Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

Electronically Sent – Received Receipt Requested

John Tapper, C.O.O.
EnviroFocus Technologies, L.L.C.
1901 North 66th Street
Tampa, Florida 33619

Re: Project No. 0570057-028-AC/PSD-FL-404C
Amends Permit No. 0570057-020-AC/PSD-FL-404
EnviroFocus Technologies, L.L.C., Process Stack
90-Day Extension to Complete Initial Process Stack Testing
Letter of Authorization

Dear Mr. Tapper:

The Department acknowledges receipt of your request (dated August 20, 2012) to allow an additional 90 days to complete initial compliance testing. Initial compliance testing for CO and NO_X was to be completed within 180 days of startup, which is October 7, 2012. It was discovered that the original design for the afterburner and its placement presented a safety concern and did not meet the facility's needs following the upgrade to the blast furnace. Completing the necessary changes does not allow for the installation and stabilization to be completed in time for compliance testing to be conducted before October 7, 2012. Based on the given circumstances, the Department approves your request. Specifically, initial compliance testing for CO and NO_X as specified by Specific Condition 19 in Section 3.B. of Air Construction Permit 0570057-020-AC shall be completed by January 6, 2013.

The Department will consider this action final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, of the Florida Statutes (F.S.). Mediation under Section 120.573, F.S., will not be available for this proposed action.

A person whose substantial interests are affected by the proposed 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 (received) in the Department's Office of General Counsel, MS #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this notice. Petitions filed by any other person must be filed within 14 days of receipt of this proposed action. A petitioner must 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 Department'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 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 indicate; (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the 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 Department'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 on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by the filing of a Notice of Appeal, under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 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 days from the date this notice is filed with the Clerk of the permitting authority.

Executed in Tallahassee, Florida.

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for Jeffery F. Koerner, Program Administrator
Office of Permitting and Compliance
Division of Air Resource Management

JFK/sa/ejs

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this authorization was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on the date indicated below to the following persons.

Mr. John Tapper, EnviroFocus, LLC (john.tapper@gopherresource.com)
Ms. Angela Fogarty, EnviroFocus, LLC (angela.fogarty@gopherresource.com)
Mr. Robert Wong, DEP Southwest District Office (robert.wong@dep.state.fl.us)
Ms. Diana Lee, Hillsborough County EPC (lee@epchc.org)
Mr. Jason Waters, Hillsborough County EPC (watersj@epchc.org)
Ms. Kathleen Forney, EPA Region 4 (forney.kathleen@epa.gov)
Ms. Heather Ceron, EPA Region 4 (ceron.heather@epa.gov)
Ms. Ana M. Oquendo, EPA Region 4 (oquendo.ana@epa.gov)
Ms. Barbara Friday, DEP OPC: (barbara.friday@dep.state.fl.us)
Ms. Lynn Scearce, DEP OPC: (lynn.scearce@dep.state.fl.us)

Clerk Stamp
FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Lynn Scearce
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