NOTICE OF PERMIT

CERTIFIED MAIL
7099 3400 0010 0525 5051

P & S Paving, Inc.
3701 Olsen Drive
Daytona Beach, Florida 32124

Attention: Tim Phillips,
President

Volusia County - AP
Replacement Drum Mix Asphalt Plant

Dear Mr. Phillips:

Enclosed is Permit Number 7770001-003-AC to construct the above referenced source issued pursuant to Section(s) 403.087, Florida Statutes.

Any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, 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 from the date the Final Order is filed with the Clerk of the Department.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

_____
L.T. Kozlov, P.E.
Program Administrator
Air Resources Management

Date: _____

FILING AND ACKNOWLEDGEMENT FILED, on this date, pursuant to §120.52(11), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

_____ _____

Clerk Date

LTK/dl

Copies furnished to:

Kim Thompson, P.E., Southern Environmental Sciences, Inc.

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT and all copies were mailed before the close of business on _____ to the listed persons, by _____ .

Permittee:
P & S Paving, Inc.
3701 Olsen Drive
Daytona Beach, Florida 32124

Attn: Tim Phillips,
President

I.D. Number: 7770001
Permit Number: 7770001-003-AC
Expiration Date: January 15, 2006
County: Volusia
Latitude/Longitude:
29° 08' 39"N/81° 08' 27"W
UTM: 17-486.3 KmE; 3223.8 KmN
Project: Replacement Drum Mix
Asphalt Plant

This permit is issued under the provisions of Chapter(s) 403, Florida Statutes, and Florida Administrative Code Rule(s) 62-210. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the department and made a part hereof and specifically described as follows:

The permittee can construct a 400 ton per hour double barrel drum mix asphalt plant with an actual maximum production rate of 250 tons per hour. The new plant replaces an existing 120 ton per hour plant. The new plant is manufactured by Astec, and is a Model RDB-400ST. The maximum sulfur content of all fuels is 1.0 percent. Particulate emissions are controlled with a dry cyclone followed by a Model RBH-67:TDB baghouse. The baghouse has Arimid fiber bags with a total cloth area of 11,616 square feet and an air to cloth ratio of 5.75 to 1. There is also a 1.38 MMBTU/hr helical coil hot oil heater used to heat portions of the hot asphalt silo and bucket elevator which qualifies as a generically exempt emissions unit.

This facility is classified as a synthetic minor facility.

The facility is located at 3701 Olsen Drive, Daytona Beach, Volusia County, Florida.

General Conditions, which are pages 2 and 3, are mailed only to the permittee.

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes (F.S.) The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup and auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

   (a) Have access to and copy any records that must be kept under conditions of this permit;
   (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
   (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

   Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

   (a) A description of and cause of noncompliance; and
   (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

   The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

GENERAL CONDITIONS:

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Rule 62-4.120 and 162-30.300, Florida Administrative Code (F.A.C.), as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. This permit also constitutes:

    (X) Determination of Best Available Control Technology (BACT)
    ( ) Determination of Prevention of Significant Deterioration (PSD)
    ( ) Certification of compliance with State Water Quality Standards (Section 401, PL 92-500)
    (X) Compliance with New Source Performance Standards

14. The permittee shall comply with the following:

    (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

    (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring information) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

    (c) Records of monitoring information shall include:
        1. The date, exact place, and time of sampling or measurements;
        2. The person responsible for performing the sampling or measurements;
        3. The dates analyses were performed;
        4. The person responsible for performing the analyses;
        5. The analytical techniques or methods used;
        6. The results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

1. The facility is subject to the following provisions of 40 CFR 60, Subchapter C - Air Programs, Subpart A – General Provisions, the complete text of which is provided in Appendix A:

   a) 40 CFR 60.8 – Performance tests;

   b) 40 CFR 60.9 – Availability of information;

   c) 40 CFR 60.10 – State authority;

   d) 40 CFR 60.11 – Compliance with standards and maintenance requirements;

   e) 40 CFR 60.12 – Circumvention; and

   f) 40 CFR 60.14 – Modification;

2. The facility is subject to the following provisions of 40 CFR 60, Subchapter C – Air Programs, Subpart I – Standards of Performance for Hot Mix Asphalt Facilities, the complete text of which is provided in Appendix A:

   a) 40 CFR 60.92 – Standard for particulate matter; and

   b) 40 CFR 60.93 – Test methods and procedures.

