Florida Department of
Environmental Protection
Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

NOTICE OF ADMINISTRATIVE PERMIT CORRECTION

Mr. Ike Rainey, Manager
Rainey Asphalt, LLC
4477 East CR 462
Wildwood, FL 34785

Re: Administrative Correction
DEP Project File No.: 1190050-005-AO
Reference DEP Permit No.: 1190050-004-AO

Dear Mr. Ike Rainey:

On December 5, 2011, the Department discovered an error in Air Operation Permit 1190050-004-AO, which was issued on September 26, 2011, and was for the operation of a drum mix asphalt plant and a portable reclaimed asphalt pavement (RAP) crushing system. The specific condition B.2. was unclear. Pursuant to Rule 62-210.360, Florida Administrative Code (F.A.C.), and Chapter 403, Florida Statutes (F.S.), the following correction is hereby made:

FROM:

B.2. Florida Air Permit Requirement: Every portable RAP crushing system operated at this facility shall have a valid Florida Air General Permit or a non-Title V relocatable air operation permit. While on site, any portable crushing system is also subject to all the terms and conditions contained in this Air Permit.
[Rule 62-4.070(3) F.A.C.]

TO:

B.2. Florida Air Permit Requirement: Every portable RAP crushing system operated at this facility shall have a valid Florida Air General Permit or a non-Title V relocatable air operation permit. While on site, any portable crushing system is also subject to all the applicable terms and conditions contained in this Air Permit.
[Rule 62-4.070(3) F.A.C.; Construction Permit 1190050-003-AC]

This corrective action does not alter the effective date of the existing permit.

A person whose substantial interests are affected by the proposed permit amendment may petition for an administrative proceeding (hearing) under 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, Florida 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice. 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.

All petitions filed under these rules shall contain:

(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 the petitioner received notice of the agency decision;
(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, 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 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 Department'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 Department's final action may be different from the position taken by it in this permit amendment. Persons whose substantial interests will be affected by any such final decision of the Department 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 in this proceeding.

This permit amendment is final and effective on the date filed with the Clerk of the Department unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and

120.57, F.S. or unless a request for an extension of time in which to file a petition is filed within the time specified for filing a petition. Upon timely filing of a petition or a request for an extension of time to file the petition, this permit amendment will not be effective until further Order of the Department.

Any party to the Order (Permit Amendment) has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by the filing of 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, Douglas Building, 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 of Appeal must be filed within 30 days after this Order is filed with the Clerk of the Department.

This letter must be attached to and becomes a part of permit 1190050-004-AO. If you have any questions, please call permit engineer, Brandy Flavors, at (813)632-7600 extension 119.

Executed in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Cindy Zhang-Torres

Cindy Zhang-Torres, P.E.
Air Permitting Manager
Southwest District

CZ/bf/pp

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Administrative Permit Correction was sent by electronic mail before the close of business on 12-21-2011 to the person(s) listed:

Ike Rainey, Rainey Asphalt, LLC (irainey@raineyconstruction.com)
Sara Greivell, Grove Scientific & Engineering Company (sara@grovescientific.com)
James T. Show, Grove Scientific & Engineering Company (jshow@cfl.rr.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.

Patricia Pickett 12-21-2011
(Clerk) (Date)