



Ocean Spray Cranberries, Inc.  
925 74th Avenue, S.W., Vero Beach, FL 32968  
(772) 562-0800, FAX (772) 562-1215

December 17, 2003

RECEIVED  
DEC 26 2003  
BUREAU OF AIR REGULATION

Department of Environmental Protection  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Attention: Trina L. Vielhauer

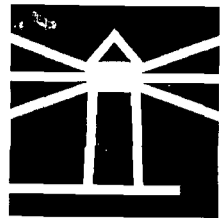
Please find the affidavit of publication of the Public Notice of Intent to Issue Title V Air Operation Permit Renewal. As you can see, this was published 12/2/03. I apologize that it took so long for me to get this back to you, but the affidavit came in the mail while I was on vacation last week.

If you have any questions you can reach me at 772-978-1442.

Sincerely yours,

Brian Bogart

Faint, illegible text at the bottom of the page, possibly bleed-through from the reverse side.



# SCRIPPS TREASURE COAST NEWSPAPERS

Vero Beach Press Journal

1801 U.S. 1, Vero Beach, FL 32960

## AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA  
COUNTY OF INDIAN RIVER

Before the undersigned authority personally appeared, Karen Trego, who on oath says that she is Legal Advertising Representative of the Vero Beach Press Journal, a daily newspaper published at Vero Beach in Indian River County, Florida: that the attached copy of advertisement was published in the Vero Beach Press Journal in the following issues below. Affiant further says that the said Vero Beach Press Journal is a newspaper published in Vero Beach in said Indian River County, Florida, and that said newspaper has heretofore been continuously published in said Indian River County, Florida, daily and distributed in Indian River County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid or promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. The Vero Beach Press Journal has been entered as second class matter at the Post Offices in Vero Beach, Indian River County, Florida and has been for a period of one year next preceding the first publication of the attached copy of advertisement.

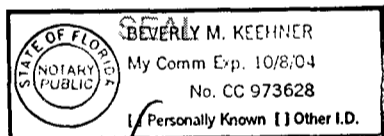
<u>Customer</u>	<u>Ad Number</u>	<u>Pub Date</u>	<u>Copyline</u>
OCEANSPRAY CRANBERRIES	401271	12/2/2003	PERMIT 0610021-011-AV

Subscribed and sworn to me before this date:

December 02, 2003

*Karen Trego*

*Beverly M. Keehner*  
Notary Public



0109 NOTICE 0109 NOTICE

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL  
Department of Environmental Protection  
Title V Air Operation Permit Renewal  
DRAFT Permit No.: 0610021-011-AV  
Ocean Spray Cranberries, Inc.  
Vero Beach Facility  
Indian River County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit Renewal to Ocean Spray Cranberries, Inc., for their Vero Beach Facility located at 925 74th Avenue, Southwest, Vero Beach, Indian River County. The applicant's name and address are: Ocean Spray Cranberries, Inc.; Mr. Mark Smidebush, Plant Manager, 925 74th Avenue, Southwest, Vero Beach, Indian River, Florida 32968-9702.

The permitting authority will issue the PROPOSED Permit, and subsequent FINAL Permit, in accordance with the conditions of the DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed DRAFT Permit issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit, the permitting authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.

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 of the Florida Statutes (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 of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of the notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the permitting authority for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall 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 applicable 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 of the Florida Administrative Code (F.A.C.).

A petition that disputes the material facts on which the permitting authority's action is based 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; 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 petitioner's substantial rights will be affected by the agency determination;
- (c) A statement of how and when the 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 state;
- (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle 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 of intent. 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.

Mediation is not available for this proceeding.

In addition to the above, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five day) review period as established at 42 U.S.C. Section 7661d(b)(1) to object to issuance of any permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street S.W., Washington, D.C. 20460.

A complete project file 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 S. Magnolia Drive, Suite 4,  
Tallahassee, Florida, 32301  
Telephone: 850/488-0114  
Fax: 850/922-6979

Department of Environmental Protection  
Central District  
3319 Maguire Blvd., Suite 232  
Orlando, Florida 32803  
Telephone: 407/894-7555  
Fax: 407/897-5963

The complete project file includes the DRAFT Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Scott M. Sheplak, P.E., at the above address, or call 850/921-9532, for additional information.

December 2, 2003 401271