PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection
Northeast District Office
Air Resource Section
Revised Draft Air Permit No. 1090447-010-AV
Hydro Aluminum North America, Inc.
St. Johns County

Applicant: The applicant for this project is Hydro Aluminum North America, Inc. The applicant's authorized representative and mailing address is: Mr. Bob Gregory, Director of Operations, Hydro Aluminum of North America, Inc., 200 Riviera Boulevard, St. Augustine, St. Johns County, Florida 32086.

Facility Location: Hydro Aluminum North America, Inc., is a secondary aluminum production facility (Standard Industrial Classification Nos. 3354 – extrude aluminum products and 3341- secondary smelting and refining of non-ferrous metals). The facility is located in St. Johns County at 200 Riviera Boulevard, St. Augustine, St. Johns County, Florida.

Project: On March 12, 2010, Hydro Aluminum North America, Inc. applied to the permitting authority for a Title V Air Operation Permit Revision for the facility located at 200 Riviera Boulevard, St. Augustine, St. Johns County, Florida. The Title V permit revision is being issued for the purpose of incorporating the terms and conditions of air construction permit Nos. 1090447-008-AC and 1090447-009-AC.

The Department distributed a combined Public Notice, Draft Air Construction Permit No. 1090447-009-AC, and DRAFT Title V Operation Permit Revision on August 10, 2010. The applicant published the Public Notice in the St. Augustine Record on August 17, 2010. The Department received the proof of publication on August 24, 2010. No requests for administrative hearings or requests for extensions of time to file a petition for administrative hearing were received. Subsequent to publication of the Public Notice, the applicant submitted comments on the DRAFT Title V Operation Permit Revision and the Department made changes to the Draft Title V Operation Permit Revision based on the comments. The Department, as the permitting authority, withdrew the August 10, 2010 DRAFT Title V Permit Revision and replaced it with a REVISED DRAFT Title V Air Operation Permit Revision package on December 6, 2010. The applicant conducted emissions testing as authorized by Air Construction Permit No. 1090447-009-AC. The Department made changes to the DRAFT Title V Operation Permit Revision based on the results of this emissions testing and additional comments received from the applicant. The changes made to the permit are expected to cause new or significantly greater adverse environmental impacts pursuant to Rule 62-110.106(7), F.A.C., and a publication of a new Public Notice is required. Based on these changes, the permitting authority is withdrawing the December 6, 2010 REVISED DRAFT Title V Air Operation Permit Revision and is replacing it with the attached REVISED DRAFT Title V Air Operation Permit Revision package.

Permitting Authority: Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-213 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. The Department of Environmental Protection, Northeast District, 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: 7825 Baymeadows Way, Suite B200, Jacksonville, FL 32256-7590. The Permitting Authority's telephone number is 904/256-1700.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the REVISED DRAFT Title V Air Operation Permit Revision, the statement of basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above. In addition, electronic copies of these documents are available on the following web site:
http://www.dep.state.fl.us/air/emission/apds/default.asp.

(Public Notice to be Published in the Newspaper)

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue a draft Title V Air Operation permit revision to the applicant for the project described above. The applicant has provided reasonable assurance that continued operation of the existing equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a proposed permit and subsequent Final Permit in accordance with the conditions of the proposed REVISED DRAFT Title V Air Operation Permit Revision unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: Title V air operation permit for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly (FAW). If a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received written comments or comments received at a public meeting result in a significant change to the draft permit, the Permitting Authority shall issue a revised draft permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection. For additional information, contact the Permitting Authority at the above address or phone number.

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 at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2242). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 14 days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 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 (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 rights will be affected by the agency determination; (c) A statement of when and how the 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 Public

Notice of Intent to Issue Air Permit. 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 for this proceeding.

Objections: Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the 30-day public comment period provided in the Public Notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at http://www.epa.gov/region4/air/permits/Florida.htm.

(Public Notice to be Published in the Newspaper)