



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NORTHEAST DISTRICT  
8800 BAYMEADOWS WAY WEST, SUITE 100  
JACKSONVILLE, FLORIDA 32256

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

JONATHAN P. STEVERSON  
SECRETARY

*Sent by Electronic Mail – Received Receipt Requested*

January 26, 2015

Mr. Tim Ryan, Plant Manager  
Vistakon, Division of Johnson & Johnson Vision Care, Inc.  
7500 Centurion Parkway  
Jacksonville, FL 32256

Re: Exemption from the Requirement to Obtain an Air Construction Permit  
Vistakon, Division of Johnson & Johnson Vision Care, Inc.  
Project No. 0310535-016-AC  
Tanks Replacement  
Duval County, FL

Dear Mr. Ryan:

On January 22, 2015, the Department received a letter via e-mail requesting an air permit determination for the replacement of the six existing storage tanks at the facility with six new storage tanks of greater capacity and the addition of seven new storage tanks. The expected air emissions from the proposed installation are less than 5 tons per year of any regulated air pollutant and shall be in accordance with Rule 62-4.040, F.A.C.

**Determination:** Pursuant to Rule 62-4.040(1)(b) of the Florida Administrative Code (F.A.C.) the Department of Environmental Protection, Northeast District determines that the activity will not emit air pollutants "... in sufficient quantity, with respect to its character, quality, or content, and the circumstances surrounding its location, use and operation, as to contribute significantly to the pollution problems within the State, so that the regulation thereof is not reasonably justified." The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Rule 62-4.040(1), F.A.C.- Exemptions. Therefore, the project is exempt from the requirement to obtain an air permit, subject to the attached conditions of exemption. This determination may be revoked if the proposed activity is substantially modified or the basis for the exemption is determined to be materially incorrect. A copy of this letter shall be maintained at the site of the proposed activity. This permitting decision is made pursuant to Chapter 403, Florida Statutes.

**Permitting Authority:** Applications for air permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212, F.A.C. The Department of Environmental Protection, Northeast District Office, Permitting Program is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical and mailing address is: 8800 Baymeadows Way West, Suite 100, Jacksonville, FL 32256. The Permitting Authority's telephone number is 904-256-1700.

## CONDITIONS OF EXEMPTION

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**Compliance Authority:** The Department of Environmental Protection, Northeast District Office, Compliance Assurance is the Compliance Authority responsible for making a compliance determination for this project. The Compliance Authority's physical and mailing address is: 8800 Baymeadows Way West, Suite 100, Jacksonville, FL 32256. The Compliance Authority's telephone number is 904-256-1700.

**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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions must be filed within 21 days of receipt of this exemption from air permitting requirements. 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 interests will be affected by the agency determination; (c) A statement of when and how each 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 permitting action. 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 in this proceeding.

## CONDITIONS OF EXEMPTION

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**Judicial Review:** Any party to this permitting decision (order) has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection 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 Jacksonville, Florida.



Richard S. Rachal III, P.G.  
Permitting Program Administrator

RSR/yke

### **FILING AND ACKNOWLEDGEMENT & CERTIFICATE OF SERVICE**

Filed on this date pursuant to § 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged. The undersigned hereby certifies that this Draft Permit and all copies were sent before the close of business on **January 26, 2015** to the listed persons.



Clerk

January 26, 2015

Date

Mr. Tim Ryan, Plant Manager, Vistakon, Division of Johnson & Johnson Vision Care, Inc.:

[tryan34@its.jnj.com](mailto:tryan34@its.jnj.com)

Mr. Pradeep Raval, Koogler and Associates, Inc.: [praval@kooglerassociates.com](mailto:praval@kooglerassociates.com)

## CONDITIONS OF EXEMPTION

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Based on information received January 22, 2015 by the Permitting Authority, Vistakon is authorized to conduct the proposed installation without an air construction permit. Pursuant to the provisions of Rule 62-4.040, F.A.C. General Exemption, the project is exempt from the requirement to obtain an air construction permit. The exemption is subject to the following conditions:

### Location

1. The storage tanks are located at the Vistakon Plant, 7500 Centurion Parkway, Jacksonville, FL 32256 in Duval County.

### Capacity/Potential to Emit

2. Each 4 new 12,000 gallons IPA Bulk Tanks, each 4 new 20,000 gallons PG Tanks, each 4 new 2,600 gallons new Loop Tanks and the new 22,000 gallons Spill Container shall be operated in accordance with the information submitted on January 22, 2015 for this determination. The applicant shall notify the Department by e-mail of any changes made to the tanks other than the information already submitted. Please email to the following address: [Richard.Rachal@dep.state.fl.us](mailto:Richard.Rachal@dep.state.fl.us)

### Title V Air Operation Permit

3. Vistakon shall include the proposed new installations in the list of insignificant emissions unit/activities in the next Title V permit revision/renewal application. The Permitting Authority shall include these new tanks in the List of Insignificant Units and/or Activities in the Title V Air Operating permit.

### Applicable Air Regulations

4. Exemption from the requirement to obtain an air construction permit does not relieve any emissions unit or activity from complying with any other requirement of Chapter 403, F.S., or rules of the Department, and Rule 2.201, JEPB, to which it is subject.

[Rule 62-040, F.A.C., and Rule 2.301, JEPB]

5. Exemption from the requirement to obtain an air construction permit does not relieve the owner or operator of a facility or emissions unit from complying with any applicable requirements, any emission limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law.

[Rule 62-210.300(3), F.A.C., and Rule 2.301, JEPB]

6. Exemption from the requirement to obtain an air construction permit does not relieve the owner or operator of a facility or emissions unit from complying with the Rule 62-296.320, F.A.C. - General Pollutant Emission Limiting Standards: Subsection 62-296.320(2), F.A.C. -Objectionable Odor Prohibited; Subsection 62-296.320(3), F.A.C.- Industrial, Commercial, and Municipal Open Burning Prohibited; Paragraph 62-296.320(4)(b), F.A.C.- General Visible Emissions Standard; and Paragraph 62-296.320(4)(c), F.A.C.-Unconfined Emissions of Particulate Matter.

[Chapter 296, F.A.C., and Rule 2.1101, JEPB]