

Jeb Bush  
Governor

# Department of Environmental Protection

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Colleen M. Castille  
Secretary

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

## **NOTICE OF ADMINISTRATIVELY CORRECTED TITLE V AIR OPERATION PERMIT**

In the Matter of a Request for Administrative Correction:

**Armando A. Tabernilla**  
Vice President  
Atlantic Holding, LLC  
One North Clematis Street, Suite 200  
West Palm Beach, FL 33401

Project No.: **0990016-008-AV**  
Administrative Correction to Permit No.: **0990016-006-AV**  
**Atlantic Sugar Mill**  
Palm Beach County

Enclosed is an ADMINISTRATIVE CORRECTION to the Title V Air Operation Permit, No. 0990016-006-AV, for the operation of the Atlantic Sugar Mill located at SR 880 – 16 miles East of Belle Glade, Belle Glade, Palm Beach County, Florida. This correction is issued pursuant to Rule 62-210.360, Florida Administrative Code (F.A.C.), and Chapter 403, Florida Statutes (F.S.). This change is made at the applicant's request received October 13, 2005 (and made complete on December 5, 2005), for a transfer of ownership. This corrective action does not alter the effective dates of the existing permit.

The Department of Environmental Protection (Department) will consider the above-noted action final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. Mediation under Section 120.573, F.S., will not be available for this proposed action.

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 (received) by the Agency Clerk in the Department's Office of General Counsel, MS #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9314, Fax: 850/487-4938). Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 (fourteen) days of receipt of this notice. Petitions filed by any other person must be filed within 14 (fourteen) days of receipt of this proposed action. A petitioner must 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, F.A.C.

A petition 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;

*"More Protection, Less Process"*

ADMINISTRATIVE CORRECTION

Project No.: 0990016-002-AV

Administrative Correction to Title V Air Operation Permit No.: 0990016-006-AV

Atlantic Sugar Mill

Page 2 of 3

(c) A statement of how and when each 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;

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

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

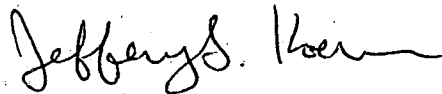
A petition that does not dispute the material facts upon which the permitting authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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 notice. 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.

Any party to this order (permit) has the right to seek judicial review of it under Section 120.68, F.S., by the filing of a Notice of Appeal, under Rule 9.110 of the 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 thirty days from the date this notice is filed with the Clerk of the permitting authority.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Trina L. Vielhauer, Chief  
Bureau of Air Regulation

For

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF ADMINISTRATIVELY CORRECTED PERMIT (including the corrected page(s)) was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 1/3/06 to the person(s) listed or as otherwise noted:

Armando A. Tabernilla, VP, Okeelanta Corporation  
John T. LaVia, III, Landers & Parsons, P.A.  
U.S. EPA, Region 4 (INTERNET E-mail Memorandum)

**ADMINISTRATIVE CORRECTION**

**Project No.: 0990016-007-AV**

**Administrative Correction to Title V Air Operation Permit No.: 0990016-006-AV**

**Atlantic Sugar Mill**

**Page 3 of 3**

**1. The Permittee's name is hereby changed:**

**FROM:**

**"Atlantic Sugar Association, Inc."**

**TO:**

**"Atlantic Holding LLC"**

All occurrences of "Atlantic Sugar Association, Inc." throughout the permit shall be replaced by "Atlantic Holding LLC".

7005 1160 0004 3034 3748

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
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For delivery information visit our website at [www.usps.com](http://www.usps.com)®

Armando A. Tabernilla, Vice President

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

Sent To  
 Armando A. Tabernilla, Vice President  
 Street, Apt. No. or PO Box No. One North Clematis Street, Suite 200  
 City, State, ZIP+4 West Palm Beach, Florida 33401

PS Form 3800, June 2002 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Armando A. Tabernilla  
 Vice President  
 Atlantic Holding, LLC  
 One North Clematis Street, Suite 200  
 West Palm Beach, Florida 33401

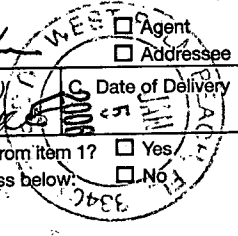
2. Article Number  
 (Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 x *Marie Burkett*

B. Received by (Printed Name) *MARIE BURKETT* C. Date of Delivery *JAN 09 2006*

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

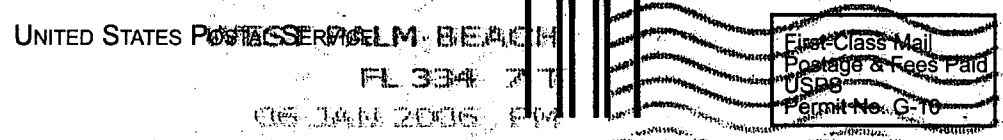


3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

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PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540



• Sender: Please print your name, address, and ZIP+4 in this box •

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 DIVISION OF AIR RESOURCES MANAGEMENT  
 BUREAU OF AIR REGULATION - TITHEV  
 2600 BLAIR STONE ROAD  
 TALLAHASSEE, FLORIDA 32399-2400

*M& 5505*

**RECEIVED**  
 JAN 09 2006  
 BUREAU OF AIR REGULATION

5516 0001 1160000430343748