FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTH DISTRICT
P.O. BOX 2549
FORT MYERS, FL 33902-2549

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

NOTICE OF PERMIT EXEMPTION

April 19, 2013

Ajax Paving Industries of Florida, LLC
510 Gene Green Road
Nokomis, Florida 34275

Authorized Representative:
Mr. Vince L. Hafeli, Vice President

Re: Exemption from the Requirement to Obtain an Air Construction Permit for Portable Fiber Feeder
Project No. 0150028-011-AO
Ajax Paving Industries of Florida, LLC
Punta Gorda (Plant No. 2)

Project Description:
Exemption of one Portable Fiber Feeder (Emission Unit EU-008)

Dear Mr. Hafeli;

On April 11, 2013, the Department received correspondence from Mr. Lynn Robinson, P.E., on behalf of Ajax Paving Industries of Florida, LLC, requesting an exemption from the requirement to obtain an air construction permit for one Portable Fiber Feeder (Designated as emission unit No. EU008 when at this facility) (High-Tech Asphalt Solutions, Inc., Serial No. 10K-11-091) that will be used at the Ajax's Punta Gorda Facility – Plant No. 2. This facility is permitted as a (Minor Source) (Permit No. 0150028-011-AO) and is located in Charlotte County at 40851 Cook-Brown Road, Punta Gorda, Florida.

Determination: The Department's complete review of this project is summarized in the attached Technical Evaluation. For the reasons stated in the Technical Evaluation, the Department approves your request as conditioned by the provisions attached to this letter. Pursuant to Rule 62-4.040(1)(b), F.A.C., the Department exempts this project from the requirement to obtain an air construction permit. This determination may be revoked if the proposed activity is substantially modified; the basis for the exemption is determined to be materially incorrect; or visible emissions, fugitive dust, or objectionable odors related to the fiber feeder are observed. This permit exemption relates only to the air pollution construction permitting requirements of the Department and does not relieve you from the responsibility of obtaining any required permits from other program areas within the Department, or required permits from other state, federal, or local agencies. A copy of this letter shall be maintained at the site of the proposed activity. This permitting decision is made pursuant to Chapter 403, Florida Statutes.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority is responsible for making a determination for this project. The Permitting Authority's physical address is: 2295 Victoria Avenue, Ste. 364, Fort Myers, FL 33901, and

the mailing address is Post Office Box 2549, Fort Myers, Florida 33902-2549. The telephone number is (239) 344-5600.

Petitions: 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 with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions must be filed within 21 days of receipt of this written notice of exemption from air permitting requirements. 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 (in a proceeding initiated by another party) 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 when and how each petitioner received notice of the agency action or proposed decision; (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, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 written notice. 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: Mediation is not available in this proceeding.

Effective Date: This permitting decision is final and effective on the date filed with the clerk of the Department 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 pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this action will not be effective until further order of the Department.

Appeal: Any party to this permitting decision (order) has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within thirty (30) days after this order is filed with the clerk of the Department.

Executed in Fort Myers, Florida.

STATE OF FLORIDA DEPARTMEN
OF ENVIRONMENTAL PROTECTION

For

_____
Jon M. Iglehart
Director of District Management

JMI/CBE/mf

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this order was sent by electronic mail before the close of business on April 19, 2013 to the persons listed below.

Mr. Vince L. Hafeli, Ajax Paving Industries of Florida, LLC (vhafeli@ajaxpaving.com)
Mr. Lynn Robinson, P.E., Southern Environmental Sciences, Inc. (lrobinson@sesfla.com)

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

_____ April 13, 2013
(Clerk) (Date)

Applicant Request

Exemption of one (1) Portable Fiber Feeder (Designated as Emission Unit EU-008 at this location.)

Department Review

According to the specifications provided, the Portable Fiber Feeder produces approximately 1.4 TPY of uncontrolled particulate matter (PM) emissions and (does not exceed 5.0 TPY). Where the typical fiber used at the facility is mineral wool fiber, other types of fiber which do not contain hazardous air pollutants (HAP), may be used.

Conclusion

Rule 62-4.040(1)(b), F.A.C. states, "Any existing or proposed installation which the Department shall determine does not or will not cause the issuance of air or water contaminants in sufficient quantity, with respect to its character, quality or content, and the circumstances surrounding its location, use and operation, as to contribute significantly to the pollution problems within the State, so that the regulation thereof is not reasonably justified. Such a determination is agency action and is subject to Chapter 120, F.S. Such determination shall be made in writing and filed by the Department as a public record."

Based upon the information submitted, the Department has determined that the proposed project will not contribute significantly to the pollution problems within the State. Therefore, pursuant to Rule 62-4.040(1)(b), F.A.C., the Department grants an exemption from the air permitting requirements for the proposed work.