

8-24-95

August 24, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Willis M. Kitchen, President
Gulf Coast Recycling, Inc.
1901 North 66th Street
Tampa, Florida 33619

Dear Mr. Kitchen:

Enclosed is a copy of the Intent to Deny Permit and Notice of Intent to Deny Permit pursuant to the construction permit application filed by Gulf Coast Recycling, Inc., on May 31, 1994. The permit must be denied for failure to submit the additional information requested on June 28, 1994.

If the company intends to remain in operation, a new PSD application must be submitted within a reasonable time covering installation of air pollution control equipment that will meet all applicable regulations. If you have any questions, please contact our office at 904-488-1344.

Sincerely,

C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/aal/t

Enclosures

cc: W. Thomas, SWD
L. Deken, EPCHC
J. Harper, EPA
J. Bunyak, NPS
M. Sappington, Lake Eng.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CERTIFIED MAIL

In the Matter of an
Application for Permit by:

DEP File No. PSD-FL-215
AC 29-209018
Hillsborough County

Mr. Willis M. Kitchen
President
Gulf Coast Recycling, Inc.
1901 North 66th Street
Tampa, Florida 33619

INTENT TO DENY PERMIT

The Department of Environmental Protection (Department) gives notice of its intent to deny an air construction permit for the applicant's facility as detailed in the application specified above.

The applicant, Gulf Coast Recycling, Inc., applied on May 31, 1994, to the Department for an after-the-fact construction permit in accordance with federal Prevention of Significant Deterioration (PSD) regulations for its facility located in Hillsborough County. The permit is being denied for lack of a timely response to the Department's request for additional information submitted in June 1994.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-212 and 62-4, Florida Administrative Code (F.A.C.).

Pursuant to Section 403.815, F.S., and Rule 62-103.150, F.A.C., to preserve your right of appeal you (the applicant) may publish at your own expense the enclosed Notice of Intent to Deny Permit. The notice should 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 was to have taken place. Proof of publication should be mailed to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within seven days of publication.

The Department will deny the permit unless a 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, 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. 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, 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, F.A.C.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

C. H. Fancy, P.E., Chief
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399
904-488-1344

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that all copies of this INTENT TO DENY PERMIT were mailed by certified mail before the close of business on _____ to the listed persons.

Clerk Stamp

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

Clerk

Date

Copies furnished to:

W. Thomas, SWD
L. Deken, EPCHC
J. Harper, EPA
J. Bunyak, NPS
M. Sappington, Lake Eng.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INTENT TO DENY PERMIT

PSD-FL-215

The Department of Environmental Protection (Department) gives notice of its intent to deny an air construction permit to Gulf Coast Recycling, Inc., 1901 North 66th Street, Tampa, Florida 33619. This company operates a battery recycling facility at that address. Gulf Coast Recycling, Inc., applied on May 31, 1994, to the Department for an after-the-fact construction permit in accordance with federal Prevention of Significant Deterioration (PSD) regulations for its facility located in Hillsborough County. The permit is being denied for lack of a timely response to the Department's request for additional information submitted in June 1994.

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, 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. 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, 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, F.A.C.

The application 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:

Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive
Tallahassee, Florida 32301

Department of Environmental Protection
Southwest District
8407 Laurel Fair Circle
Tampa, Florida 33619

Environmental Protection Commission
of Hillsborough County
1900 9th Avenue
Tampa, Florida 33605

Any person may send written comments on the proposed action to Administrator, New Source Review Section, Bureau of Air Regulation, at the Department's Tallahassee address. All comments received within 30 days of the publication of this notice will be considered.

Further, a public hearing can be requested by any person(s). Such requests must be submitted within 30 days of this notice.