



Florida Department of Environmental Protection

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2600 Blair Stone Road
Tallahassee, Florida 32399-2400

MAILED
8/17/07

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

August 17, 2007

Tracy Patterson II, General Manager
Cedar Bay Generating Plant
9640 Eastport Road
Jacksonville, FL 32218

Re: Cedar Bay Cogeneration Project
Modification to Conditions of Certification
DEP Case Number PA 88-24H
OGC Case Number 07-1180

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Ms. Patterson:

The Siting Board authorized the construction and operation of Cedar Bay Cogeneration Facility on January 22, 1991 (PA88-24). The Department has modified the Conditions of Certification by Final Order on seven (7) other occasions. On December 18, 2006, the Department published notice of its intent to issue a final Title V Permit No. 0310337-013-AV. On March 15, 2007 the Department issued the final Title V Permit No. 0310337-013-AV. Additionally on November 8, 2004, the Department published notice of its intent to issue NPDES Permit FL0061204. On May 6, 2005 the Department issued the final NPDES permit. Pursuant to Rule 62-17.211(4), Florida Administrative Code (F.A.C.) the Department proposes to modify the Conditions of Certification for this facility to conform them to the Title V Air Operation and NPDES Permits. Pursuant to 403.516 (1) (b)., Florida Statutes ("F.S."), the Department may modify specific Conditions of a Site Certification which are inconsistent with the terms of any federally delegated or approved permit. Such modification(s) may be made without further notice if the matter has been previously noticed under the requirements for any federally delegated or approved permit program.

On May 30, 2007, the Department of Environmental Protection received a request from the Cedar Bay Cogeneration, Inc. to modify the Conditions of Certification. On or before July 13, 2007, 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 July 13, 2007, notice of the Department's intent to modify the Conditions of Certification for this facility

was published on the Florida Administrative Weekly (FAW). 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 Cedar Bay Cogeneration Facility are hereby modified as follows:

I. GENERAL

A. *Applicability*

When a condition is intended to refer to both Cedar Bay Cogeneration, Inc. (CBC) and Smurfit-Stone Container Corp., the term "CBC/SSCC" or "licensees" will be used. When a condition is intended to refer to the "Cedar Bay Cogeneration Project" the terms "Cedar Bay Cogeneration Project", "CBCP", or "Project" will be used.

Where a condition applies only to Cedar Bay Cogeneration, Inc. the term Cedar Bay Cogeneration, Inc. (CBC) or the term "licensee," where it is clear that "CBC" is the intended responsible party, will be used. Similarly, where a condition applies only to Smurfit-Stone Container Corp., the term "Smurfit-Stone Container Corp." or the abbreviation "SSCC" or the term "licensee," where it is clear that SSCC is the intended responsible party, will be used. The Department of Environmental Protection may be referred to as DEP or the Department. RESD ERM-EQD represents the City of Jacksonville, Environmental Resource Management-Environmental Quality Division ~~Regulatory and Environmental Services Department~~. SJRWMD represents the St. Johns River Water Management District.

II. AIR

A. *Requirements*

The construction and operation of CBCP shall be in accordance with all applicable provisions of Chapters 62-210 through 62-297, F.A.C. Title V Air Operation Permit 0310337-040013-AV and Air Construction Permit 0310337-012-AC are incorporated by reference herein as part of this Certification attached as Appendix 1 and Appendix 2

respectively. The provisions of both Title V Air Operation Permit Number 0310337-010013-AV and Air Construction Permit 0310337-012-AC shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth in Title V Air Operation Permit Number 0310337-010013-AV and Air Construction Permit 0310337-012-AC as part of these Conditions of Certification, and as those provisions may be modified, amended, or renewed in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

III. WATER DISCHARGES

Any discharges into any waters of the State during construction and operation of CBCP shall be in accordance with all applicable provisions of Chapters 62-301, 62-302 and 62-660, F.A.C., and 40 CFR, Part 423, Effluent Guidelines and Standards for Steam Electric Power Generating Point Source Category, except as provided herein and with NPDES Permit FL 0061204 and any subsequent modifications, amendments or revisions to this permit. Also, CBCP shall comply with the following conditions of certification:

A. *Plant Effluents and Receiving Body of Water*

4. Point of Discharge (POD) - The point of discharge has been determined by the Department to be where the effluent physically enters the waters of the State in the St. John's River (during construction) via outfall OSN 001 and Broward River (during construction and operation) via outfall OSN-003 D-001 and OSN-008 D-002.

7. Storm Water Runoff

a. Construction - During construction there shall be no discharges from the storm water basins for storms less than the ten-year, twenty-four hour storm event. Any discharge from the storm water runoff collection system from a storm event less than the once in ten year, twenty-four hour storm shall meet the following limits and shall be monitored at OSNs 003 D-001 and 008 D-002 by a grab sample once per discharge, but not more often than once per week:

Effluent Characteristic Flow (MGD)	Discharge Limits Instantaneous Maximum Report
TSS (mg/l)	50
pH	6.0-9.0

All applicable discharge limitations described in part I of the NPDES permit (FL004117361204) for stormwater discharges during the period of

construction from this facility shall apply under this permit and be reported to the Department as part of the Monthly Operation Report.

b. Operation

(1) Yard Area Runoff - During normal plant operation, necessary measures shall be used to settle, filter, treat or absorb silt-containing or pollutant-laden storm water runoff to limit the suspended solids to 50 mg/l or less at OSN-003 D-001 during rainfall periods less than the 22-year, 24-hour rainfall. During periods of operation when the CBCP is off-line, these necessary measures, as specified above, shall be used during rainfall periods greater than a 12-year, 24 -hour storm. The discharge shall comply with all the monitoring requirements for Yard Area Runoff specified in Part I of NPDES Permit FL0061204 for this facility.

