



**PG&E National
Energy Group**

Cedar Bay
Generating Plant
Owner: Cedar Bay Generating Company, L.P.

RECEIVED

FEB 13 2002

BUREAU OF AIR REGULATION

POB 26324
Jacksonville, FL 32226-6324

904.751.4000
Fax: 904.751.7320

February 12, 2002

Mr. Jonathan Holtom, P.E.
Florida Department of Environmental Protection
Division of Air Resource Management
Bureau of Air Regulation
Mail Station #5505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: Cedar Bay Draft Air Construction Permit No. 0310337-006-AC

Dear Mr. Holtom:

Pursuant to the instructions in the Department's letter dated January 23rd, 2002, Cedar Bay submits the Affidavit of Publication for the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION/PSD PERMIT REVISION". The notice was published in the legal ad section of the Florida Times Union on February 4th, 2002.

If there are any questions concerning this Public Notice or if any additional information is needed, please do not hesitate to contact me at 904-751-4000, ext.22.

Sincerely,

Jeffrey A. Walker
Environmental Manager, Cedar Bay

Cc: B. Smith, CBGC
B DeHart, Bethesda

Florida Times-Union

CEDAR BAY GENERATING CO.
PO BOX 26324
JACKSONVILLE FL 32236

REFERENCE: 0181153 Jeff Walker
R76306 Intent To Issue

State of Florida
County of Duval

Before the undersigned authority personally appeared Valerie Vest 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: 02/04

FILED ON: 02/04/02 *Valerie Vest*

Name: Valerie Vest Title: Legal Advertising
In testimony whereof, I have hereunto set my hand and seal, the day and year aforesaid.

NOTARY: *Joyce F. Petty*

INTENT TO ISSUE AN AIR CONSTRUCTION/PSD PERMIT REVISION

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue an Air Construction/PSD Permit Revision (copies of Draft Air Construction/PSD Permit Revision attached) for the Title V source detailed in the application(s) specified above, for the reasons stated below.

The applicant, Cedar Bay Generating Company, L.P., applied on October 26, 2001 to the Department for a permit modification to increase coal and limestone handling and to install a pug mill on the ash handling facilities at the Cedar Bay Cogeneration Facility, located at 9640 Eastport Road, Jacksonville, Duval County.

The Department has permitting jurisdiction under the provision of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-212. The above actions are not exempt from permitting procedures. The Department has determined that an air construction permit modification is required to properly authorize the increase in material handling and to recognize the installation of a control device (pug mill) that will allow greater flexibility in removing ash from the site.

The Department intends to issue this air construction permit based on the belief that reasonable assurances have been provided to indicate that these changes will not adversely impact air quality, and that the remaining emission units will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. The construction permit revision is also necessary in order to avoid any discrepancies between the PSD permit and the previously revised Power Plant Siting Conditions of Certification (PA88-24, Last Modified 05/31/01).

Pursuant to Sections 403.815 and 403.087, F.S., and Rules 62-110.106 and 62-210.350(3), F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION/PSD PERMIT REVISION." The notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permits (construction and revision). If you are uncertain that a newspaper meets these requirements, please contact the permitting authority at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-1344; Fax: 850/922-6979), 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 permits pursuant to rule 62-110.106, F.A.C.

The Department will issue the final permit with the attached conditions unless a response received in accordance with the following procedures result in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed Air Construction/PSD Permit issuance action for a period of 14 (fourteen) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION/PSD PERMIT REVISION." Written comments should be provided to the permitting authority office. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this Draft Air Construction/PSD Permit, the permitting authority shall issue a Revised Draft Air Construction/PSD 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.

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 filed by the permit's (construction and revision) applicant or any of the parties listed below must be filed within 14 (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), F.S., must be filed within 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the permitting authority for notice of agency action may file a petition within 14 (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, F.A.C.

A petition that disputes the material facts on which the permitting authority'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.

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(c) A statement of how and when each 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, as well as the rules and statutes which entitle the petitioner to relief;

(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 permitting authority'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, F.A.C.

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(s) have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation will not be available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply to the Department of Environmental Protection 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 of Environmental Protection, 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 United States Environmental Protection Agency 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.



**PG&E National
Energy Group**

Cedar Bay
Generating Plant

Owner: Cedar Bay Generating Company LP

PG&E National Energy Group and any other company referenced herein which uses the PG&E name or logo are not the same company as Pacific Gas and Electric Company, the California utility. These companies are not regulated by the California Public Utilities Commission, and customers do not have to buy products from these companies in order to continue to receive quality regulated services from the utility.

Fax Message

Date:	<u>February 8, 2002</u>	
To:	<u>Jonathan Holtom, P.E.</u>	Facsimile No.: <u>850-922-6979</u>
		Phone No.: <u>850-921-9531</u>
Company:	<u>FDEP-Air Resources</u>	No. of Pages: <u>3</u> (including this one)
City/State:	<u>Tallahassee, Fl.</u>	
From:	<u>Jeff Walker</u>	Phone No.: <u>(904) 751-4000 ext. 22</u>
Special Instructions:	<u>If transmittal is incomplete or illegible, please call <u>Jeff Walker</u> at (904) 751-4000 ext. 22.</u>	

Message: Jonathan

Pursuant to our conversation, please find a faxed copy of the legal notice that was published in the Florida Times Union on February 4, 2002. I will Fed-ex the newspaper affidavit as soon as I receive it from Ms. Valerie Vest, Legal Advertising Representative.

Regards

Jeff Walker

Env. Manager @ Cedar Bay

CONFIDENTIALITY NOTICE

The information contained in this telefacsimile message is privileged and confidential, and intended only for the use of the individual(s) and/or entity(ies) named above. If you are not the intended recipient, you are hereby notified that any unauthorized disclosure, copying, distribution or taking of any action in reliance on the contents of the telecopy materials is strictly prohibited and review by any individual other than the intended recipient shall not constitute waiver of the attorney/client privilege. If you have received this transmission in error, please immediately notify us by telephone (collect) to arrange for the return of the materials. Thank you.

Legal Notice**Legal Notice****INTENT TO ISSUE AN AIR CONSTRUCTION/PSD PERMIT REVISION**

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