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ENVIRONMENTAL PROTECTION COMMISSION OF
HILLSBOROUGH COUNTY, as delegated by

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF PERMIT DENIAL

RECEIVED
JUN 24 1996
BUREAU OF
AIR REGULATION

In the Matter of
Application for Permit By:

CERTIFIED MAIL

Willis M. Kitchen
President
Gulf Coast Recycling, Inc.
1901 N. 66th Street
Tampa, FL 33619

DEP File No.: 0570057-003-AC
County: Hillsborough

The applicant, Gulf Coast Recycling, Inc. (GCR), applied on March 25, 1996, to the Environmental Protection Commission of Hillsborough County (EPC) for a permit to construct a soda ash (sodium carbonate) storage silo. The soda ash would be used to make alkaline solution for treatment of residual paste from battery recycling.

The EPC as delegated by the Florida Department of Environmental Protection (FDEP) has permitting jurisdiction under Chapter 403, Florida Statutes (F.S.), and Rules 62-200 through 62-297 and 62-4, Florida Administrative Code (F.A.C.). The EPC has determined that a (construction/operating) permit is required for the proposed work.

The EPC hereby denies the permit for the following reasons:

1. On March 25, 1996 an application on DEP Form No. 62-210.900(1) to construct a soda ash (sodium carbonate) silo was submitted to the EPC by GCR. This application was assigned DEP File No. 0570057-003-AC.
2. On page 7 of the DEP Form No. 62-210.900(1) submitted by GCR, it states, "Soda ash will be used in the desulfurization of battery recycling materials."

3. GCR modified their application to the FDEP in October 1995 for an after-the-fact construction permit for the existing blast furnace and this is being processed under the DEP File No. PSD-FL-215. This application addresses Prevention of Significant Deterioration covered under Rule 62-212, F.A.C. As part of the application, GCR has proposed that a desulfurization process represents the Best Available Control Technology (BACT) for the pollutant sulfur dioxide. The DEP File No. PSD-FL-215 is incomplete and no BACT determination has been made by the FDEP.

4. The soda ash silo is an ancillary part of the desulfurization process and authorization to construct it is tied to the FDEP's BACT determination for the blast furnace.

5. GCR has not provided reasonable assurance that the proposed construction will not emit pollution in contravention of the FDEP standards and applicable rules. [Rule 62-4.070, F.A.C.]

A person whose substantial interests are affected by the EPC's permit denial 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 Legal Department of the EPC at 1900 9th Avenue, Tampa, FL 33605, within 14 days of receipt of this notice. 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, Florida Statutes.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the EPC 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 EPC's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the EPC'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 EPC's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends required reversal or modification of the EPC's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the EPC to take with respect to the EPC's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the EPC's final action may be different from the position taken by it in this Notice of Permit Denial. Persons whose substantial interests will be affected by any decision of the EPC 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 Legal Department at the above address of the EPC. Failure to petition within the allotted 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 60Q-2.010, F.A.C.

This notice constitutes final agency action 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 notice will not be effective until further Order of the EPC.

Any party to this Notice of Permit Denial has the right to seek judicial review pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the EPC Legal Department, 1900 9th Avenue, Tampa, FL 33605; and by filing a copy with the appropriate District Court of Appeal. Notice of Appeal must be filed within 30 days from the date the Notice of Permit Denial is filed with the Clerk of the EPC.

Executed in Tampa, Florida

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY



Roger P. Stewart
Executive Director

RPS/RCK/bm

cc: Florida Department of Environmental Protection
Victor San Agustin, P.E., Environmental Engineering Consultants

Gulf Coast Recycling, Inc.
Tampa, FL 33619

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CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this NOTICE OF PERMIT DENIAL and all copies, were mailed by certified mail before the close of business on 6/20/96 to the listed persons.

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

Barbara Martin
Clerk

6/20/96
Date