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NOTICE OF ADMINISTRATIVELY CORRECTED AIR CONSTRUCTION PERMIT

In the Matter of a Request for Administrative Correction:

Trademark Metals Recycling, LLC (TMR)
6912 E 9th Avenue
Tampa, Florida 33619

Authorized Representative: Ms. Brenda Anderson
Environmental Manager

Project No. 0570119-019-AC

Administrative Correction to:
Permit No. 0570119-017-AC

Hillsborough County

Dear Ms. Anderson:

Enclosed is an administrative correction for Air Construction Permit No. 0570119-017-AC for Trademark Metals Recycling, LLC, a secondary aluminum smelting facilty which is located in Hillsborough County at 6912 E 9th Avenue in Tampa, Florida. The UTM coordinates for the site are Zone 17, 364.7 kilometers (km) East and 3093.6 km North. This permitting action involves reducing the monitoring/calibration frequency for the pressure drop across the natural gas burner orifices from daily to annually. The facility will still be required to monitor the natural gas usage daily, to demonstrate compliance with the permitted heat input rates. The modification of the two aluminum rotary furnaces was authorized by the Environmental Protection Commission of Hillsborough County (EPCHC) in Air Permit No. 0570119-017-AC, issued on February 25, 2013.

This administrative correction is issued pursuant to Rule 62-210.360(1)(g), Florida Administrative Code (F.A.C.), and Chapter 403, Florida Statutes (F.S.). This corrective action does not alter the effective dates of the existing permit. The EPC will consider the above-noted action Final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. Mediation under Section 120.573, F.S., will not be available for this proposed action.

The EPC has permitting jurisdiction under Chapter 403 Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.) Chapters 62-4 and 62-210. The project is not exempt from permitting procedures. The EPC has determined that an air pollution construction permit is required to commence or continue operations at the described facility. The EPC intends to issue this permit based on the belief that reasonable assurances have been provided to indicate that operation of the source will comply with the appropriate provisions of Florida Administrative Code (F.A.C.) Chapters 62-204 through 62-297 and 62-4.

Pursuant to Section 403.815 and 403.0872, F.S. and Rules 62-103.150 and 62-210.350(3), F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit. The notice shall be published one time as soon as possible, in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the EPC at the address or telephone number listed below. **The applicant shall provide proof of publication to the EPC, Air Permitting Section, at 3629 Queen Palm Dr., Tampa, Florida 33619 (Phone (813)627-2600 - FAX (813)627-2660) within 7 (seven) days of**

publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit pursuant to Rule 62-103.150(6), F.A.C.

Petitions: A person whose substantial interests are affected by the 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 Legal Department of the EPC at 3629 Queen Palm Dr., Tampa, Florida 33619, Phone 813-627-2600, Fax 813-627-2602. Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 (fourteen) days of receipt of this 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 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), however, any person who asked the EPC for notice of agency action may file a petition within 14 (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 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 EPC'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 and the name, address, and telephone number of each petitioner's representative, if any, which shall be the address for service purposes during the course of the proceedings; and an explanation of how the petitioner's substantial interests will be affected by the EPC's determination;
(c) A statement of how and when the petitioner received notice of the EPC 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, including the specific facts the petitioner contends warrant reversal or modification of the EPC's proposed action;
(f) A statement of specific rules or statutes that the petitioner contends requires reversal or modification of the EPC'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 petitioner wishes the EPC to take with respect to the EPC's proposed action.

A petition that does not dispute the material facts upon which the EPC'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 EPC'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 EPC on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

This action is final and effective on the date filed with the Clerk of the EPC unless a petition is filed in accordance with above. Upon the timely filing of a petition, this order will not be effective until further order of the EPC.

In addition to the above, a person subject to regulation has a right to apply to the Department of Environmental Protection for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542, F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for

filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, FL 32399-3000. The petition must specify the following information:

(a) The name, address, and telephone number of the petitioner,
(b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any,
(c) Each rule or portion of a rule from which a variance or waiver is requested,
(d) The citation to the statute underlying (implemented by) the rule identified in (c) above,
(e) The type of action requested,
(f) The specific facts that would justify a variance or waiver for the petitioner,
(g) The reason by the variance or waiver would serve the purposes of the underlying statute (implemented by the rule), and
(h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of the those terms is defined in Section 120.542(2), F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of United States Environmental Protection Agency and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Any person listed below may request to obtain additional information, a copy of the application (except for information entitled to confidential treatment pursuant to Section 403.111, F.S.), all relevant supporting materials, and all other materials available to the EPC that are relevant to the permit decision. Interested persons may contact Diana M. Lee, P.E., at the above address or call (813)627-2600, for additional information.

Any party to this order has the right to seek judicial review of it under Section 120.68 of the Florida Statues, by filing a notice of appeal under rule 9.110 of the Florida rules of Appellate Procedure with the EPC's Legal Office at 3629 Queen Palm Dr., Tampa, Florida 33619 and with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, 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 must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tampa, Florida

_____
Richard D. Garrity, Ph.D.
Executive Director

RDG/SRH/srh

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Administratively Corrected Air Construction Permit 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.

Ms. Brenda Anderson - Trademark Metals Recycling, LLC: BAnderson@TMRecycling.com
Mr. Jeff Howard – Trademark Metals Recycling, LLC: Jeffrey.Howard@TMRecycling.com
Mr. Tim Fox – Trademark Metals Recycling, LLC: Timothy.Fox@TMRecycling.com
Ms. Veronica Sgro, P.E. – Koogler and Associates: vsgro@kooglerassociates.com
Ms. Kelley Boatwright – FDEP Southwest District: Kelley.M.Boatwright@dep.state.fl.us

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.

_____ _____
(Clerk) (Date)

The following descriptions and permit conditions are revised as indicated for each section and subsection. ~~Strikethrough~~ is used to denote the deletion of text while Double-underlines are used to denote the addition of text. All changes are emphasized with yellow highlighting.

Permit Being Administratively Corrected: Permit No. 0570119-017-AC

A.34. The permittee shall install a natural gas meter at each rotary furnace, and measure and record the pressure drop across the gas and air orifices on the rotary furnace burners on ~~a daily~~ an annual basis and compare the readings with the manufacturer's specifications, to ensure that the heat input rates do not exceed 6.0 MMBtu/hr, or a higher rate not to exceed 7.5 MMBtu/hr, as stipulated in Specific Condition A.1. These records shall be kept on site and made available for inspection by a duly authorized Federal, State, or Local agency, upon request. [Rules 62-4.070(3) and Permit application received January 18, 2013]

A.35. Federal Rule Requirements. In addition to the specific conditions listed above, these emission units are subject to the applicable requirements contained in 40 CFR 63, Subpart A – General Provisions and 40 CFR 63 Subpart RRR. [Rule 62-204.800, F.A.C.]