FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

NOTICE OF PERMIT EXEMPTION

Steven Hentzen, Vice President
Hentzen Coatings, Inc.
6937 W. Mill Road
Milwaukee, WI 53218

October 14, 2014

Re: DEP Project File No.: 1030553-003-AC
Hentzen Coatings, Inc.

Dear Mr. Hentzen:

On September 15, 2014, the Department received a letter from George W. Curry Jr. of Hentzen Coatings, Inc., requesting the Department to determine whether Hentzen Coatings, Inc., located at 5182 126th Avenue N in Clearwater, Pinellas County requires an air pollution permit for a 750 scfm portable dust collector to control emissions from a new hexamine free-flow product. The dust collector will be used to control emissions from the new hexamine free-flow product while it is being poured from a drum into a tote containing other materials that will ultimately be mixed and package as a final product. It will also be used to control emissions from packaging of existing material stored on site. Based on the information received by the Department, the Department has determined an air pollution permit for the facility is not required pursuant to Rule 62-4.040, Florida Administrative Code (F.A.C.).

The exemption is based on the following details as described in Mr. Curry's letter:

1. the dust collector will be operated and will exhaust solely inside the facility; and
2. the dust collector will have a HEPA filter with a 99.97% removal efficiency.

This permit exemption does not relieve the facility from complying with any other requirements of Chapter 403, F.S., rules of the Department, or any other requirements under federal, state, or local law.
[Rule 62-210.300, F.A.C.]

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. Petitions filed by the applicant or any of the parties listed below must be filed within 21 days of receipt of this notice. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. A petition for administrative hearing must contain the information set forth below and must be filed (received) with the Agency Clerk in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, Agency.Clerk@dep.state.fl.us, before the deadline. 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, any email address, telephone number and any facsimile number of the petitioner; the name, address, any email address, telephone number, and any facsimile 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 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 on the application 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.

This permit exemption is final and effective on the date filed with the Clerk of the Department unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. or unless a request for an 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 to file the petition, this permit acknowledgement will not be effective until further Order of the Department.

Any party to the Order (Permit Exemption) has the right to seek judicial review of the Order pursuant to 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 of Environmental Protection in the Office of General Counsel, Douglas Building, 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 of Appeal must be filed within 30 days after this Order is filed with the Clerk of the Department.

If you have any questions, please contact Nancy E. Knight, at (813) 470-5724, or by e-mail at nancy.knight@dep.state.fl.us.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

for

Kelley M. Boatwright
Permitting & Waste Cleanup Program Administrator
Southwest District

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT EXEMPTION was sent by electronic mail before the close of business on the date indicated below to the persons listed below.

Steven Hentzen (shentzen@hentzen.com)

George W. Curry, Jr., Hentzen Coatings, Inc. (gcurry@hentzen.com)

Katherine Katsourides, Trinity Consultants (kkatsourides@trinityconsultants.com)

Sherrill Culliver, Pinellas County Air Quality Division (sculliver@pinellascounty.org)

Clerk Stamp

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

Anna Brady 10/14/2014
(Clerk) (Date)