FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NORTHEAST DISTRICT
8800 BAYMEADOWS WAY WEST, SUITE 100
JACKSONVILLE, FLORIDA 32256

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

Sent by Electronic Mail – Received Receipt Requested

Ms. Connie Henderson
Environmental Manager
E.I. DuPont De Nemours & Co.
P.O. 753
Starke, FL 32091

Re: Exemption from the Requirement to Obtain an Air Permit
DuPont Maxville Mine
Baker and Clay County, FL
Temporary Emergency Operation – Screener

Dear Ms. Henderson:

On April 16, and 17, 2013 Mr. Pradeep Raval, consultant for DuPont Maxville Mine, submitted information outlining a request to use a temporary screener for mining operations at the DuPont Maxville Mine that would otherwise be handled by the existing 500 TPH electric screener at the site. The existing screener is now inoperable, will require extensive repair estimated at a minimum of four weeks and the mining operation cannot continue at the normal rate without sufficient screening capability.

The facility is identified as DuPont Maxville Mine, located in Baker and Clay Counties covering approximately 4000 acres in Northeast Florida.

Determination: Pursuant to Rule 62-4.040(1)(b) of the Florida Administrative Code (F.A.C.) the Department of Environmental Protection, Northeast District determines that the activity will not emit air pollutants"... in sufficient quantity, with respect to its character, quality, or content, and the circumstances surrounding its location, use and operation, as to contribute significantly to the pollution problems within the State, so that the regulation (permitting) thereof is not reasonably justified." The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Rule 62-4.040(1), F.A.C.- Exemptions. Therefore, the project is exempt from the requirement to obtain an air permit, subject to the attached conditions of exemption. This determination may be revoked if the proposed activity is substantially modified or the basis for the exemption is determined to be materially incorrect. A copy of this letter shall be maintained at the site of the proposed activity. This permitting decision is made pursuant to Chapter 403, Florida Statutes.

Permitting Authority: Applications for air 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, F.A.C. The Department of Environmental Protection, Northeast District Office, Air Resources Section is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical and mailing address is: 8800 Baymeadows Way West, Suite 100, Jacksonville, FL

32256. The Permitting Authority's telephone number is 904/256-1700.

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. Petitions must be filed within 21 days of receipt of this exemption from air permitting requirements. 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. 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 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 permitting action. 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.

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 Jacksonville, Florida.

Richard S. Rachal III, P.G.
Acting Program Administrator
Waste & Air Resource Management

RSR/jw

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Temporary Exemption from Air Permitting was sent by electronic mail, or a link to this document made available electronically on a publicly accessible server, with received receipt requested before the close of business on April 18, 2013 to the persons listed below.

Mr. Pradeep Raval, Koogler and Associates, Inc. (praval@kooglerassociates.com)
Ms. Connie Henderson, E.I. DuPont De Nemours & Co. (Connie. Henderson@usa.dupont.com)

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) April 18, 2013 (Date)

CONDITIONS OF EXEMPTION

Based on information received April 16, and 17, 2013, DuPont Maxville Mine is authorized to temporarily operate an approximately 250 HP diesel portable screener(s) to maintain operations at the mining site. The existing electric powered 500 TPH screener malfunctioned and will require approximately one month to repair. The use of the diesel powered screener(s) will allow the continued operation of the mining activities during the electric screener repair. The temporary screener(s) will be relocated from other sites operated by the company or rented from off site rental companies. If available electric screener(s) may also be rented. The diesel fuel fired in the screener engine shall be limited to a maximum sulfur content of 0.5% by weight to limit particulate matter and sulfur dioxide emissions. Pursuant to the provisions of Rule 62-4.040(1), F.A.C.-Exemptions, the temporary project is exempt from the requirement to obtain an air permit. The exemption is subject to the following conditions:

Location

1. The temporary replacement screener(s) shall be located at the DuPont Maxville Mine located in Baker and Clay County, Florida.

Capacity / Potential to Emit

2. The total maximum operating rate of the screener(s) shall be limited to no more than 500 TPH.

3. The screener(s) shall be fired with diesel fuel which shall be limited to a maximum sulfur content of 0.5 percent by weight. Electric screener(s) may also be used.

Duration

4. Authorization to operate the temporary screener(s) shall expire at the close of business on June 21, 2013 unless extended in writing by the Department.

Reports and Recordkeeping

5. The applicant shall notify the Department by e-mail (within three days) of the dates that the temporary screener(s) begin operation and complete operation at the site. Please email to the following address: Richard. Rachal@dep.state.fl.us

6. The applicant shall maintain records of the following information for the temporary screener(s):

    a. Manufacturer name and date of manufacture
    b. Model No.
    c. Quantity of diesel fuel combusted while located at the site
    d. Estimate of the quantity of the following pollutants generated while located at the site (not required if electric screener is used):
        i. Carbon Monoxide
        ii. Oxides of Nitrogen
        iii. Sulfur dioxide

iv. Volatile Organic Compounds
v. Particulate Matter (PM) and PM_{10}

7. Maintain fuel record receipts and supplier certifications (sulfur content) for the fuel combusted in the temporary screener(s) operations.

8. Upon request, the above records, receipts, and certifications shall be submitted to the Department within one month following completion of use of the temporary screener(s).

Applicable Air Regulations

9. The screener(s) shall meet the applicable federal NSPS requirements of 40 CFR 60, Subpart LL and 40 CFR 60, Subpart A.

10. Exemption from the requirement to obtain an air permit does not relieve any emissions unit or activity from complying with any requirement under 40 CFR Part 60, 61, or 63, adopted and incorporated by reference at Rule 62-204.800, F.A.C., to which it is subject, even if such requirement is not a unit-specific applicable requirement. [Rule 62-210.300(3), F.A.C.]

11. Exemption from the requirement to obtain an air permit does not relieve the owner or operator of a facility or emissions unit from complying with any applicable requirements, any emission limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law. [Rule 62-210.300(3), F.A.C.]

12. Exemption from the requirement to obtain an air permit does not relieve the owner or operator of a facility or emissions unit from complying with the Rule 62-296.320, F.A.C. - General Pollutant Emission Limiting Standards: Subsection 62-296.320(2), F.A.C. -Objectionable Odor Prohibited; Subsection 62-296.320(3), F.A.C.- Industrial, Commercial, and Municipal Open Burning Prohibited; Paragraph 62-296.320(4)(b), F.A.C.- General Visible Emissions Standard; and Paragraph 62-296.320(4)(c), F.A.C.-Unconfined Emissions of Particulate Matter.