Florida Department of Environmental Protection

Central District Office
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

E-CORRESPONDENCE
45swcce@patrick.af.mil

Susan J. Helms, Brigadier General, USAF, Commander
United States Air Force
45 SW/CC
1201 Edward H. White II Street, MS 7100
Patrick Air Force Base, FL 32925-3299

Re: Draft Air Construction Permit No.: 0090021-008-AC
DRAFT Title V Air Operation Permit No.: 0090021-007-AV
Patrick Air Force Base

Dear Ms. Helms:

One copy of the combined notice, the DRAFT Air Construction Permit, and the DRAFT Title V Air Operation Permit Renewal for the military facility, located at Patrick Air Force Base, Brevard County, Florida, is enclosed. The permitting authority's "INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL" and the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL" are also included.

An electronic version of the DRAFT Permit will be posted on the Division of Air Resources Management's world wide web site for the United States Environmental Protection Agency (USEPA) Region 4 office's review. The web site address is:

http://www.dep.state.fl.us/air/eproducts/ards/default.asp

The "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL" must be published as soon as possible upon receipt of this letter. Proof of publication, i.e., newspaper affidavit, must be provided to the permitting authority's office within 7 (seven) days of publication pursuant to Rule 62-110.106(5), F.A.C. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

Please submit any written comments you wish to have considered concerning the permitting authority's proposed action to Alan Zahm P.E., at the above letterhead address. If you have any other questions, please contact Mr. Zahm at 407/893-3335.

Sincerely,

James N. Bradner, P.E.
Program Administrator
Air Resources Management

JNB/azt
Enclosures

In the Matter of an
Application for Permits by:
United States Air Force
45 SW/CC
1201 Edward H. White II Street, MS 7100
Patrick Air Force Base, FL 32925-3299
Susan J. Helms, Brigadier General, USAF, Commander

DRAFT Construction Permit No.: 0090021-008-AC
DRAFT Title V Operation Permit No.: 0090021-007-AV
Patrick Air Force Base
Brevard County

INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL

The Florida Department of Environmental Protection (permitting authority) gives notice of its intent to issue an Air Construction Permit and a DRAFT Title V Air Operation Permit Renewal (copies of DRAFT Air Construction Permit and Draft Title V Air Operation Permit Renewal attached) for the Title V source detailed in the application specified above, for the reasons stated below.

The applicant, United States Air Force, applied on October 26, 2006, to the permitting authority for an Air Construction Permit and a Title V Air Operation Permit Renewal for Patrick Air Force Base, located at Brevard County, Florida.

The permits will allow operation of the existing facility that includes boilers, paint spray booths, grit blasting, and petroleum storage tanks.

The permitting authority has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-213. This source is not exempt from Title V permitting procedures. The permitting authority has determined that an Air Construction Permit and a Title V Air Operation Permit are required to commence or continue operations at the described facility.

The permitting authority intends to issue the Air Construction Permit and the Title V Air Operation Permit Renewal based on the belief that reasonable assurances have been provided to indicate that operation of the source will not adversely impact air quality, and the source will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C.

Pursuant to Sections 403.815 and 403.0872, F.S., and Rules 62-103.150 and 62-210.350(3), F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL." The notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "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 is to take place. If you are uncertain that a newspaper meets these requirements, please contact the permitting authority at the address or telephone number listed below. The applicant shall provide proof of publication to the permitting authority's office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803, [Telephone: 407/894-7555, Fax: 407/897-5963] within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit pursuant to Rule 62-110.106(5), F.A.C.

The permitting authority will issue the Air Construction Permit and the PROPOSED Title V Air Operation Permit Renewal, and subsequent FINAL Title V Air Operation Permit Renewal, in accordance with the conditions of the enclosed DRAFT Title V Air Operation Permit Renewal 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 Air Construction Permit issuance action for a period of 14 (fourteen) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL." Written comments should be provided to the permitting authority office. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Air Construction Permit, the permitting authority shall issue a Revised DRAFT Air Construction Permit and require, if applicable, another Public Notice.

The permitting authority will accept written comments concerning the proposed Title V Air Operation Permit Renewal issuance action for a period of 30 (thirty) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL." Written comments should be provided to the permitting authority office. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Title V Air Operation Permit, the permitting authority shall issue a Revised DRAFT Title V Air Operation 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, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, FL 32399-3000, Telephone: 850/245-2242, Fax: 850/245-2303. 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 of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of this 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 14 (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 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 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; 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;

(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 of intent. Persons whose substantial interests will be affected by any such final decision of the permitting authority on the application(s) have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation will not be available in this proceeding.

Finally, 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 revision. Any petition shall be based only on objections to the permit revision 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.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

James N. Bradner, P.E.
Program Administrator
Air Resources Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL (including the combined PUBLIC NOTICE, DRAFT Air Construction Permit, and the DRAFT Title V Air Operation Permit package) and all copies were sent by certified mail or electronically (with Read Receipt) before the close of business on 6/29/07 to the person(s) listed:

E-CORRESPONDENCE
45swcce@patrick.af.mil

Susan J. Helms, Brigadier General, USAF, Commander
United States Air Force
45 SW/CC
1201 Edward H. White II Street, MS 7100
Patrick Air Force Base, FL 32925-3299

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL (including the combined PUBLIC NOTICE, DRAFT Air Construction Permit, and the DRAFT Title V Air Operation Permit) were sent by U.S. mail or electronically (with Read Receipt) on the same date to the person(s) listed or as otherwise noted:

Mitchell Hait, P.E. **(mhait@golder.com)**

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL (including the Draft Air Construction Permit and the DRAFT Title V Air Operation Permit package) were sent by U.S. mail or electronically (with Read Receipt) on the same date to the person(s) listed or as otherwise noted:

Kim Scroggs **(kim.scroggs@patrick.af.mil)**
Caroline Shine, FDEP
Barbara Friday, BAR **[Barbara.Friday@dep.state.fl.us]** (for posting with Region 4, USEPA)

Clerk Stamp

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

D L Agner 6/29/07
Clerk Date