AIRS I.D. Number: 7774810
Old Air Permit Number: AO57-267672
New Air Permit Number: 7774810-002-AO
Date of Issue: March 28, 1995
Amended: August 10. 1999
Expiration Date: February 28, 2000
County: Bay
Project: Batch Asphalt Plant

William E. Shaw
President
American Sand & X-Cavation, Inc.
2911 S. Highway 77
Lynn Haven, Florida 32444

Dear Mr. Shaw:

This is in response to your June 15, 1999 application requesting relocation of your portable asphalt plant from Santa Rosa to Bay County. By this letter permit 7774810-002-AO (please note new permit number on future correspondence) is amended as follows:

1. Amend the location on the first page of the permit as follows:

From:

Located: Northwest corner of Ashley Industrial Park Complex, Galt City Road, Milton, Santa Rosa County.

To:

Located: Nine miles north of the City of Lynn Haven, off of Highway 77. Go west on Lynn Haven Road for 1.5 miles, then south for approximately 1000 feet, in Bay County.

Please note that we have also modified our records to reflect the change of ownership of this facility from Panhandle Grading and Paving, Inc., to American Sand and X-Cavation, Inc.

All other specific conditions of this permit remain in effect. This letter shall be attached to and made part of permit 7774810-002-AO.

Sincerely,

/s/

Ed K. Middleswart, P.E.
Air Program Administrator

EKM:rbc
Enclosures

cc: Pensacola P.O.C, Inc.

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CERTIFIED MAIL

In the Matter of an
Application for Permit by:

DEP File No. 7774810-002-AO
Bay County

William E. Shaw, President
American Sand & X-Cavation, Inc.
2911 S. Highway 77
Lynn Haven, Florida 32444
_____/

INTENT TO ISSUE

The Department of Environmental Protection gives notice of its intent to issue a permit (copy attached) for the proposed project as detailed in the application specified above for the reasons stated below.

The applicant, American Sand & X-Cavation, Inc., applied on June 15, 1999 to the Department of Environmental Protection for a permit to relocate an existing asphalt concrete plant.

The Department has permitting jurisdiction under Section 403.087, Florida Statutes. The project is not exempt from permitting procedures. The Department has determined that a permit is required for the proposed work.

The application was timely reviewed and determined to be deficient of certain information. The applicant subsequently corrected the deficiencies, and the application became complete July 14, 1999.

Pursuant to Section 403.815, Florida Statutes and DEP Rule 62-110.106, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit. The notice shall be published one time only within 30 days in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "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. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department, at the Northwest District, 160 Governmental Center, Pensacola, Florida 32501-5794 within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

The Department will issue the permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision of significant change of terms or conditions.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative proceeding (hearing) is filed pursuant to sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. 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 32399-3900. 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) of the Florida statutes 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), however, any person who asked the Department 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 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department’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 petitioner received notice of the Department's 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 petitioner contends require reversal or modification of the Department's action or proposed action; and

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

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 notice. 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.

Executed in Pensacola, Florida.

State of Florida Department
of Environmental Protection

_____
ED K. MIDDLESWART, P.E.
Air Program Administrator

160 Governmental Center
Pensacola, Florida 32501-5794
(850) 595-8364

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this INTENT TO ISSUE and all copies were mailed by certified (Permittee) or regular mail before the close of business on _____ to the listed persons.

Filing and Acknowledgment filed, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department clerk, receipt of which is hereby acknowledged.

Clerk Date

Copies furnished to:

K. C. Sviglin, P.E., Pensacola P.O.C., Inc.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO ISSUE PERMIT
File No.: 7774810-002-AO

The Department of Environmental Protection gives notice of its intent to issue a permit to American Sand & X-Cavation, Inc., to relocate an existing batch asphalt concrete plant, to be located nine miles north of Lynn Haven off of Highway 77, Bay County. Go west on Lynn Haven Road for 1.5 miles, then south for 1000 feet.

Potential emissions include up to 2.0 tons of particulate matter per year. Fugitive dust will be controlled by reducing speed of vehicles and by use of water sprays.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. 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, Tallahassee, Florida 32399-3000, within 14 days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The petition shall contain the following information; (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed 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 Department's action or proposed action; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed 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 application 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 14 days of publication 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 Section 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 28-5.207, F.A.C.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except for legal holidays, at the Northwest District, 160 Governmental Center, Pensacola, Florida.

MEMORANDUM

TO : Ed K. Middleswart, P.E.
FROM : Andy Allen, Rick Bradburn
DATE : 7/23/2012
SUBJECT : Evaluation Summary for American Sand & X-Cavation, Inc., Facility #7774810, Bay County

We recommend issuing a minor permit modification to American Sand & X-Cavation, Inc., for the relocation of a previously permitted asphalt plant to Bay County. The plant was located in Santa Rosa County and was owned by Panhandle Grading and Paving. American Sand & X-Cavation, Inc. has purchased the facility and plans to move it to Bay County.

Process Description. See previous description (attached).

Compliance History. Plant has not been in operation for the past year.

Fee Summary. This is an AOMM ($250 fee), minor modification to an air operating permit for relocation of the facility. A change of ownership request was also part of this application, AOTO ($50).

Site. See attached field inspection dated June 29, 1999.