Department of Environmental Protection

Jeb Bush
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Colleen M. Castille
Secretary

NOTICE OF PERMIT

EMAIL ADDRESS
deltaocf@aol.com

Delta Laboratories, Inc.
P.O. Box 2258
Ocala, FL 34478

Attention: Philip L. Pesola, Executive Vice President

Marion County - AP
Industrial Coatings Manufacturing Facility

Dear Mr. Pesola:

Enclosed is Permit Number 0830069-003-AF to operate the above referenced facility issued pursuant to Section(s) 403.087, Florida Statutes (F.S.).

A person whose substantial interests are affected by this permit may petition for an administrative proceeding (hearing) in accordance with Section 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, within 14 days of receipt of this Permit. 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 permit. 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 notice 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, F.S., 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, Florida Administrative Code (F.A.C.).

This permit is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 62-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this permit will not be effective until further Order of the Department.

When the Order (Permit) is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, 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 of Appeal must be filed within 30 days from the date the Final Order is filed with the Clerk of the Department.

Executed in Orlando, Florida.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

L.T. Kozlov, P.E.
Program Administrator
Air Resources Management

Date: 9-1-06

FILED, on this date, pursuant to §120.52(11), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Dina Jones
Clerk

Sept. 5, 2006
Date

LTK/az

Copies furnished to:
Jordan Dern, (email deltaocf@aol.com) Delta Laboratories

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT ISSUANCE and all copies were emailed before the close of business on September 5, 2006 to the listed persons, by _____.

Department of Environmental Protection

Jeb Bush
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Colleen M. Castille
Secretary

Permittee:
Delta Laboratories, Inc.
P.O. Box 2258
Ocala, Florida 34478

Attn: Philip L. Pesola,
Executive Vice President

Facility Number: 0830069
Permit Number: 0830069-003-AF
Expiration Date: August 30, 2011
County: Marion
Latitude/Longitude
29°16'00" N/ 82°11'03" W
Project: Industrial Coatings Manufacturing Facility

This permit is issued under the provisions of Chapter(s) 403, F.S., and Florida Administrative Code Rule(s) 62-210. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

The permittee can operate an industrial coatings manufacturing facility which includes the following operations.

a) Four Pebble Mills and Two Ball Mills
b) Eighteen Coating Mixers
c) Portable Batch Tanks utilized in paint canning and contact cement making
d) Solvent distiller
e) paint spray booth and electric bake oven (QC Lab)
f) QC work area
g) 22 storage tanks

The buildings, which house the operations, are equipped with four exhaust fans.

The facility is a synthetic non-Title V facility.

This facility is located at CR 326 and the Seaboard Coast Line Railroad near Ocala, Marion County, Florida.

"More Protection, Less Process"

Printed on recycled paper.

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes (F.S.) The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup and auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

   (a) Have access to and copy any records that must be kept under conditions of this permit;
   (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
   (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

   Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

   (a) A description of and cause of noncompliance; and
   (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

   The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

GENERAL CONDITIONS:

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Rule 62-4.120 and Rule 62-730.300, Florida Administrative Code (F.A.C.), as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. This permit also constitutes:

    ( ) Determination of Best Available Control Technology (BACT)
    ( ) Determination of Prevention of Significant Deterioration (PSD)
    ( ) Certification of compliance with State Water Quality Standards (Section 401, PL 92-500)
    ( ) Compliance with New Source Performance Standards

14. The permittee shall comply with the following:

    (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

    (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring information) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

    (c) Records of monitoring information shall include:
        1. The date, exact place, and time of sampling or measurements;
        2. The person responsible for performing the sampling or measurements;
        3. The dates analyses were performed;
        4. The person responsible for performing the analyses;
        5. The analytical techniques or methods used;
        6. The results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

OPERATING CONDITIONS

1. Each emission source is permitted to operate continuously, per the application.

2. Solvent usage shall not exceed 2,667 tons per consecutive twelve-month period.

3. No person shall circumvent any pollution control device or allow the emissions of air pollutants without the applicable air pollution control device operating properly.
[Rule 62-210.650, F.A.C.].

4. No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department [Rule 62-296.320(1)(a), F.A.C.]. To comply, procedures to minimize pollutant emissions should include but not be limited to the following:

   a) Tightly cover or close all VOC containers when they are not in use;
   b) Tightly cover, where possible, all open troughs, basins, baths, tanks, etc. when they are not in use;
   c) Maintain all piping, valves, fittings, etc. in good operating condition;
   d) Prevent excessive air turbulence across exposed VOCs;
   e) Immediately confine and clean up VOC spills and make sure certain wastes are placed in closed containers for reuse, recycling or proper disposal; and

5. No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor. An objectionable odor is defined as any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance.
[Rules 62-296.320(2) and 62-210.200(203), F.A.C.]

6. All reasonable precautions shall be taken to prevent emissions of unconfined particulate matter. Reasonable precautions shall include, but not be limited to, the following [Rule 62-296.320(4)(c), F.A.C.]

   a) use of high efficiency spray guns.
   b) maintain filter in good working order.

EMISSION LIMITS

7. The maximum Delta Laboratories, Inc. VOC emission rate is limited to less than 40.0 tons per consecutive twelve months, combined HAP emissions are limited to less than 25.0 tons per consecutive twelve months, and any single HAP emission is limited to less than 10.0 tons per consecutive twelve months.

COMPLIANCE

8. In order to demonstrate compliance with condition numbers 2 and 7, the permittee shall maintain a log at the facility for a period of at least 5 years from the date the data is recorded. The log at a minimum shall contain the following:

Monthly

a) designation of month and year of operation for which records are being tabulated

b) consecutive 12 month total of VOC emissions, total HAP emissions, and individual HAP emissions

[Rules 62-4.070(3), and 62-213.440(1)(b)2., F.A.C.]

Note: A consecutive 12-month total is equal to the total for the month in question plus the totals for the eleven months previous to the month in question. A consecutive 12-month total treats each month of the year as the end of a 12-month period. A 12-month total is not a year-to-date total. Facilities that have not been operating for 12 months should retain 12-month totals using whatever number of months of data are available until such a time as a consecutive 12-month total can be maintained each month.

Supporting documentation (chemical usage tracking logs, MSDS sheets, purchase orders, EPA Method24, etc.) shall be kept for each chemical and associated products which includes sufficient information to determine usage rates and emissions. These records shall be made available to the Department upon request. Documentation of each chemical reclaimed will use a mass balance method to determine usage/emissions (amount used minus amount collected for disposal or recycle). The log and documents shall be kept at the facility for at least 5 years and made available to the Department. Daily logs shall be completed within 7 business days and the monthly logs shall be completed by the end of the following month.

9. A DEP Form No. 62-210.900(5), "Annual Operating Report for Air Pollutant Emitting Facility" including the Emissions Report, shall be completed for each calendar year on or before March 1 of the following year and submitted to the air compliance section of this office.
[Rule 62-210.370(3)(a), F.A.C.]

PERMIT APPLICATION

10. At least sixty days prior to the expiration date of this operation permit, the permittee shall submit to this office four copies of the air permit application, DEP Form No. 62-210.900(4), along with the processing fee established in 62-4.090(1), F.A.C.
[Rule 62-4.090(1), F.A.C.]

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

L.T. Kozlov, P.E.
Program Administrator
Air Resources Management

Issued: 9-1-06