FILE COPY

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY ELECTRONIC MAIL
jwilliams@premierchemicals.com

In the Matter of an
Application for Permit by:
Mr. James O. Williams
Operations Manager
Premier Chemicals, LLC
Post Office Box 160
Port St. Joe, Florida 32456
_____/

DEP File No. 0450001-004-AF
Gulf County

INTENT TO ISSUE

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

The applicant, Premier Chemicals, LLC, applied on May 11, 2004 to the Department of Environmental Protection for a permit to operate a manufacturing plant for magnesia products. This permitting action will change the operating permit from a Title V major source operating permit to a non-major source federally enforceable state operating permit.

The Department has permitting jurisdiction under Section 403.087, Florida Statutes. The project is not exempt from permitting procedures. The Department has determined that an operating permit is required for the proposed work.

The application was timely reviewed and determined to be deficient of certain information. The applicant subsequently corrected the deficiencies, and the application became complete on June 29, 2004.

Pursuant to Section 403.815, Florida Statutes and DEP Rule 62-110.106, 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 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, F.S., in the county where the activity is to take place. The applicant shall provide proof of publication to the Department, at the Northwest District, 160 Governmental Center, Pensacola, Florida 32501-5794 within seven 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 petition for an administrative proceeding (hearing) is filed pursuant to the provisions of Section 120.57, F.S.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, 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 32399-3900. Petitions filed by the permit applicant and the parties listed below must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of their receipt of this intent, whichever first occurs. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F. S.

The Petition shall contain the following information;

(a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;

(b) A statement of how and when each petitioner received notice of the Department's action or proposed action;

(c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;

(d) A statement of the material facts disputed by petitioner, if any;

(e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this intent. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this intent in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

Executed in Pensacola, Florida.

State of Florida Department
of Environmental Protection

SANDRA F. VEAZEY
Air Program Administrator
sandra.veazey@dep.state.fl.us

160 Governmental Center
Pensacola, Florida 32502-5794
850/595-8364

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this INTENT TO ISSUE and all copies were mailed by certified (Permittee) or regular mail before the close of business on August 4, 2004 to the listed persons.

Clerk Stamp

Filing and Acknowledgment filed, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department clerk, receipt of Which is hereby acknowledged.

Clerk

August 4, 2004
Date

Copies furnished to:
Shannon Crane, Premier Chemicals (scrane@premierchemicals.com)
Daniel Hlaing, P.E., ECT, Inc. (dnhlaing@ectinc.com)
DEP NWD Branch Office, Panama City (richard.brookins@dep.state.fl.us)

*Public Notice*

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 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 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 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.

D.R.A.F.T

Premier Chemicals, LLC
Port St. Joe Facility
**Facility ID No.:** 0450001
Gulf County

Air Operation Permit
**Permit No.:** 0450001-004-AF

Permitting and Compliance Authority
Department of Environmental Protection
Northwest District Office
160 Governmental Center
Pensacola, FL 32502-5794
Telephone: 850/595-8364
Fax: 850/595-8096

[electronic file name: 0450001-004-af.doc]

## Curle, Mary Beth

**From:** James Williams [jwilliams@premierchemicals.com]
**Sent:** Wednesday, August 04, 2004 3:09 PM
**To:** Curle, Mary Beth
**Subject:** RE: DEP Intent to Issue Premier Chemicals Permit 0450001-004-AF

Message was received.
James williams

-----Original Message-----
From: Curle, Mary Beth [mailto:Mary.Beth.Curle@dep.state.fl.us]
Sent: Wednesday, August 04, 2004 3:10 PM
To: James Williams
Cc: Shannon Crane; dnhlaing@ectinc.com; Brookins, Richard; Veazey, Sandra; White, Kevin M.; Mancarella, Owen
Subject: DEP Intent to Issue Premier Chemicals Permit 0450001-004-AF

Dear Sir/Madam:

Please send a short e-mail "reply" message verifying receipt of the attached document(s); this may be done by selecting "Reply" on the menu bar of your e-mail software and then selecting "Send". We must receive verification of receipt and your "Reply" will preclude subsequent e-mail transmissions to verify receipt of the document(s).

The document(s) may require immediate action within a specified time frame.
Please open and review the document as soon as possible.

The document is in Adobe Portable Document Format (pdf). Adobe Acrobat Reader 6.0 can be downloaded for free at the following internet site: http://www.adobe.com/products/acrobat/readstep.html.

The Northwest District Air Resources Management Program has begun the issuance of electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. These changes or any other requests concerning e-mail management should be made by contacting Mary Beth Curle at 850/595-8300, extension 1220, or mary.beth.curle@dep.state.fl.us.

This program was initiated to provide greater service to the applicant and the engineering community. If you prefer to have documents sent via facsimile instead, please contact Mary Beth Curle as indicated above and she will be happy to change your e-mail address to your FAX number.

<<Premier Chemicals Draft 0450001-004-AF.pdf>> <<Notice for Publication.doc>>

When printing the attached document from Adobe Acrobat Reader 6.0, select "Document and comments" from the "Print What:" menu item; if this is not done the signature will not appear on the printed document.