Operating Conditions

3. The emission unit maximum operating limits are as follows:

   a) The process rate shall not exceed 0.5 million tons of a virgin or recycle mix asphalt product per any consecutive twelve month period.

   b) Total fuel consumption shall not exceed 1.2 million gallons in any consecutive twelve month period of the combination of new no. 2 through no. 6 fuel oils and on specification used oil.

   c) The maximum sulfur content of all fuel oils consumed shall not exceed 1.0 percent by weight.

   [Rule 62-210.200, F.A.C. - Definitions - (PTE)] and construction permit application received November 2, 2000]

4. The following used oil specifications are applicable. Used oil within the allowable levels is "on-specification" and used oil exceeding any allowable level is "off-specification."

Constituent/Property	Allowable Levels	Test Methods
Arsenic	5 ppm maximum	EPA SW-846
Cadmium	2 ppm maximum	EPA SW-846
Chromium	10 ppm maximum	EPA SW-846
Lead	100 ppm maximum	EPA SW-846
Flash Point	100° F minimum	EPA SW-846
Total Halogens	4,000 ppm maximum*	EPA SW 846
PCB	< 50 ppm	EPA SW 846

* Used oil containing between 1,000 and 4,000 ppm of total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste and cannot be utilized unless the applicant first rebuts this presumption by demonstrating that Used Oil does not contain hazardous waste and receives written approval from the Department.
[Rule 62-710.210(3), F.A.C.; 40 CFR Part 279.11]

5. When used oil is fired the facility must operate in compliance with all applicable regulations and Department policy including the requirements of Rule 62-710, Part V, F.A.C. and 40 CFR 266 Subparts D and E and any new regulations subsequently adopted, and the following conditions shall apply:

   a) Each time used oil is transferred to the facility storage tank a sample of used oil to be burned shall be analyzed for arsenic, chromium, cadmium, total halogens, PCB, flash point, and lead using EPA/DEP or ASTM approved methods prior to being fired. Alternately, the used oil vendors' analysis for the referenced parameters may be utilized to satisfy this condition. Results of the used oil sampling and analysis shall be retained on site for a three year period.

   b) The total quantity of used oil burned during each calendar year, on a monthly basis, shall be included in the Annual Operations Report for Air Emissions Sources.

   c) The firing of used oil which contains PCB at concentrations greater than 2 ppm and less than 50 ppm is regulated by 40 CFR 761. The source can not fire used oil which contains PCB concentrations in this range during startup or shutdown in accordance with 40 CFR 761.20(e)(3), and the source must submit to this office a copy of the written notice described in 40 CFR 761.20(e)(3)].

6. No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any source whatsoever, including, but not limited to, vehicular movement, transportation of materials, construction alteration, demolition or wrecking, or industrially related activities such as loading, unloading, storing or handling, without taking reasonable precautions to prevent such emission [Rule 62-296.320(4)(c)1., F.A.C.]. The area must be watered down should unconfined emissions occur.

7. No person shall circumvent any pollution control device or allow the emissions of air pollutants without the applicable air pollution control device operating properly.
[Rule 62-210.650, F.A.C.]

EMISSION LIMITS

8. No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor. An objectionable odor is defined as any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance.
[Rule 62-296.320(2) F.A.C. and Rule 62-210.200, F.A.C.]

