

Cedar Bay Generating Company, L.P
P. O. Box 26324
Jacksonville, FL 32226-6324

9640 Eastport Road
Jacksonville, FL 32218

904.751.4000
Fax: 904.751.7320

March 28, 2006

Mr. Robert Bull, Engineer
Division of Air Resources Management
Florida Department of Environmental Protection
2600 Blair Stone Road, Mail Station #5505
Tallahassee, Florida 32399-2400

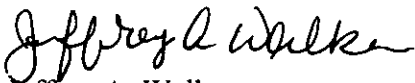
Re: Cedar Bay's Public Notice of Intent to Issue Air Permit

Dear Mr. Bull:

Pursuant to the instructions in the Department's letter dated March 7, 2006, Cedar Bay submits the notarized Affidavit of Publication for the "PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT" for Cedar Bay Generating Company's proposed third Absorber Dryer System. The notice was published in the legal ad section of the Florida Times Union on March 17, 2006.

If there are any questions or if any additional information is needed, please do not hesitate to contact me via phone (904-696-1547) or e-mail (jeffwalker@cogentrix.com).

Sincerely,



Jeffrey A. Walker
Environmental Manager, Cedar Bay Plant

Cc: Martin Kreft, Cedar Bay
Mark Casper, Charlotte

RECEIVED
MAR 29 2006
BUREAU OF AIR REGULATION

THE FLORIDA TIMES-UNION
Jacksonville, FL
Affidavit of Publication

Florida Times-Union

CEDAR BAY CONGENERATION PLANT
PO BOX 26324
JACKSONVILLE FL 32236

REFERENCE: 0181153
R109657 TO ISSUE AIR PERMIT

State of Florida
County of Duval

Before the undersigned authority personally appeared Tiffany Powell 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: 03/17

FILED ON: 03/17/06

Name: Tiffany Powell Title: Legal Advertising Rep
In testimony whereof, I have hereunto set my hand and af
seal, the day and year aforesaid:

NOTARY:



TWILLA SHIPP
Notary Public, State of Florida
My comm. expires May 13, 2006
Comm. No. DD 117248

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection
Draft Air Permit No. 0310337-011-AC
Cedar Bay Generating Company - Cedar Bay Cogeneration Facility
Duval County, Florida

Applicant: The applicant and mailing address for this project is: Cedar Bay Generating Company, L.P., 9640 Eastport Road, Jacksonville, Florida 32218-2260. The applicant's authorized representative is Martin Kreff, General Manager.

Facility Location: The Cedar Bay Generating Company operates the existing Cedar Bay Cogeneration facility, located at 9640 Eastport Road, Jacksonville, Duval County, Florida.

Project: The applicant proposes to construct a new absorber dryer system (ADS) train 3 to process limestone as a reactant for the existing circulating fluidized beds (CFB) boilers to control sulfur dioxide (SO₂) and other acid gases. The project is not expected to result in any significant increases of pollutants. Maximum potential emissions are 1.97 tpy (PM₁₀), 3.1 tpy (SO₂), 7.0 tpy (NO_x) 9.4 tpy (CO), and 0.09 tpy (VOC). The PSD thresholds are 25/15 tpy, 40, 40, 100, and 40 respectively. The proposed line would be the primary ADS train and the existing ADS trains 1 and 2 (Emissions Units 004 and 005 respectively) will become the backup ADS trains.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Florida Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination regarding this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Tallahassee, Florida 32301. The Permitting Authority's mailing address is: 2600 Blair Stone Road, Mail Station 5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/448-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project 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 Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the proposed Draft Permit for a period of fourteen (14) days from the date of publication of this Public Notice. Written comments must be provided to the Permitting Authority at the above address. Any written comments filed will be made available for public inspection. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice.

Petitions: 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 with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within fourteen (14) days of publication of this Public Notice or receipt of a written notice, 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 (14) 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 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, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (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 the 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 Public Notice of Intent to Issue Air Permit. 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: Mediation is not available for this proceeding.