

Best Available Copy

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

RECEIVED

November 21, 2005

NOV 22 2005

Mr. Michael Halpin, P.E.
Division of Air Resources Management
Florida Department of Environmental Protection
2600 Blair Stone Road, Mail Station #5505
Tallahassee, Florida 32399-2400

BUREAU OF AIR REGULATION


Re: Cedar Bay Public Notice of Intent to Issue Revised Air Construction Permit/Title V Air Operation Permit

Dear Mr. Halpin:

Pursuant to the instructions in the Department's letter dated October 20, 2005, Cedar Bay submits the notarized Affidavit of Publication for the "PUBLIC NOTICE OF INTENT TO ISSUE REVISED AIR CONSTRUCTION PERMIT/TITLE V AIR OPERATION PERMIT" for Cedar Bay Generating Company's proposed air permit modifications. The notice was published in the legal ad section of the Florida Times Union on November 10, 2005.

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

Cc: Martin Kreft, Cedar Bay
Mark Casper, Charlotte

THE FLORIDA TIMES-UNION
Jacksonville, Fl
Affidavit of Publication

Florida Times-Union

CEDAR BAY GENERATING CO.
PO BOX 26324
JACKSONVILLE FL 32236

REFERENCE: 0181153
R105926 Public Note

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: 11/10

FILED ON: 11/10/05

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

NOTARY:

Twillia Shipp


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

PUBLIC NOTICE OF INTENT TO ISSUE REVISED AIR CONSTRUCTION PERMIT/TITLE V AIR OPERATION PERMIT

Florida Department of Environmental Protection
Draft Air Construction Permit No. 0310337-009-AC
Draft Title V Air Operation Permit No. 0310337-010-AY
Cedar Bay Generating Company, L.P.
Duval County, Florida

Applicant: The applicant for this project is Cedar Bay Generating Company, L.P. The facility responsible official is Martin Kreff, General Manager.
Facility Location: The applicant's address is 9640 Eastport Road, Jacksonville, Florida 32218.

Revised Air Construction Permit: This project allows for the co-firing of 5% tire-derived fuel in Emission Units, 001, 002 and 003. The referenced Emission Units are more commonly known as Boilers A, B, and C. Each emission unit is a fluidized bed boiler, rated at 1,063 MMBtu per hour. All other permit conditions will remain the same, and calculated emission increases are less than the PSD significant thresholds of 40 tons per year (TPY) SO₂, NO_x and VOC, 100 TPY CO, 15 TPY PM₁₀ and 0.6 TPY lead.

Title V Air Operation Permit Revision: This project is to incorporate the above, applicable revisions to the Title V Air Operation permit for the facility.
Permitting Authority: Application for these permitting actions are subject to review in accordance with the provisions of Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-212, 62-213 and 62-214 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and air permits are required for the revised air construction permit and to operate the facility. The Florida Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making permit determinations regarding these projects. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, in Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114 and facsimile number is 850-922-6979.

Project Files: Complete project files are 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 the address indicated above for the Permitting Authority. For the Revised Air Construction Permit Project, 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. For the Title V Air Operation Permit Project, the complete project file includes the Draft Permit, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the Draft Permit documents and file electronic comments by visiting the following website: <http://www.dep.state.fl.us/air/products/ards/>. Copies of the complete project files are also available at the Air Resources Section of the Department's Northeast District Office at 7825 Baymeadows Way, Suite 200B, Jacksonville; Phone Number 904-807-3300; and the City of Jacksonville's Environmental Quality Division at 117 West Duval Street, Suite 225, Jacksonville; Phone Number 904-630-4900.

Notice of Intent to Issue Air Permits: The Permitting Authority gives notice of its intent to issue the Revised Draft Air Construction Permit and the Draft Title V Air Operation Permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the facility will not adversely impact air quality and that the projects will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-256, 62-257, 62-281, 62-296 and 62-297, F.A.C. For the Draft Air Construction Permit, the Permitting Authority will issue a 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 a significant change in terms or conditions. For the Draft Title V Air Operation Permit, the Permitting Authority will issue PROPOSED Permit conditions and subsequent FINAL Permit conditions 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 a significant change of terms or conditions.

Comments on the Air Construction Permit Project: The Permitting Authority will accept written comments concerning the Revised Draft Air Construction Permit for a period of fourteen (14) days from the date of publication of the Public Notice. Written comments must be post-marked, and all e-mail or facsimile comments must be received by the close of business (5:00 p.m.), on or before the end of this 14-day period by the Permitting Authority at the above address, email or facsimile. If written comments result in a significant change to the Draft permit, the Permitting Authority will issue a revised Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Comments on the Draft Title V Air Operation Permit Project: The Permitting Authority will accept written comments concerning the Draft Permit for a period of thirty (30) days from the date of publication of the Public Notice. Written comments must be post-marked, and all e-mail or facsimile comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address, email or facsimile. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the Department's official web site for notices at <http://thorac6.dep.state.fl.us/oww> and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft Permit, the Permitting Authority will issue a Revised Draft permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decisions 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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this "Written 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 fourteen (14) days of publication of the attached "Public Notice" or within fourteen (14) days of receipt of this "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 designated time period will constitute a waiver of the right to be heard on the matter.

the 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 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; (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 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 "Written Notice". Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on these applications 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 in this proceeding.

Objections to the FINAL Title V Permit: Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within sixty (60) 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 the issuance of any Title V air operation permit. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the thirty (30) day public comment period provided in the Public 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. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/airpermits/Florida.htm>.

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**PUBLIC NOTICE OF INTENT TO ISSUE
REVISED AIR CONSTRUCTION PERMIT/TITLE V
AIR OPERATION PERMIT**

Florida Department of Environmental Protection
Draft Air Construction Permit No. 0310337-009-AC
Draft Title V Air Operation Permit No. 0310337-010-AV
Cedar Bay Generating Company, L.P.
Duval County, Florida

Applicant: The applicant for this project is Cedar Bay Generating Company, L.P. The facility responsible official is Martin Kreft, General Manager.

Facility Location: The applicant's address is 9640 Eastport Road, Jacksonville, Florida 32218.

Revised Air Construction Permit: This project allows for the co-firing of 5% fire-derived fuel in Emission Units, 001, 002 and 003. The referenced Emission Units are more commonly known as Boilers A, B, and C. Each emission unit is a fluidized bed boiler, rated at 1,063 MMBtu per hour. All other permit conditions will remain the same, and calculated emission increases are less than the PSD significant thresholds of 40 tons per year (TPY) SO₂, NO_x and VOC, 100 TPY CO, 15 TPY PM₁₀ and 0.6 TPY lead.

Title V Air Operation Permit Revision: This project is to incorporate the above, applicable revisions to the Title V Air Operation permit for the facility. Permitting Authority: Application for these permitting actions are subject to review in accordance with the provisions of Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-212, 62-213 and 62-214 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and air permits are required for the revised air construction permit and to operate the facility. The Florida Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making permit determinations regarding these projects. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, in Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114 and facsimile number is 850-922-6979.

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also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the Department's official web site for notices at <http://flhosp6.dep.state.fl.us/ow> and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft Permit, the Permitting Authority will issue a Revised Draft permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

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