(2) Storage Area Runoff - During operation there shall be no discharges from the stormwater basins for storms less than the fifty-five year, twenty four-hour storm event. Any discharge from the storm water runoff collection system from a storm event less than the once in 50 year, twenty four-hour storm shall meet the limits in 7.a. above and shall be monitored at OSN-008 D-002 by a grab sample once per discharge, but not more than once per week. The discharge shall comply with all the monitoring requirements for the Coal, Limestone, and Ash Storage Area specified in Part I of NPDES Permit FL0061204 for this facility.

B. Water Monitoring Programs

1. Necessity and extent of continuation, and may be modified in accordance with Condition No. XXI, Modification of Conditions.

2. Chemical Stormwater Monitoring - The parameters described in Condition III.A. shall be monitored during discharge as described in Condition III A. commencing with the start of construction or operation of the CFBs and reported quarterly to the Northeast District Office:

~~3. Coal, Ash, and Limestone Storage Areas~~

~~a. Runoff from the coal pile, ash and lime stone storage areas shall be retained on-site during normal operations up to the 50-year, 24-hour storm event. Monitoring of metals, such as iron, copper, zinc, mercury silver, and aluminum, shall be done once a month during any month when a discharge occurs at OSNs 003 or 008.~~

~~b. Stormwater from the storage area runoff pond shall be sampled the first time each month there is a discharge to the cooling tower pretreatment system under the operating conditions approved herein. Samples shall be taken for 12 separate months and analyses performed as specified in Condition 5 below.~~

43. The ground water levels shall be monitored continuously at selected wells as approved by the SJRWMD. Chemical analyses shall be made on samples from all monitored wells identified in Condition IV.F. and IV.G. below. The location, frequency and selected chemical analyses shall be as given in Condition IV.F and IV.G. The ground water monitoring program shall be implemented at least one year prior to operation of the CFBs. The chemical analyses shall be in accord with the latest edition of *Standard Methods for the Analysis of Water and Wastewater*. The data shall be submitted within 30 days of collection/analysis to the SJRWMD.

54. The reclaimed water transferred to SSCC for cooling tower make-up water shall be monitored for the following parameters:

Flow (gallons per minute)	Continuous/Flow Meter
pH (standard units)	Weekly/Meter or Grab
Iron (mg/L)	Monthly/Grab
Total Copper (µg/L)	Monthly/Grab
Zinc (mg/L)	Monthly/Grab
Mercury (µg/L)	Monthly/Grab
Silver (µg/L)	Monthly/Grab
Aluminum (mg/L)	Monthly/Grab
Cadmium (mg/L)	Monthly/Grab
Arsenic (µg/L)	Monthly/Grab
Antimony (mg/L)	Monthly/Grab

IX. SOLID WASTE STORAGE AND DISPOSAL

CBCP shall be responsible for arranging for the proper storage, handling, disposal, or reuse of any solid waste generated by the CBCP facility. Solid waste produced by the operation of the CBCP facility shall be removed from site and disposed of in a permitted disposal facility, with the exception of bottom ash and fly ash. Bottom ash and fly ash may be pelletized, or made into aggregate form, and shall be shipped by rail or truck back to the mine or to a permitted disposal area outside Duval County. Ash may be shipped offsite to companies specializing in the marketing and utilization of combustion by-products. Fugitive emissions from storage and handling of ash materials will be controlled in accordance with these conditions and Department rules. Open rail cars used to ship dry ash will be sealed to prevent leaks of ash during transport. There shall be no outside storage of CFB ash prior to pelletization or loadout of ash to sealed rail cars for removal from the site. The bottom ash and fly ash shall not be disposed of in a landfill within Duval County. If the CBCP decides to dispose of the bottom ash or fly ash by other than returning it to the mine site or a permitted disposal site outside Duval County, they shall notify RESD ERM-EQD and DEP. Subsequent changes to the ash pelletization system which result in new or modified emissions sources or discharges shall require submittal of a request for modification of this certification, in accordance

with section 403.516, F.S. Prior to removal and disposal of spent lime mud and pond tailings, the CBCP shall determine whether those wastes are hazardous under 40 CFR 26 and 62-730, F.A.C. If wastes are determined to be hazardous, they shall be disposed of in accordance with Chapter 62-730, F.A.C., after consultation with the DEP and RESD. If not hazardous, disposal shall be to a landfill designed to ensure compliance with groundwater quality criteria as contained in Chapters 62-520, and 62-730 F.A.C. All solid wastes disposed of on site shall comply with the provisions of Chapter 62-701, F.A.C. Ground water monitoring in accordance with 62-522, F.A.C., shall be implemented at the lime mud disposal site.

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. 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.



Michael P. Halpin, P.E.
Administrator
Siting Coordination Office

FILING AND ACKNOWLEDGMENT

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

 8-17-07
Clerk Date

CC by certified mail:

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