Florida Department of Environmental Protection
South District Office
Post Office Box 2549
Fort Myers, Florida 33902-2549

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

March 14, 2013

Electronic Mail
Received Receipt Requested

Rick Finkbeiner
President – CEO
GGS Fort Myers, LLC
7904 Interstate Court
North Fort Myers, FL 33917

Re: Extension of Air Construction Permit Expiration Date
GGS Fort Myers, LLC
Project No. 0710282-003-AC
(Extension of Original Air Permit No. 0710282-002-AC)

Dear Mr. Finbeiner:

On March 13, 2013, GGS Fort Myers, LLC requested an extension of the expiration date for the above referenced air construction permit for the GGS Fort Myers, LLC (Green GALLON Solutions) plant located in Lee County at 7904 Interstate Court in Fort Myers, Florida. Briefly, this project authorizes construct a Batch type, Biodiesel production plant that can produce up to a maximum of 2.85 million gallons of ASTM D-6751 certified biodiesel annually.

So far, most of the construction activities have been completed, however (due to equipment delays), construction is still in progress. GGS Fort Meyers, LLC, requests the additional time to complete remaining construction activities, complete shakedown of equipment, perform the required tests, submit a timely Non-Title V operation permit, etc.). Based on the circumstances and information provided, the Department approves this request.

Determination: The expiration date is hereby extended from **March 16, 2013** to **November 16, 2013,** to provide the necessary time to complete authorized construction activities, complete shakedown of equipment, perform the required tests, and submit a timely Non-Title V operation permit, etc.).. This permitting action does not authorize any new construction. A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The Permitting Authority responsible for making a permit determination for this project is Air Resource Management, Florida Department of Environmental Protection, South District Office. The South District's mailing address is P.O. Box 2549, Fort Myers, Florida, 33902-2549. The permitting authority's telephone number is (239) 344-5600. All documents related to applications for permits to construct or operate an emissions unit shall be submitted to the South District Office.

Petitions: 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, 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 (Telephone: 850/245-2241). Petitions must be filed within 14 days of receipt of this permit extension. 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 (in a proceeding initiated by another party) 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 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 when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact; (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 written 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.

Mediation: Mediation is not available in this proceeding.

Effective Date: This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this action will not be effective until further order of the Department.

Judicial Review: Any party to this permitting decision (order) has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure 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 30 days after this order is filed with the clerk of the Department.

Executed in Fort Myers, Florida.

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Jon M. Iglehart
Director of District Management

JMI/CBE/mf

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Extension of Air Construction Permit Date 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 March 14, 2013 to the persons listed below.

Rick Finkbeiner, GGS Fort Myers, LLC rickf@greengallonsolutions.com
Jerry Dunn, GGS Fort Myers, LLC JerryD@greengallonsolutions.com
Barry McClernon BarryM@Greengallonsolutions.com
James C. Hart, P.E. jhart.uhi@sbcglobal.net

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.

March 1 4, 2013

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(Clerk) (Date)