



# Florida Department of Environmental Protection

Northeast District  
7825 Baymeadows Way, Suite B200  
Jacksonville, Florida 32256-7590  
Phone: 904/807-3300 ♦ Fax: 904/448-4366

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

January 8, 2009

Mr. Kip Fisher  
Pride Enterprises  
12425 28<sup>th</sup> Street North  
St. Petersburg, FL, 33716

Baker County – Air Permitting  
Pride Enterprises – Baker Paint  
FESOP Renewal  
AIRS ID No.: 0030005, Project No.: 004

Dear Mr. Fisher:

This is in reference to your air pollution permit application for the above referenced project.

Florida Administrative Code (FAC) Section 62-210.350(1)(a) and Florida Statute 403.815 require that you (the applicant) publish at your own expense, the enclosed **NOTICE OF INTENT TO ISSUE A FEDERALLY ENFORCEABLE STATE OPERATION PERMIT (FESOP) FOR A NON-TITLE V SOURCE OF AIR POLLUTION.**

The notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place.

The Proof of publication, i.e. newspaper affidavit, shall be provided to the Department of Environmental Protection as soon as possible upon receipt of this letter. The processing of the application will be delayed until fourteen (14) days after this office has received the proof of publication. Failure to publish this Notice and to provide proof of publication may result in the denial of the permit.

If you have any questions, please contact Jay Grim at (904) 807-3300, Ext. 3243.

Sincerely,

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

CLK: JEG  
Attachment(s)  
cc: Timothy M. Odell – Environmental Sciences Group, Inc.

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF INTENT TO ISSUE A FEDERALLY ENFORCEABLE STATE OPERATION  
PERMIT (FESOP) FOR A NON-TITLE V SOURCE OF AIR POLLUTION**

**CERTIFIED - RETURN RECEIPT**

In the Matter of an  
Application for Permit by:

DEP File No.: 0030005-004-AF  
County: Baker - Air Permitting

Mr. Kip Fisher  
Pride Enterprises - Baker Paint Manufacturing  
12425 28<sup>th</sup> Street North  
St. Petersburg, FL, 33716

**INTENT TO ISSUE**

The Department of Environmental Protection gives notice of its intent to issue a permit (copy attached) for the proposed project as detailed in the application specified above, for the reasons stated below.

The applicant, Mr. Kip Fisher, applied on July 14, 2008, to the Department for an air source permit renewal of the Federally Enforceable State Operation Permit for its Paint Manufacturing and Pigment Handling Facility. The facility is located at US 90 East, Sanderson, Baker County, Florida.

The Department has permitting jurisdiction under Chapter 403, Florida Statutes (F.S.) and Sections 62-4.05 and 62-4.07, Florida Administrative Code (FAC). The project is not exempt from permitting procedures.

The Department intends to issue the permit for the following reason(s):

The applicant has provided reasonable assurances that the proposed work will comply with all applicable department regulations.

Pursuant to Section 403.815, Florida Statutes and Rule 62-210.350(1)(a), F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit. The notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the

Department of Environmental Protection at Northeast District Office, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256-7590. The applicant shall provide proof of publication to the Department as soon as possible upon publishing. Failure to publish the notice and provide proof of publication may result in the denial of the permit.

The Department will issue the permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for File Number 0030005-004-AF for a period of 14 (fourteen) days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE FEDERALLY ENFORCEABLE STATE OPERATING PERMIT." Written comments should be provided to the Florida Department of Environmental Protection, Northeast District Office at 7825 Baymeadows Way, Suite B-200, Jacksonville, Florida 32256-7590. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to 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 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, 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 fourteen 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 fourteen days of publication of the public notice or within fourteen 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 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 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 28-106.30, 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 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.

Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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

CLK:JEG

cc: Timothy M. Odell – Environmental Sciences Group, Inc.

**STATE OF FLORIDA**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**NOTICE OF INTENT TO ISSUE A FEDERALLY ENFORCEABLE STATE OPERATION**  
**PERMIT (FESOP) FOR A NON-TITLE V SOURCE OF AIR POLLUTION**

The Department of Environmental Protection gives notice of its intent to issue a permit to Pride Enterprises which has a mailing address 1245 28<sup>th</sup> Street North, Saint Petersburg, Florida, 33716. This project is for an air source permit for the continued operation of a Paint Manufacturing and Pigment Handling Facility. The Department has determined that a Federally Enforceable State Operation Permit (FESOP) is required for this project. The facility is located US 90 East, Sanderson, Baker, County, Florida. The Department has assigned file number 0030005-004-AF to this project.

The Department will issue the permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action file number 0030005-004-AF for a period of 14 (fourteen) days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE FEDERALLY ENFORCEABLE STATE OPERATING PERMIT." Written comments must be post-marked and all facsimile comments must be received by the close of business (5:00 pm), on or before the end of this 14-day period, by the Permitting Authority at the Florida Department of Environmental Protection, Northeast District, 7825 Baymeadows Way, Suite B-200, Jacksonville, Florida 32256-7590 or facsimile (904) 448-4363. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

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, F.S. 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, Mail Station 35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen 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), F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., 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 (F.A.C.).

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 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 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.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Northeast District Office, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256-7590.