Florida Department of Environmental Protection

Southwest District
13051 N. Telecom Parkway
Temple Terrace, Florida 33637-0926

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

Mr. Wylie Nagler, President
Yellowfin Yachts, Inc.
6611 19th Street East
Sarasota, FL 34243

Re: Initial Title V Air Operation Permit
DRAFT/PROPOSED Permit Project No.: 0810211-004-AV

Dear Mr. Nagler:

One copy of the DRAFT/PROPOSED Permit for an initial Title V Air Operation Permit of a fiberglass boat manufacturing facility located at 6611 19th Street East, Sarasota, Manatee County, is enclosed. The permitting authority's "INTENT TO ISSUE INITIAL TITLE V AIR OPERATION PERMIT" and the "PUBLIC NOTICE OF INTENT TO ISSUE INITIAL TITLE V AIR OPERATION PERMIT" are also included.

An electronic version of the DRAFT/PROPOSED Permit will be posted on the Division of Air Resource 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/emission/apds/default.asp

The "PUBLIC NOTICE OF INTENT TO ISSUE INITIAL TITLE V AIR OPERATION PERMIT" must be published as soon as possible. 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 Mara Grace Nasca, at the above letterhead address. If you have any other questions, please contact Jim McDonald, at 813/632-7600 extension 106.

Sincerely,

Mara Grace Nasca

Mara Grace Nasca
District Air Program Administrator
Southwest District

MGN/JLM/pp
Enclosures

In the Matter of an
Application for Permit by:

Yellowfin Yachts, Inc.
6611 19th Street East
Sarasota, FL 34243

DRAFT/PROPOSED Permit Project No.: 0810211-004-AV
Manatee County

INTENT TO ISSUE INITIAL TITLE V AIR OPERATION PERMIT

The Florida Department of Environmental Protection Southwest District (permitting authority) gives notice of its intent to issue an initial Title V Air Operation Permit (copy of DRAFT/PROPOSED Permit attached) for the Title V source detailed in the application specified above, for the reasons stated below.

The applicant, Yellowfin Yachts, Inc., applied on February 26, 2008, to the permitting authority for an initial Title V Air Operation Permit for a fiberglass boat manufacturing facility located at 6611 19th Street East, Sarasota, Manatee County.

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 initial Title V Air Operation Permit is required to commence or continue operations at the described facility.

The permitting authority intends to issue this initial Title V Air Operation Permit 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 403.087, F.S., and Rules 62-110.106 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 INITIAL TITLE V AIR OPERATION PERMIT." 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 Florida Department of Environmental Protection Southwest District, 13051 N. Telecom Parkway, Temple Terrace, FL 33637-0926 (Telephone: 813/632-7600, Fax: 813/632-7668), 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 may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

EPA has agreed to treat the DRAFT Title V Permit as a PROPOSED Title V Permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period. Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended. The FINAL Title V Air Operation Permit will be issued after the conclusion of the 45-day EPA review

period so long as no adverse comments are received that results in a different decision or significant change of terms or conditions.

The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following website address:

http://www.epa.gov/region4/air/permits/Florida.htm

The permitting authority will accept written comments concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE INITIAL TITLE V AIR OPERATION PERMIT." 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/PROPOSED 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, 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 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, FL 32399-3000 (Telephone 850/488-9730, Fax: 850/487-4928). Petitions filed by the permit applicant or any of the parties listed below must be filed within 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 fourteen days of publication of the public notice or within 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 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 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 Title V permit. Any petition shall be based only on objections to the Title V 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 Title V 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 Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Mara Grace Nasca

Mara Grace Nasca
District Air Program Administrator
Southwest District

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE INITIAL TITLE V AIR OPERATION PERMIT (including the PUBLIC NOTICE and the DRAFT/PROPOSED Permit package) and all copies were sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on 12-18-2009 to the person(s) listed:

Mr. Wylie Nagler, President
Yellowfin Yachts, Inc.
yfyachts@aol.com

Mr. Christopher G. Stirrat, P.E.
Environmental Safety Consultants, Inc.
escinc@verizon.net

The Honorable Gwendolyn Y. Brown
Chairperson, District 2
Manatee County Board of County Commissioners
Gwen.Brown@mymanatee.org

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency Clerk, receipt of which is hereby acknowledged.

Patricia Quirkett 12-18-2009
(Clerk) (Date)

In addition, copies of this INTENT TO ISSUE INITIAL TITLE V AIR OPERATION PERMIT (including the DRAFT/PROPOSED Permit package) were posted electronically as noted to the person(s) listed:

Ms. Barbara Friday *(posted electronically on DEP Darm_Common drive by permit engineer and email notification sent to Barbara Friday, BAR [barbara.friday@dep.state.fl.us] for posting with Region 4 , U.S. EPA)*