Florida Department of Environmental Protection

Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7590

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

August 23, 2011

Mr. Bob Gregory, Director of Operations
Hydro Aluminum of North America, Inc.
200 Riviera Boulevard
St. Augustine, Florida 32086

Re: Revised Draft Air Title V Operation Permit No.: 1090447-010-AV
St. Augustine Facility

Dear Mr. Gregory:

The Department, through its permitting authority, hereby withdraws the previously issued DRAFT Title V Operation Permit Revision issued on December 6, 2010, for the St. Augustine Facility located at 200 Riviera Boulevard, St. Augustine, St. Johns County, Florida, and replaces it with the enclosed REVISED DRAFT Title V Operation Permit Revision.

The permitting authority's "INTENT TO ISSUE A TITLE V AIR OPERATION PERMIT REVISION" is also included.

An electronic version of the REVISED DRAFT Title V Operation Permit will be posted on the Division of Air Resource Management's World Wide Web site for the United States Environmental Protection Agency (USEPA) Region 4 office's review. The web site address is:

"http://www.dep.state.fl.us/air/emission/apds/default.asp"

If you have any questions, please contact Rita Felton-Smith at (904) 256-1556.

Sincerely,

Christopher L. Kirts, P.E.
District Air Program Administrator

CLK:rfs

Enclosure

copy furnished to:

Ms. Barbara Friday, DEP BAR: Barbara.Friday@dep.state.fl.us (for posting with U.S. EPA, Region 4)
Mr. Brian Zielinski: Brian.Zielinski@hydro.com
Mr. Timothy Keesling, Hydro Aluminum, Inc.: Timothy.Keesling@hydro.com
Mr. Kennard Kosky, P.E.: Ken_Kosky@golder.com
Ms. Ana M. Oquendo, EPA Region 4 (Oquendo.Ana@epamail.epa.gov)
Ms. Ronda L. Moore, DEP Assistant General Counsel: ronni.moore@dep.state.fl.us

In the Matter of an
Application for Permit Revision by:

Hydro Aluminum North America, Inc.
200 Riviera Blvd
St. Augustine, FL 32086
_____/

REVISED DRAFT
Permit Project No.: 1090447-010-AV
St. Johns County

INTENT TO ISSUE A TITLE V AIR OPERATION PERMIT REVISION

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit Revision (copy of the REVISED DRAFT Title V Air Operation Permit Revision attached) for the Title V source detailed in the application specified above, for the reasons stated below.

The applicant, Mr. Allan Annis, Regional Director of Operations, Hydro Aluminum North America, Inc., applied on March 12, 2010, 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.

The permitting authority has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210 and 62-213. This source is not exempt from Title V permitting procedures. The permitting authority has determined that a Title V Air Operation Permit Revision is required to construct continue operations at the described facility.

The permitting authority intends to issue the Title V Air Operation Permit Revision based on the belief that reasonable assurances have been provided to indicate that the construction activity and operation

of the source will not adversely impact air quality, and the source will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C.

The permitting authority will issue the PROPOSED Title V Air Operation Permit Revision and subsequent FINAL Title V Air Operation Permit Revision in accordance with the conditions of the attached REVISED DRAFT Title V Air Operation Permit Revision unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department's proposed agency action shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. 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 (received) in the Office of General Counsel of the Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/ 245-2242; Fax: 850/ 245-2303). Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 (fourteen) days of receipt of this notice of intent. 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 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 how and when each petitioner received notice of the agency action or proposed action;

(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 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 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 will not be available in this proceeding.

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.

Executed in Jacksonville, Florida.

Department of Environmental Protection

Christopher L. Kirts, P.E.
District Air Program Administrator

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Intent to Issue a Title V Air Operation Permit Revision (including the Statement of Basis and the Revised Draft Title V Operation Permit), or a link to these documents available electronically on a publicly accessible server, was sent by electronic mail with received receipt requested before the close of business on August 23, 2011 to the persons listed below:

Mr. Timothy Keesling, Hydro Aluminum, Inc.: Timothy.Keesling@hydro.com
Mr. Kennard Kosky, P.E.: Ken_Kosky@golder.com
Ms. Barbara Friday, DEP BAR: Barbara.Friday@dep.state.fl.us (for posting with U.S. EPA, Region 4)
Ana Oquendo, EPA Region 4: oquendo.ana@epamail.epa.gov
Ronda L. Moore, Assistant General Counsel: Ronni.Moore@dep.state.fl.us

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.

Monique Jordan

(Clerk) 8/23/2011 (Date)