

LEWIS A. BOWMAN
241 Via Havarre
Merritt Island, Fl 32953
(407)453-1273

4/15/00

Bureau of Air Regulation
Department of Environmental Protection
Attn: Mr. Claire Fancy
MS5505
2600 Blairstone Road
Tallahassee, Fl 32308

Dear Mr. Fancy,
Per our conversation on 14, April, 2000, please put me on the
mailing list for any documents pertaining to the Sea Ray Boat
facility, located on Merritt Island, Fl 32953.
I am especially interested in any permitting data.
Thank you in advance for your assistance in this matter.

Sincerely,



Lew A. Bowman

Clarence Rouse
418 Pennsylvania Ave.
Kodolodge, FL 32955

~~Dorrie Yennie~~
cc on Sea Ray
1100 Grand Cayman Dr.
Merritt Island

~~32499~~
32952

Payment
400595
0570373-009

3/21/00

Department of Environmental Protection

Photocopy Charge Computation

Date: 3-21-00

Photocopies made for: Clarence Rowe

Photocopies made by: Jean Antunes & Ken Jober

No. of Photocopies: 96 @ \$0.15 per copy \$ 14.40
@ \$0.20 double sided \$

Extensive Clerical or Supervisory Assistance

*Hourly Rate: x Hours Spent on = Clerical
Photocopy assignment: Cost:
\$ x = \$

Total Charge for Photocopies: \$ 14.40

* Employee's monthly gross salary divided by 174 hours, then multiplied by 1.406 equals total hourly salary costs, including fringe benefits.

Please make check payable to:

The Department of Environmental Protection

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
TWIN TOWERS OFFICE BUILDING - M3 5505
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

COPY: [Handwritten initials]
Howard
Len Kozlov

WE BELIEVE IN MIRACLES!

Mt. Nebo Realty.
204 N. Fiske Blvd. Suite 5 407-636-1010 (tel)
Cocoa, Florida 32922 407-636-8020 (fax)

DATE March 13, 2000

TO: Gary K. Hunter, Esq.
Fax # 850-224-8551

RE: _____

FROM: Clarence Rouse 321-636-8762

TOTAL PAGES, INCLUDING THIS COVER PAGE: 4

COMMENTS OR SPECIAL INSTRUCTIONS: _____

Clarence Rowe
418 Pennsylvania Avenue
Rockledge, Florida 32955

March 13, 2000


Department of Environmental Protection
Office of General Counsel
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000

RE: Sea Ray Boats, Inc.
OGC Case 99-2075 and OCD-AP-00-11
Proposed Settlement by Short Form Consent Order

Dear Sir:

Please find attached my petition for an Administrative Hearing relative to the referenced DEP action.

Yours truly,



Clarence Rowe

Pc: Douglas Beason, Esq.
D.E.P. OGC
Fax# 850-922-6979

Gary K. Hunter, Esq.
Sea Ray Boats, Inc.
Fax# 850-224-8551

Petition for Administrative Hearing

March 13, 2000

Petitioner: Clarence Rowe
418 Pennsylvania Avenue
Rockledge, Fl 32955
Telephone (321)636-8762

Applicant: Sea Ray Boats, Inc.
390 Sea Ray Drive
Merritt Island, Fl 32953

Consent Order: OCD-AP-00-11, OGC No. 00-0075

County in Which Project is Proposed: Brevard

Statement of how petitioner received notice:

Copy of DEP Short Order Consent Form OCD-AP-00-11, to Dennis Wilson from Vivian F. Garfein, Director of District Management and titled "Proposed Settlement by Short Form Consent Order in the case of Sea Ray Boats, Inc. OGC No. 00-0075"

Statement of when petitioner received notice:

A copy of the above consent form was furnished to petitioner on February 21, 2000.

Statement of how petitioner's substantial interests are affected by proposed action:

The assessed civil penalty is not sufficient to deter a permit applicant from constructing without a permit. A large corporation as a cost of doing business will readily absorb a penalty of this small amount. Other major emitters of air pollutants will be encouraged to build in Brevard County prior to obtaining an air construction permit.

Statement of material facts disputed by the petitioner:

The DEP assessed a civil penalty in the amount of \$3,200 plus \$150 to reimburse costs. This is not sufficient to deter construction in advance of receiving an air construction permit.

Statement of the facts the petitioner contends warrants reversal or modification:

The petitioner believes the civil penalty should be of sufficient dollar amount to make it financially unattractive for an applicant to build in advance of receiving an air construction permit.

Statement of the rules or statutes that the petitioner contends requires a reversal or modification or the DEP actions:

The applicant did not proceed in accordance with Florida Statutes, Section 403.161(1)(B) and Section 403.08(1).

The applicant did not proceed in accordance with Florida Administrative Code Rule 62-4.210 Construction Permits.

Statement of relief sought by the petitioner:

- A. The assessed civil penalty shall be increased by at least a factor of 100.
- B. The applicant shall be required to demolish all facilities that were constructed in advance of the issuance of an Air Construction Permit and restore the site to the pre-construction condition.
- C. Personnel in the DEP Central District Office, who are responsible for enforcement of above cited Florida Statutes and Administrative Code, shall receive disciplinary sanctions for their remiss in not providing adequate oversight of the applicant's pre-construction activities. The petitioner requests that these personnel be removed from employment in DEP enforcement activities.

Pc: Department of Environmental Protection
Office of the General Counsel
3900 Commonwealth Blvd., MS35
Tallahassee, Florida 32399-3000

Sea Ray Boats, Inc.
Dennis Wilson, Vice President and General Manager
350 Sea Ray Drive
Merritt Island, Florida 32953


AFFIDAVIT AUTHENTICATING ATTACHED DOCUMENTS

**STATE OF FLORIDA:
COUNTY OF LEON:**

I Patricia G. Adams, being first duly sworn, deposes and says:

1. That I am employed in the Bureau of Air Regulation, Division of Air Resources Management, of the State of Florida, Department of Environmental Protection ("DEP"), located at 111 S. Magnolia Drive, Suite 4, Tallahassee, Florida 32301, and that I executed this affidavit based on my own personal knowledge and the official records in the possession of the Bureau of Air Regulation.
2. That the attached documents, to wit:
 - a) "Public Notice of Intent To Issue Air Construction Permit";
 - b) "Affidavit and Proof of Publication, *Florida Today Newspaper*";
 - c) "Interoffice Memorandum from Mike Halpin to Alvaro Linero, October 11, 1999";
 - d) "Certified Letter to Clarence Rowe from A.A. Linero, October 11, 1999";
 - e) "Receipt for Certified Letter Z 031 392 022"; and
 - f) "Letter To DEP from Clarence Rowe dated October 13, 1999."

are true and correct photocopies of public records in the official files of DEP as maintained by this office in the ordinary course of business.



Patricia G. Adams

Florida Department of Environmental Protection

2/25/00

SWORN to and SUBSCRIBED before me on this 25 day of February, 2000, by Patricia G. ..., who provided is personally known by me. as identification.

Mary G. Fillingim
Notary Public - State of Florida

My Commission Expires:

