FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST DISTRICT OFFICE
400 NORTH CONGRESS AVENUE 3RD FLOOR
WEST PALM BEACH, FLORIDA 33401-2913

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

Sent by Electronic Mail – Received Receipt Requested

NOTICE OF AIR OPERATION PERMIT

In the Matter of an
Application for Permit Renewal:

Mr. Robert Nothof, Plant Manager
S&B Industrial Minerals North America, Inc
3505 65th Street
Vero Beach, FL 32967

FINAL Permit Project No.: 0610002-007-AO
S&B Industrial Minerals, Inc. Vero Beach
Indian River County, Florida

Mr. Nothof:

Enclosed is an Operation Permit No. 0610002-007-AO for the operation of a source of air pollution located in Indian River County. This permit is issued pursuant to Chapter 403.087 of the Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-212, 62-296, and 62-297 of the Florida Administrative Code.

A person whose substantial interests are affected by the Department's 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 at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241). Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this final permit. 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 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 Department's final action may be different from the position taken by it in this final permit. Persons whose substantial interests will be affected by any such final decision of the Department 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 for this action.

Any party to this Order (Permit) has the right to seek judicial review pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure with the Department at the address listed below 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 from the date this Order (Permit) is filed with the Clerk of the Department.

Executed in West Palm Beach, Florida.
Department of Environmental Protection

_____ _____
Jill S. Creech, P.E. Date
Southeast District Director

JSC/JKS/JL /lh /sdt

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT and the FINAL AIR OPERATION PERMIT were sent electronically (with Received Receipt) before the close of business on _____ to the person(s) listed or as otherwise noted:

Mr. Robert Nothof, Plant Manager, S&B Industrial Minerals North America, Inc.: r.nothof@sandb.com

The undersigned duly designated deputy agency clerk hereby certifies that a copy of this NOTICE OF PERMIT and the FINAL AIR OPERATION PERMIT were sent electronically (with Received Receipt) before the close of business on _____ to the person(s) listed or as otherwise noted:

Mr. Jerome J. Guidry, P.E., Q.E.P., Perigee Technical Services, Inc. jerome.guidry@att.net
Mr. Joe Lurix, DEP, SED: joe.lurix@dep.state.fl.us (for Compliance Information)

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.

_____ _____
(Clerk) (Date)