

21 West Church Street
Jacksonville, Florida 32202-3139



March 28, 2001

RECEIVED

MAR 29 2001

BUREAU OF AIR REGULATION

E L E C T R I C
W A T E R
S E W E R

Mr. Al Linero, P.E.
Administrator
New Source Review Section
Bureau of Air Quality
Department of Environmental Protection
111 South Magnolia Dr, Suite 4
Tallahassee, FL 32301

RE: Kennedy Generating Station
Permit Revision (0310047-007-AC, 0310047-008-AV))
Proof of Public Notice

Dear Mr. Linero:

Enclosed please find the proof of public notice for the above permit revision.

If you have any questions with regard to this matter, please contact me at (904) 665-6247.

Sincerely,

A handwritten signature in black ink, appearing to read 'N. Bert Gianazza', with a long, sweeping flourish extending to the right.

N. Bert Gianazza, P.E.
Environmental Permitting
& Compliance

Attachments: As Noted.

cc: Bruce Mitchell, P.E., FDEP

THE FLORIDA TIMES-UNION
Jacksonville, Fl
Affidavit of Publication

Florida Times-Union

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

REFERENCE: 0334984
R39126 Public Notice

State of Florida
County of Duval

Before the undersigned authority personally appeared Elizabeth Heisler 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.

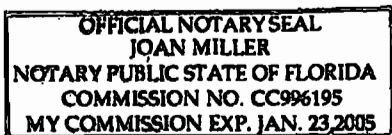
PUBLISHED ON: 03/26

FILED ON: 03/26/01

Name: Elizabeth Heisler Title: Legal Advertising Representative

In testimony whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

NOTARY: *Joan Miller*



Legal Notices

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Draft Air Construction Permit No.: 0310047-007-AC
DRAFT Title V Air Operation Permit Revision No.: 0310047-008-AV
Jacksonville Electric Authority - Kennedy Generating Station
Duval County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a combined Air Construction Permit/Title V Air Operation Permit Revision to Jacksonville Electric Authority for the Kennedy Generating Station located at 4215 Talleyrand Avenue, Jacksonville, Duval County. The applicant's name and address are: Mr. Walter P. Bussells, Managing Director/Responsible Official, Jacksonville Electric Authority, 21 West Church Street, Jacksonville, Florida 32202.

The subject of the combined permits is to change the #7 Combustion Turbine's operating rate during stack testing to reflect the provisions of the Division of Air Resources Management's Guidance Memorandum DARM-OGG-07, "Guidance on Rate of Operation during Stack Testing for Combustion Turbines", dated March 1, 2000.

The permitting authority will issue the combined Draft Air Construction Permit/PROPOSED Title V Air Operation Permit Revision, and subsequent combined Final Air Construction Permit/FINAL Title V Air Operation Permit Revision, in accordance with the conditions of the combined Draft Air Construction Permit/DRAFT Title V Air Operation Permit Revision unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed combined Draft Air Construction Permit/DRAFT Title V Air Operation Permit Revision issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this combined Draft Air Construction Permit/DRAFT Title V Air Operation Permit Revision, the permitting authority shall issue a combined Revised Draft Air Construction Permit/DRAFT Title V Air Operation Permit Revision and require, if applicable, another Public Notice.

The permitting authority will issue the combined permits unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, Florida Statutes (F.S.), or a party requests mediation as an alternative remedy under Section 120.573, F.S., before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with 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 of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions must be filed within 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of the notice of intent, whichever occurs first. A petitioner must 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 (or a request for mediation, as discussed below) within the applicable 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 28-5.207, Florida Administrative Code (F.A.C.).

A petition must contain the following information:

- The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number, and the county in which the project is proposed;
- A statement of how and when each petitioner received notice of the permitting authority's action or proposed action;
- A statement of how each petitioner's substantial interests are affected by the permitting authority's action or proposed action;
- A statement of the material facts disputed by the petitioner, if any;
- A statement of the facts that the petitioner contends warrant reversal or modification of the permitting authority's action or proposed action;
- A statement identifying the rule or statutes that the petitioner contends require reversal or modification of the permitting authority's action or proposed action; and
- A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the permitting authority to take with respect to the action or proposed action addressed in this notice of intent.

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

A person whose substantial interests are affected by the permitting authority's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department of Environmental Protection a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, FL 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information:

- The name, address, and telephone number of the person requesting mediation and that person's representative, if any;
 - A statement of the preliminary agency action;
 - A statement of the relief sought; and
 - Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.
- The agreement to mediate must include the following:
- The name, addresses, and telephone numbers of any persons who may attend the mediation;
 - The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;
 - The agreed allocation of the costs and fees associated with the mediation;
 - The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
 - The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
 - The name of each party's representative who shall have authority to settle or recommend settlement; and
 - The signatures of all parties or their authorized representatives.

As provided in Section 120.573, F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, F.S., for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within 60 (sixty) days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department of Environmental Protection must enter an order incorporating the agreement of the parties in accordance with the provisions of Section 403.0872(7), F.S. If mediation terminates without settlement of the dispute, the permitting authority shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57, F.S., remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

In addition to the above, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit. Any petition shall be based only on objections to the combined permits that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at 410 M. Street, SW, Washington, D.C. 20460.

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:

Permitting Authority:
Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-1344
Fax: 850/922-6979

Affected Local Program:
City of Jacksonville
Regulatory and Environmental Services Department
Air & Water Quality Division
421 West Church Street, Suite 422
Jacksonville, Florida 32202-4111
Telephone: 904/630-3484
Fax: 904/630-3638

The complete project file includes the combined Draft Air Construction Permit/DRAFT Title V Air Operation Permit Revision, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Scott M. Sheplak, P.E., at the above address, or call 850/921-9532, for additional information.