Florida Department of
Environmental Protection
Northwest District
160 W. Government Street, Suite 308
Pensacola, Florida 32502-5740

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

May 23, 2012

By Electronic Mail, Received Receipt Requested
gthaw@cwrcontracting.com

Mr. Charles W. Roberts
C. W. Roberts Contracting, Inc.
Post Office Box 188
Hosford, Florida 32334

Dear Mr. Roberts:

This letter is in response to the phone call received from Ms. Veronica Sgro (Koogler & Associates) on April 24, 2012, requesting clarification of a statement contained in an Administrative Correction issued April 20, 2012, allowing the use natural gas for the C. W. Roberts Tallahassee Asphalt Plant in Leon County, ID 7770100.

The letter included the following language: "Please note that when conducting your annual compliance tests on the burner, you should test using fuel oil." Rule 62-210.300(3)(c)2, F.A.C., requires annual testing of Visible Emissions (VE) and Particulate Matter (PM). Ms. Sgro indicated that when the facility is only burning natural gas, the requirement to test using fuel oil could become burdensome to the facility.

Based on the following in Rule 62-297.310(7)(a)5, F.A.C., "*An annual compliance test for particulate matter emissions shall not be required for any fuel burning emissions unit that, in a federal fiscal year, does not burn liquid and/or solid fuel, other than during startup, for a total of more than 400 hours.*", a PM test is not required for an emissions unit only burning natural gas. A VE test is still required to be performed annually according to Rule 62-297.310(7)(a)4, F.A.C.

Included in this letter is the re-statement of corrected and previously issued "Administrative Corrections" related to specific conditions A.4 and A.9.a of permit 7770100-006-AO.

A.4. Fuel Types and Usage. The facility may use natural gas or fuel oil. Fuel oil consumption by the asphalt concrete plant, asphalt heater and portable RAP crusher shall not exceed the Title V exemption limit of 1.2 MM gallons in any consecutive 12-month period. The facility may use fuel oil with a maximum sulfur content of 1.0 percent by weight or less. The owner shall maintain records to demonstrate that each shipment of fuel oil has 1.0 percent or less sulfur and that the sulfur content was determined by ASTM methods ASTM D4057-88 and ASTM D129-91, ASTM D2622-94 or ASTM

D4294- 90, adopted and incorporated by reference in Rule 62- 297.440(1), F.A.C., or updated versions of the referenced ASTM methods. Records of fuel oil usage shall be maintained. [Rules 62-210.300(3)(c)2.b. and c., F.A.C., and permit 7770100-001-AC]

A.9.a. Visible Emissions and Particulate Matter tests, associated with the asphalt concrete plant, are required to show compliance with the standards of the Department. The test results must provide reasonable assurance that the source is capable of compliance at the permitted maximum operating rate. The tests shall be conducted once during each federal fiscal year (October 1 through September 30). ~~The VE test shall be conducted during one of the PM test runs.~~ The Permittee shall notify the Department at least 15 days prior to testing to allow witnessing. Results shall be submitted to the Department within 45 days after testing. [Rules 62-4.070(1), 62-210.300(3)(c)2.i, 62-297.401(5) and (9), F.A.C., and Permit 7770100-001-AC]

All other specific conditions of the permit remain in effect. This letter shall be attached to and made a part of permit 7770100-006-AO.

If you have any questions, please contact Angelia Jackson at 850/595-0598 or e-mail angelia.jackson@dep.state.fl.us.

Sincerely,

/s/

Rick Bradburn
Air Program Administrator

Enclosure
c: Veronica Sgro, P.E.; Koogler & Associates: vsgro@kooglerassociates.com
DEP Northwest District Branch Office, Tallahassee

NOTICE OF RIGHTS

Persons whose substantial interests are affected by this agency action have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the Department's Northwest District Office, 160 W. Government Street, Suite 308, Pensacola, Florida 32502-5740. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the county in which the subject matter or activity is located;

(b) A statement of how and when each petitioner received notice of the agency action;

(c) A statement of how each petitioner's substantial interests are affected by the agency action;

(d) A statement of the material facts disputed by petitioner, if any;

(e) A statement of facts which petitioner contends warrant reversal or modification of the agency action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the agency action;

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the agency action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject agency action have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.