



**PG&E National
Energy Group**

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

RECEIVED

SEP 11 2001

BUREAU OF AIR REGULATION

POB 26324
Jacksonville, FL 32226-6324

904.751.4000
Fax: 904.751.7320

September 10, 2001

Mr. C.H. Fancy, P.E.
Florida Department of Environmental Protection
Bureau of Air Regulation
Mail Station #5505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: Cedar Bay Air Construction/PSD Permit and Title V Permit Revision

Dear Mr. Fancy

Pursuant to the instructions in your letter dated August 20, 2001, Cedar Bay submits the Affidavit of Publication for the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION/PSD PERMIT AND A TITLE V AIR OPERATION PERMIT REVISION". The notice was published in the Florida Times Union on September 6, 2001.

Sincerely,

Jeffrey A. Walker
Environmental Manager, Cedar Bay

cc: B. Smith, Cedar Bay
R. Dehart, Bethesda

9/13/01 cc: Jonathan Holton

THE FLORIDA TIMES-UNION
Jacksonville, Fl
Affidavit of Publication

Florida Times-Union

CEDAR BAY GENERATING CO.
PO BOX 26324
JACKSONVILLE FL 32236

REFERENCE: 0181153
R64653 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: 09/06

FILED ON: 09/06/01

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*

OFFICIAL NOTARY SEAL
JOAN MILLER
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC996195
MY COMMISSION EXP. JAN. 23, 2005

Legal Notices

Legal Notices

PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION/PSD PERMIT AND A TITLE V AIR OPERATION PERMIT REVISION DEPARTMENT OF ENVIRONMENTAL PROTECTION

Draft Air Construction Permit No.: 0310337-004-AC
PSD Permit No.: PSD-FL-137E
DRAFT Title V Air Operation Permit Revision No.: 0310337-003-AV
Cedar Bay Cogeneration Facility
Duval County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue an Air Construction/PSD Permit and a Title V Air Operation Permit Revision 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 Air Construction/PSD Permit is being issued to reflect the demolition and removal of the ash pelletizing operations and all associated equipment. Fly ash and bed ash will continue to be removed from the site by means of open or closed rail cars and/or closed trucks. Removal of the ash pelletizing equipment will not result in an increase in air pollutant emissions since the ash pelletizing equipment has never been functional for commercial operations.

The Title V Air Operation Permit Revision is being issued to reflect the removal of the ash pelletizing operations outlined in permit No. 0310337-004-AC/PSD-FL-137E, and to incorporate the boiler heat input clarifications and short-term sulfur dioxide emissions limit increases that were authorized by permit No. PSD-FL-137D, issued March 9, 2000.

The permitting authority will issue the Air Construction/PSD Permit, the PROPOSED Title V Air Operation Permit Revision, and the subsequent FINAL Title V Air Operation Permit Revision, in accordance with the conditions of the Draft Air Construction/PSD Permit and the 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 Draft Air Construction/PSD Permit issuance action for a period of 14 (fourteen) 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 (Telephone: 850/488-1344; Fax: 850/922-6979). Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Title V Air Operation Permit Revision, the permitting authority shall issue a Revised DRAFT Title V Air Operation Permit Revision 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, Mail 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 14 (fourteen) days of publication of the public notice or within 14 (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 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 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:

- (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, 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;
- (c) A statement of how and when the 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 state;
- (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes, which entitle 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 is not available for this proceeding.

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 is not available for this proceeding.

In addition to the above, pursuant to 42 United States Code (U.S.C.) Section 7661(d)(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 revision. Any petition shall be based only on objections to the permit revision 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
111 S. Magnolia Drive
Tallahassee, Florida 32301
Telephone: 850/488-0114
Fax: 850/922-6979

Affected District:
Northeast District
7825 Baymeadows Way, Suite 200B
Jacksonville, Florida 32256-7590
Telephone: 904/448-4300
Fax: 904/448-4363

Affected Local Program:
City of Jacksonville
Regulatory and Environmental Services
Department
Air and Water Quality Division
117 West Duval Street, Suite 225
Jacksonville, Florida 32202
Telephone: 904/630-3484
Fax: 904/630-3638

The complete project file includes the Draft Air Construction/PSD Permit and DRAFT Title V Air Operation Permit Revision, the application(s), and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Mr. Scott M. Sheplak, P.E., at the above address, or call 850/448-0114, for additional information.