

# Memo

**To:** Al Linero, Trina Vielhauer, and OGC File

**From:** Rommi Moore, Assistant General Counsel

**Date:** August 17, 2009

**Re:** EnviroFocus Technologies, LLC vs. DEP; DEP Permit No. 0570057-020-AC/PSD-FL-404;  
OGC No. 09-3334

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On August 7, 2009, the Department issued a notice of intent to issue air construction permit no. 0570057-020-AC/PSD-FL-404, to EnviroFocus Technologies, LLC (EnviroFocus). EnviroFocus timely requested an extension of time to file a petition for hearing on the intended draft permit.

Immediately following the Department's issuance of the intent, and before publication, EnviroFocus submitted comments to the Department, which the Department reviewed. The Department accepted comments that significantly changed the intent it issued on August 7th. On August 12th, the Department withdrew its August 7th intended permit and replaced it with a revised draft permit. There being no further matters to consider, the Department's file in this matter is closed.

## Gibson, Victoria

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**From:** Vielhauer, Trina  
**Sent:** Monday, August 17, 2009 2:18 PM  
**To:** Gibson, Victoria  
**Subject:** FW: EnviroFocus Technologies, LLC 09-3334  
**Attachments:** MEMO CLOSING FILE 08-17-09.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Phipps, Jessica R.  
**Sent:** Monday, August 17, 2009 1:07 PM  
**To:** Linero, Alvaro; Vielhauer, Trina  
**Cc:** Moore, Ronni  
**Subject:** EnviroFocus Technologies, LLC 09-3334

Please find attached the Memo closing file regarding EnviroFocus Technologies, LLC.

Thank you.

*Jessica Phipps*

*Department of Environmental Protection*

*Administrative Assistant*

*850-245-2243*

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Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at <http://www.protectingourwater.org/> presented by the Florida Department of Environmental Protection.

## Gibson, Victoria

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**From:** Linero, Alvaro  
**Sent:** Wednesday, August 12, 2009 8:28 AM  
**To:** Crandall, Lea  
**Cc:** Moore, Ronni; Gibson, Victoria  
**Subject:** Request for Extension - Draft Permit No. 0570057-020-AC  
**Attachments:** Request for Extension.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Ms. Crandall:

Yesterday we received the attached request for enlargement of time to file a petition.

I already sent a copy (yesterday) to Ronni Moore.

In response, we will reissue draft permit closing out this file.

Al Linero.

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**From:** Frank Burbach [mailto:fburbach@environcorp.com]  
**Sent:** Tuesday, August 11, 2009 4:27 PM  
**To:** Linero, Alvaro; Read, David  
**Subject:** FW: Request for Extension

Al and David,

Attached is the request for extension signed by the plant manager, Larry Eagan.

Frank

**Frank J. Burbach, PE**  
ENVIRON International Corporation  
1600 Parkwood Circle, Suite 310  
Atlanta, Georgia 30339

Tel: 678-388-1642  
Fax: 770-874-5011  
fburbach@environcorp.com

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an  
Application for Air Construction Permit by:

EnviroFocus Technologies, LLC  
190 66<sup>th</sup> Street  
Tampa, FL 33619

**REQUEST FOR EXTENSION OF TIME**

EnviroFocus Technologies, LLC (EFT) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an extension of time to and including August 28, 2009, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, EFT states the following:

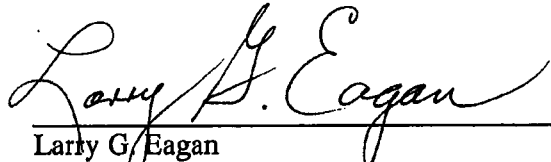
1. On or about July 31, 2009, EFT received from the Department of Environmental Protection (Department) a Technical Evaluation and Preliminary Determination, a Proposed Draft Permit, and a Written Notice of Intent to Issue Air Construction Permit (Permit No. 0570057-020-AC/PSD-FL-404) for the improvements and expansion of production at the EFT lead-acid battery recycling facility located in Hillsborough County, Florida.
2. The Proposed Draft Permit and Technical Evaluation and Preliminary Determination contain several provisions that warrant clarification or correction.
3. Representatives of EFT will correspond with staff of the Department's Bureau of Air Regulation in an effort to resolve all issues.
4. This request is filed simply as a protective measure to avoid waiver of EFT's right to challenge certain conditions contained in the Proposed Draft Permit and Technical Evaluation and Preliminary Determination. Grant of this request will not

prejudice either party, but will further their mutual interest and likely avoid the need to file a petition and proceed to a formal administrative hearing.

WHEREFORE, EFT respectfully requests that the time for filing a Petition for Administrative Proceedings with regard to the above-referenced Technical Evaluation and Preliminary Determination, Proposed Draft Permit, and Written Notice of Intent to Issue Air Construction Permit (Permit No. 0570057-020-AC/PSD-FL-404) be formally extended to and including August 28, 2009.

Respectfully submitted this 11<sup>th</sup> day of August, 2009.

ENVIROFOCUS TECHNOLOGIES, LLC

A handwritten signature in cursive script that reads "Larry G. Eagan". The signature is written in black ink and is positioned above a horizontal line.

Larry G. Eagan  
Operations Manager  
EnviroFocus Technologies, LLC  
1901 66<sup>th</sup> Street  
Tampa, FL 33619