Compliance Testing

9. The emission unit must be tested for particulate emissions and concurrently for visible emissions within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup.
[Rule 40 CFR 60.8]

10. EPA Method 5 shall be used to determine the particulate matter concentration. The sampling time and sample volume for each run shall be at least 60 minutes and 0.90 dscm (31.8 dscf).
[Rule 62-297.401, F.A.C.; 40 CFR 60.93 (b)(1)]

11. DEP Method 9 and the procedures in 40 CFR 60.11 shall be used to determine opacity. DEP Method 9 shall be conducted for thirty minutes.
[Rule 62-297.401 F.A.C; 40 CFR 60.93(b)(2)]

12. At least 15 days prior to the date on which each formal compliance test is due to begin, the permittee shall provide written notification of the test to the Department’s Central District air compliance section. The notification must include the following information: the date, time and location of each test; the name and telephone number of the facility's contact person who will be responsible for coordinating the test; and the name, company, and telephone number of the person conducting the test.
[Rule 62-297.310(7)(a)9, F.A.C.].

13. For the purpose of compliance testing, the maximum operation rate is 250 tons per hour. Testing of emissions shall be conducted with the emissions unit operation at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional

compliance testing to regain the authority to operate at the permitted capacity.
[Rule 62-297.310(2), F.A.C.].

14. The stack sampling facility must comply with Rule 62-297.310(6), F.A.C., regarding minimum requirements that include but are not limited to: location of sampling ports, work platform area hand rails and toe rails, caged ladder, access and electrical power.

15. A differential pressure gauge is required to measure the pressure drop across the baghouse, a minimum of 10 days before the stack test is performed.
[Rule 62-297.310(5)(b), F.A.C.].

Recordkeeping and Document Submittal

16. The permittee shall maintain records to demonstrate that the sulfur content, by weight, of each shipment of new and on-spec used oil is less than 1.0 percent and that the sulfur content was determined in accordance with the methods listed in specific condition 17.
[Rule 62-210.300(3)(c)1.c., F.A.C.]

17. The fuel sulfur content, percent by weight, for liquid fuels shall be evaluated using one of ASTM D2622-94, ASTM D4294-90(95), ASTM 1552-95, ASTM D1266-91, or both ASTM D4057-88 and ASTM D129-95 or latest editions. Alternately, after written notification to the Department, the permittee may use other DEP Air Program-approved methods, i.e. alternate sampling procedures, for sulfur in petroleum products.
[Rules 62-210.300(3)(c)1.c., and 62-297.440, F.A.C.].

18. Pursuant to Rule 62-4.070(3), F.A.C., a monthly log shall be kept for this facility to document compliance with the limitations of Operating Condition 1 on page 4. The log shall be completed by the end of the following month and retained on file at the facility for at least three years.

19. The owner or operator shall submit a copy of the compliance test results to the Department's Central District air compliance section within 45 days after the last sampling run of each test is completed.
[Rule 62-297.310(8)(b), F.A.C]

20. The owner or operator shall complete DEP Form No. 62-210.900(5), F.A.C. "Annual Operating Report for Air Pollutant Emitting Facility", including the Emissions Report, for each calendar year and submit to the Department's Central District air compliance section on or before March 1 of the following year.
[Rule 62-210.370(3), F.A.C.].

Permit Application

21. An operating permit is required for operation of this source. To obtain an operating permit, the permittee must demonstrate compliance with the conditions of the construction permit and submit the application fee, along with compliance test results, records and Application for Air Permit to the Department's Central Florida District office [Rule 62-4.220, F.A.C.]. **The application shall be submitted no later than 180 days after receipt of this construction permit.**

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

_____
L.T. Kozlov, P.E.
Program Administrator
Air Resources Management

Issued: _____

CERTIFICATION

Application Number: 7770001-003-AC

APPLICANT: P & S Paving, Inc.

PROJECT: Replacement Drum Mix Asphalt Plant

I HEREBY CERTIFY that the engineering features described in the referenced application for an Air Operation Permit provide reasonable assurance of compliance with the applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Title 62. However, I have not evaluated and I do not certify aspects of the proposal outside of my area of expertise (including but not limited to the electrical, mechanical, structural, hydrological, and geological features).

_____

ALAN ZAHM, P.E.

SEAL 36903