

Cedar Bay Generating Co., L.P.  
9640 Eastport Road  
Jacksonville, FL 32218

904.751.4000  
Fax: 904.751.7320  
www.negt.com

June 1, 2004

Mr. Michael Halpin, 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

RECEIVED

JUN 02 2004

BUREAU OF AIR REGULATION

Re: Title V Air Operation Permit Renewal  
Draft Permit Project No.: 0310337-007-AV  
Cedar Bay Cogeneration Facility

Dear Mr. Halpin:

Pursuant to the instructions in the Department's letter dated April 30, 2004, Cedar Bay submits the Affidavit of Publication for the "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL". The notice was published in the legal ad section of the Florida Times Union on May 22, 2004.

If there are any questions or if any additional information is needed, please do not hesitate to contact me via phone or e-mail.

Sincerely,

Jeffrey A. Walker  
Environmental Manager, Cedar Bay Plant

Martin Kreft, Cedar Bay  
AJ Jablonowski, Earthtech  
Tom Fromm, Bethesda

THE FLORIDIA TIMES-UNION Jacksonville, Fl  
Affidavit of Publication

Florida Times-Union

CEDAR BAY GENERATING CO.  
PO BOX 26324  
JACKSONVILLE FL 32236

REFERENCE: 0181153  
R041145 Public Notice

State of Florida  
County of Duval

Before the undersigned authority personally appeared Kimalette Frazier 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: 05/22

FILED ON: 05/25/04

Name: Kimalette Frazier Title: Legal Advertising Representative  
In testimony whereof, I have hereunto set my hand and affixed my of seal, the day and year aforesaid.

NOTARY:



TWILLA SHIPP  
Notary Public, State of Florida  
My comm. expires May 13, 2006  
Comm. No. 00 117248

**PUBLIC NOTICE OF INTENT TO ISSUE TITLE V  
AIR OPERATION PERMIT RENEWAL**  
Florida Department of Environmental Protection  
DRAFT Permit Project No.: 0310337-007-AV  
Cedar Bay Cogeneration Facility  
Duval County

The Florida Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit Renewal to Cedar Bay Generating Company, L.P. for their 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., Martin Kreff, General Manager, 9640 Eastport Road, Jacksonville, Florida 32226.

The permitting authority will issue the PROPOSED Permit, and subsequent FINAL Permit, in accordance with the conditions of the 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 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. 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 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 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:

- (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 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:**  
Florida Department of Environmental Protection  
2600 Blairstone Rd., Mail Station 5505  
Tallahassee, FL 32399  
Telephone: 850/488-0114  
Fax: 850/922-6979

**Affected District Program:**  
Florida Department of Environmental Protection  
7825 Baymeadows Way  
Jacksonville, FL 32256  
Telephone: 904/807-3300  
Fax: 904/448-4319

The complete project file includes the DRAFT Permit, the application for renewal, and the information submitted by the responsible official, exclusive of confidential records under Section 403.117, F.S. Interested persons may contact Michael P. Halpin, P.E., at the above address, or call 850/488-0114,

From: Origin ID: (904)751-4000  
JEFF WALKER  
CEDAR BAY  
9640 EASTPORT ROAD

JACKSONVILLE, FL 32218

**FedEx**  
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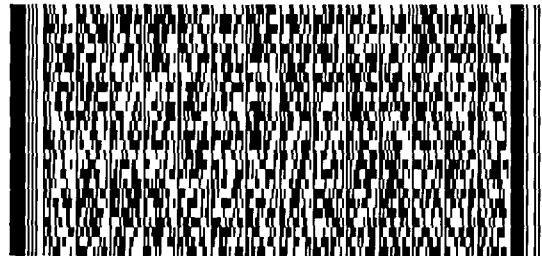
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**Michael P. Halpin, P.E.**  
**FDEP-Air Resource Management**  
**Mail Station 5505**  
**2600 Blair Stone Road**  
**Tallahassee, FL 323992400**



**STANDARD OVERNIGHT**

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