

Cedar Bay Generating Company, L.P.

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**BUREAU OF
AIR REGULATION**

Cedar Bay Generating Company, L.P.
P.O. Box 26324
Jacksonville, FL 32226
Tel: 904.751.4000
Fax: 904.751.7320

January 14, 1999

Scott M. Sheplak
Bureau of Air Regulation, D.E.P.
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

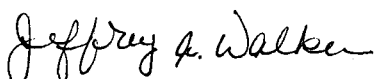
Re: Draft Title V Permit No.: 0310337-002-AV
Cedar Bay Co-Generation Facility

Dear Mr. Sheplak:

Pursuant to the Department of Environmental Protection's request, the original and one copy of the "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT" is enclosed. The Public Notice was published in *The Florida Times Union* on January 12, 1999. Mr. Steve Smith, Legal Advisor of *The Florida Times Union* was Cedar Bay's point of contact.

If you have any questions concerning the Public Notice or need any additional information, please contact me at (904) 751-4000 extension 22.

Sincerely,


Jeffrey A. Walker
Environmental Manager

Enclosures

cc: Valerie Gill, Bethesda
Tim Cotner, Cedar Bay

Legal Notices

INVITATION TO BID

FCAA PROJECT No. 3054-96

Sealed bids for the implementation of the Florida Keys Aqueduct Authority Multimedia Wide Area Network will be received from Pre-Qualified Bidders at the Engineering Department of the Florida Keys Aqueduct Authority, 1100 Kennedy Drive, Key West, Florida 33040, until 2:00 p.m. local time on the 26th day of January, 1999. Any submittals received after the time and date specified will not be considered.

The project consists of the design, and implementation of a system-wide multimedia wide area network to support utilities operations and maintenance data, voice and video communications. Project elements include, but are not limited to: wide area network equipment for the integration of existing computer control systems local area networks, office local area networks, telephone PBX, two way radio and provision for future video conferencing systems throughout the FCAA service area.

Contract Documents may be examined in the Engineering Department of the Florida Keys Aqueduct Authority. A copy of the Contract Documents package may be obtained at the office of Hazen and Sawyer, 2101 Corporate Boulevard, Suite 301, Boca Raton, Florida 33431, upon payment of \$25.00 for each package. Return of the package is not required, and the amount paid for the package is non-refundable.

A non-mandatory pre-bid conference and tour of all FCAA facilities to be served by the Wide Area Network will begin at the Engineering Department of the FCAA located at 1100 Kennedy Drive, Key West Florida at 9:00 AM, EST, on January 14, 1999 and proceed through the Florida Keys and terminate at the J. Robert Dean WTP in Florida City. Attendance is strongly encouraged.

All insurance contracts, and certificates of insurance shall be either executed by or countersigned by a licensed resident agent of the insurance company having his place of business in the State of Florida, and in all ways complying with the insurance laws of the State of Florida. Further, the said insurance company shall be duly licensed and qualified to do business in the State of Florida.

In order to perform public work, the successful qualified Bidder shall hold or obtain such Contractors' or Business Licenses as required by State Statutes.

The FCAA reserves the right to reject all Submittals where the FCAA deems rejection to be in the best interest, or to reject any Proposal not in accordance with the Contract Documents. The FCAA reserves the right to waive any informalities and irregularities in said Submittals.

Dated this 4 day of January, 1999.

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Title V DRAFT Permit No.: 0310337-002-AV
Cedar Bay Cogeneration Facility
Duval County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit to Cedar Bay Generating Company, L.P. for the Cedar Bay Cogeneration Facility located at 9640 Eastport Road, Jacksonville, Duval County. The applicant's name and address are: Cedar Bay Generating Company, L.P., 9640 Eastport Road, Jacksonville, FL 32226.

The permitting authority will issue the Title V PROPOSED Permit, and subsequent Title V FINAL Permit, in accordance with the conditions of the Title V DRAFT Permit 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 Title V DRAFT Permit 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, Mall 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 DRAFT Permit, the permitting authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.

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 of the Florida Statutes (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, Mall Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of the 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 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 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 28-106.205 of the Florida Administrative Code (F.A.C.).

A petition that disputes the material facts on which the permitting authority's action is based must contain the following information:

- The name and address of each agency affected and each agency's file or identification number, if known;
- The name, address and telephone number of the petitioner; 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 petitioner's substantial rights will be affected by the agency determination;
- A statement of how and when the petitioner received notice of the agency action or proposed action;
- A statement of all disputed issues of material fact. If there are none, the petition must so state;
- A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle petitioner to relief; and
- A demand for relief.

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

Mediation is not available for this proceeding.

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 permit 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: U.S. EPA, 401 M Street, S.W., 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: 850/488-0114
Fax: 850/922-6979

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

Department of Environmental Protection
Northeast District Office
7852 Baymeadows Way, Suite 2008
Jacksonville, Florida 32256-7590
Telephone: 904/448-4300
Fax: 904/448-4363

The complete project file includes the DRAFT Permit, 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.