units above ambient beyond a 20 meter radius from the point of discharge. Weekly grab samples will be collected and analyzed for suspended solids.

A program for controlling the groundwater impacts of construction dewatering shall be submitted to the Department and the St. Johns River Water Management District for review and approval prior to implementation.

Condition XII is hereby changed to read:

XII. Solid Wastes

Solid wastes resulting from construction or operation shall be disposed of in accordance with the applicable regulations of Chapter 62-701, F.A.C. The permittee shall submit a program for approval outlining the methods to be used in handling and disposal

of solid wastes. Such a program shall indicate at the least methods for erosion control, covering, vegetation, and quality control.

~~Open burning in connection with land clearing shall be in accordance with Chapters 62-256 and 51-2, F.A.C. No additional permits shall be required, but the Jacksonville Regulatory and Environmental Services Department shall be notified prior to burning. Open burning shall not occur if the Division of Forestry has issued a ban on burning due to fire hazard conditions.~~

Condition XIII is hereby changed to read:

XIII. Potable Water Supply System

The potable water supply system shall be designed and operated in conformance with Chapter 62-555, F.A.C. Information as required in 62-4 and 62-555, F.A.C. shall be submitted to the Department prior to construction and operation. The operator of the potable water supply system shall be certified in accordance with Chapters 62-555.35062 through 62.400 ~~62-555.35062-602.400~~, and 62-699, F.A.C.

Condition XIX is hereby changed to read:

XV. ~~XIX.~~ Flood Control Protection

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

Condition XXIX is hereby changed to read:

XVI ~~XXIX.~~ St. Johns River Water Management District

A. Water Shortages

Nothing in this certification shall 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. Pursuant to Section 403.516, Florida Statutes, in the event of a water shortage as declared by the the SJRWMD governing board, DEP may seek a modification of the terms and conditions of this certification to implement the water shortage declaration and the ~~permittees~~ licenceses must adhere to reductions in water withdrawals as specified by SJRWMD.

[Paragraphs 10.2(a)(b)(d)(e)(f)(g)(h)(i)(k)(l)(m)(o)(p)(r); 10.3(c)-

(e)(h)(j), A.H.; 40C-2.381(2)(a)2. F.A.C.]

M. Meter Maintenance ~~Maintenence~~

The Licensee must maintain the meters. In case of failure or breakdown of any meter, FDEP and 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.

[Paragraphs 10.2(a)(r); 10.3(a)(b), A.H.]

Condition XXX is hereby changed to read:

XVII. ~~XXX.~~ Florida Department of Transportation

A. Post Certification Review of Specific Problems

1. Access Management to the State Highway System

No new access to the State Highway System is proposed in the site certification application. If new access is later proposed, access ~~aeess~~ permitting as defined in Rule Chapters 14-96, State Highway System Connection Permits, Administrative process, and 14-97, State Highway System Access Management Classification System and Standards, Florida Administrative Code, will be required.

2. Overweight or Overdimensional ~~Over Dimensional~~ Loads

Operation of overweight or overdimensional loads by the applicant on State transportation facilities during construction and operation of the utility facility will be subject to the requirements of Chapter 316, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permitting Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code.

Condition XXXIV is hereby changed to read:

XVIII. ~~XXXIV.~~ Department of Community Affairs

Any party to the this Order has a right to seek judicial review of it pursuant to Section 120.68, Florida Statutes by filing a Notice of Appeal, pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, 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.

JEA Brandy Branch Generating Station
Intent to Modify Conditions of Certification
DEP Case Number PA 00-43A
March 17, 2003

The Notice of Appeal must be filed within thirty days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Executed in Tallahassee, Florida.

Hamilton S. Oven

Hamilton S. Oven, P.E.
Administrator, Siting Coordination Office

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

Janda F. Karakous 3/17/03
Clerk Date

CC by U.S. mail:

James Antista, Esquire
Kathy Carter
Scott Goorland, Esquire
Deborah D. Hart, Esquire
Gregory K. Radlinski, Esquire
Douglas S. Roberts, Esquire
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