STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
PUBLIC NOTICE OF INTENT TO ISSUE FEDERALLY ENFORCEABLE STATE OPERATING PERMIT
DRAFT Permit No.: 0450001-004-AF
Gulf County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air Federally-Enforceable State Operating Permit (FESOP) to Premier Chemicals, LLC, located on SR 382 North, Port St. Joe, Gulf County. A Maximum Achievable Control Technology (MACT) determination was not required. The applicant's name and address are: Premier Chemicals, LLC, P.O. Box 160, Port St. Joe FL 32456.

The permit is for the operation of a manufacturing plant for magnesia products [products containing MgO and Mg(OH)2]. This permit changes the status of the facility from a Title V major source of air emissions to a non-major source.

The Department will issue the FESOP, in accordance with the conditions of the enclosed DRAFT 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 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 Northwest District Office at 160 Governmental Center, Pensacola, Florida 32501-5794. 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 secions 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 fourteen days of receipt of this notice of intent. Petitions filed by any person 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 with in 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, as well as the rules and statutes which entitle the petitioner, to relief; and

(f) A demand for relief.

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.

A complete project file 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 at 160 Governmental Center, Pensacola, Florida 32501-5794. Interested persons may contact Kevin White at the same address and at (850) 595-8364 for additional information.

Publish: August 12, 2004

RECEIVED

AUG 25 2004

NORTHWEST FLORIDA DEP

PROOF OF PUBLICATION

The Star

published weekly at
209 – 211 Reid Avenue
Port St. Joe,
Gulf County, Florida

STATE OF FLORIDA,
COUNTY OF GULF } **ss.**

Before the undersigned authority personally appeared William H. Ramsey, who deposes and says that he is editor of The Star, a weekly newspaper printed in the English language and of general circulation published in the City of Port St. Joe, Florida, in said county and state, and that the attached notice of Intent to issue Federally Enforceable State operating permit - Draft Permit # 0450001-004-AF was published in said newspaper weekly for a period of one weeks consecutively, beginning August 12, 2004, and ending August 12, 2004, said publication being on the following dates: August 12, 2004

Deponent further says that *The Star* has been continuously published as a weekly newspaper issued each Thursday and has been entered as second class mail matter at the post office in Port St. Joe, Gulf County, Florida, for a period of more than one year next preceding the first publication of the attached copy of advertisement; and deponent further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

William H. Ramsey
Editor

Sworn to and subscribed before me this 12th day of August A.D., 2004.

Rachel L. Browning
Commission #DD207851
Expires: May 25, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

Rachel L. Browning