NOTICE OF PERMIT ISSUANCE

CERTIFIED - RETURN RECEIPT

Mr. Richard Gilliland, Safety/Environmental Coordinator
M.D. Moody & Sons, Inc.
13911 Atlantic Blvd.
Jacksonville, FL 32225-3240

Re: Duval County - Air Pollution
Moody Beaches Yard
Permit Number: 0310519-004-AF
Heavy Equipment Repair Facility

Dear Mr. Gilliland:

Enclosed is Permit Number 0310519-004-AF for the subject air pollution source, issued pursuant to Section 403.087, Florida Statutes (F.S.).

The permit with the attached conditions shall become final and effective on the date filed with the Clerk of the Permitting Authority unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), before the deadline for filing a petition or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition. Upon timely filing of a petition or a request for an extension of time, this action will not be effective until further order of the Permitting Authority. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Permitting Authority's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel, City of Jacksonville, 117 West Duval Street, Suite 480, Jacksonville, FL 32202 [Telephone: (904)630-1700; Fax: (904)630-1731].

Petitions filed by the applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this notice. 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 notice or within fourteen (14) days of receipt of this 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 such notice, regardless of the date of publication.

The 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 (in a proceeding initiated by another party) will be only at the discretion 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, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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 when and how the petitioner received notice of the agency decision;
(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
(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 including an explanation of how the alleged facts relate to the specific rules or statutes; 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 notice. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by filing of a Notice of Appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, City of Jacksonville, 117 West Duval Street, Suite 480, Jacksonville, FL 32202, and with the Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty (30) days after this order is filed with the Clerk of the Permitting Authority.

Executed in Jacksonville, Florida.

City of Jacksonville
Neighborhoods Department
Environmental Quality Division

_____
Robert Steven Pace, P.E.
Air Quality Branch Manager

RSP/CBJ

CERTIFICATE OF SERVICE

The undersigned duly designated agency clerk hereby certifies that the **NOTICE OF PERMIT ISSUANCE**, 0310519-004ltn-AF, and the **AIR OPERATION PERMIT**, 0310519-004-AF, were mailed before the close of business on _____ to the person(s) listed:

Mr. Richard Gilliland, Safety/Environmental Coordinator, M.D. Moody & Sons, Inc.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated agency clerk, receipt of which is hereby acknowledged.

_____ _____
Clerk Date

A copy or notification of access to a copy of the **NOTICE OF PERMIT ISSUANCE**, 0310519-004ltn-AF, and the **AIR OPERATION PERMIT**, 0310519-004-AF, was sent by E-mail to the person(s) listed:

Mr. George Whitmer, Consultant, Whitmer Environmental Services, Inc.
Ms. Rita Felton-Smith, Florida Department of Environmental Protection - Northeast District
Ms. Lori Tilley, City of Jacksonville, Environmental Quality Division
Mr. Wayne Walker, City of Jacksonville, Environmental Quality Division
EQD Facility File: 0310519 File C