



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

April 2, 2010

Mr. Charles G. Rogers, Jr.
Survival Products, Inc.
5614 Southwest 25th Street
West Park, Florida 33023-4009

Dear Mr. Rogers:

A corrected notice is enclosed to reflect that the Department has determined that your facility does not qualify to use the Air General Permit for surface coating operations. If you should have any questions regarding this determination, you may contact Dick Dibble or Becky Ajhar of my staff at 850/488-0114.

Sincerely,

A handwritten signature in cursive script that reads "Sandra F. Veazey".

Sandra F. Veazey, Chief
Bureau of Air Monitoring
and Mobile Sources

SFV/
Enclosure



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5614 Southwest 25th Street
West Park, Florida 33023-4009

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

NOTICE OF INELIGIBILITY TO USE THE AIR GENERAL PERMIT

Dear Mr. Rogers:

This is to notify you that the Department, pursuant to your submittal received on February 25, 2010, has determined that your facility does not qualify to use the Air General Permit for surface coating operations.

The requirements that a facility must meet in order to qualify for use of the Air General Permit are set forth in Rule 62-210.310, Florida Administrative Code (F.A.C.). Your submittal indicates your facility is not eligible for the reason(s) listed below:

- facility information provided is insufficient
- equipment information provided is insufficient
- equipment control information is insufficient
- emissions indicate facility is not eligible
- source category not applicable or incorrect
- certification statement is blank or not signed by Responsible Official
- other:

If you have any questions regarding the Department's determination, please contact Dick Dibble or Becky Ajhar at the Bureau of Air Monitoring and Mobile Sources at 850/488-0114. However, if you believe you meet the requirements for the Air General Permit, you may complete the enclosed blank registration form, making the corrections indicated above, and resubmit it to the Department. Any facility which does not qualify for the Air General Permit may require a standard air pollution control permit from the Department. A notice of your legal rights begins on the following page.

The DEP will consider the above-noted action final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, Florida Statutes, (F.S.).

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 14 days of publication of the public notice or within 14 days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen 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 will be only at the approval of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department'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 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; 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 Department'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.

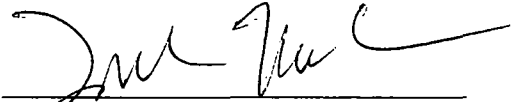
Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of 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 in this proceeding.

Any party to this order has the right to seek judicial review of this final action under section 120.68 of the Florida Statutes, by filing a notice of appeal under rule 9.110 of the Florida rules of Appellate Procedure with the clerk of the Department 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 Tallahassee, Florida, this 2nd day of April, 2010.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

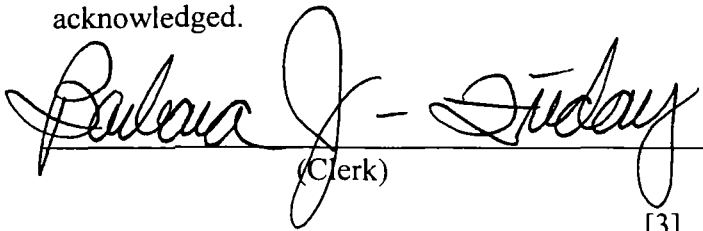


Joseph Kahn, Director
Division of Air Resource Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this order and all copies were sent by certified mail before the close of business on 4/2/10 to the person(s) listed:

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) [3]

4/2/10
(Date)

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

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0112711-0025 (SC)

Sent To

Mr. Charles G. Rogers JR

Street, Apt. No.;
or PO Box No.

5614 SW 25th St

City, State, ZIP+4

West Park, FL 33023-4009

0009 4E0E 4000 097T 5002
7005 1160 0004 3034 6800