

**INTENT TO ISSUE  
BEFORE THE CITY OF JACKSONVILLE  
ENVIRONMENTAL RESOURCE MANAGEMENT DEPARTMENT  
ENVIRONMENTAL QUALITY DIVISION**

**CERTIFIED - RETURN RECEIPT**

In The Matter Of An  
Application for Permit by:

Mr. Carl A. Gerhardstein, P.E.	)	
CSX Transportation, Inc.	)	Permit No: 0310316-004-AF
500 Water Street, J-275	)	County: Duval
Jacksonville, FL 32202	)	

**INTENT TO ISSUE**

The Environmental Resource Management Department, Environmental Quality Division (Department), gives notice of its intent to issue a Federally Enforceable State Operation Permit (FESOP) (copy attached) for the proposed project detailed in the application specified above, for the reasons stated below.

The applicant, Fruit Growers Express Company, applied on November 30, 2005, to the Department for a permit to operate the Jacksonville Maintenance Facility located at 2565 West 5<sup>th</sup> Street, Jacksonville, Duval County, FL 32254.

The purpose of this FESOP is to establish federally enforceable limitations on the facility and affected emission units that will effectively change the status of the facility to Non-Title V. Also, there is a requirement that the Responsible Official submit a Statement of Compliance within 60 days of the issuance date of the FESOP in accordance with Rule 62-213.440(3)(a)2.b., FAC.

The Department has permitting jurisdiction under Chapter 403, Florida Statutes (FS), and Florida Administrative Code (FAC), Chapters 62-4, 62-210, 62-212, 62-213, 62-296, and 62-297. The project is not exempt from permitting procedures. The Department has determined that an Air Pollution Source FESOP is required for the proposed work.

Pursuant to Section 403.815, FS, and Rule 62-110.106, FAC, you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Permit. The notice shall be published one time only within 30 days in the legal ad 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, FS, 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 at the address or telephone number listed below. The applicant shall provide proof of publication to the Department, at City of Jacksonville, Environmental Quality Division, 117 West Duval Street, Suite 225, Jacksonville, FL 32202, within seven (7) days of publication. Failure to publish the notice and provide proof of publication within the allotted time 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 a period of 14 (fourteen) days from the date of publication of **"PUBLIC NOTICE OF INTENT TO ISSUE PERMIT."** Written comments should be provided to the Department office at City of Jacksonville, Environmental Quality Division, 117 W. Duval Street, Suite 225, Jacksonville, FL 32202. 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, FS, 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, City of Jacksonville, 117 West Duval Street, Suite 480, Jacksonville, FL 32202. 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), FS, 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 Section 120.569, and 120.57, FS, 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, FAC.

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 facts. If there are none, the petition must so indicate;
- e. A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief,
- f. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's 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, FAC.

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.

Please direct any questions regarding this matter to Mr. Ronald L. Roberson at (904) 630-4900.

City of Jacksonville  
Environmental Resource Management Department  
Environmental Quality Division

Richard L. Robinson, P.E., Manager  
Air Pollution Source Permitting Section

RLR/RR/rdr

s:\PermitF\FOP\D\0310316-004i-AF

### **CERTIFICATE OF SERVICE**

The undersigned duly designated Department Clerk hereby certifies that this INTENT TO ISSUE (including the PUBLIC NOTICE and the DRAFT Permit package) and all copies were sent by certified mail before the close of business on \_\_\_\_\_ to the listed person(s):

**Mr. Carl A. Gerhardstein, P.E., CSX Transportation, Inc.**

In addition, the undersigned duly designated Department Clerk hereby certifies that copies of this INTENT TO ISSUE (including the DRAFT Permit package) were sent by U.S. mail or electronically on the same date to the person(s) listed:

**Mr. Scott Sheplak, BAR [scott.sheplak@dep.state.fl.us], Title V Coordinator (E-mail)**

**Ms. Barbara Friday, BAR [barbara.friday@dep.state.fl.us] (for posting with Region 4, U.S. EPA) (E-mail)**

**Ms. Rita Felton-Smith, FDEP, Northeast District (E-mail)**

**Mr. Jim A. Crisp, Plant Manager, Fruit Growers Express Company**

**Mr. Thomas W. Davis, P.E., ECT, Inc.**

### **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)

\_\_\_\_\_  
(Date)

**PUBLIC NOTICE OF INTENT TO ISSUE PERMIT**

**CITY OF JACKSONVILLE  
ENVIRONMENTAL RESOURCE MANAGEMENT DEPARTMENT  
ENVIRONMENTAL QUALITY DIVISION  
NOTICE OF INTENT TO ISSUE PERMIT**

The Environmental Resource Management Department, Environmental Quality Division (Department), gives notice of its intent to issue a Federally Enforceable State Operation Permit (FESOP) 0310316-004-AF, to Fruit Growers Express Company for the Jacksonville Maintenance Facility located at 2565 West 5<sup>th</sup> Street, Jacksonville, Duval County, FL 32254. The purpose of this FESOP is to establish federally enforceable limitations on the facility and affected emission units that will effectively change the status of the facility to Non-Title V.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of **“PUBLIC NOTICE OF INTENT TO ISSUE PERMIT.”** Written comments should be provided to the Department office at City of Jacksonville, Environmental Quality Division, 117 W. Duval Street, Suite 225, Jacksonville, FL 32202. 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 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel, City of Jacksonville, 117 West Duval Street, Suite 480, Jacksonville, FL 32202. 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), FS, 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 Section 120.569, and 120.57, FS, 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, FAC.

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 facts. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief, (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 FAC.

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.

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:

**City of Jacksonville  
Environmental Resource Management Department  
Environmental Quality Division  
117 W. Duval Street, Suite 225  
Jacksonville, FL 32202**

The complete project file includes the Draft Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, FS. Interested persons may contact Mr. Richard L. Robinson, P.E., at the above address, or call (904) 630-4900, for additional information.