Florida Department of Environmental Protection
South District Office
Post Office Box 2549
Fort Myers, Florida 33902-2549

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

NOTICE OF ADMINISTRATIVELY CORRECTED PERMIT

May 15, 2012

Electronic Mail – Return Receipt Requested

In the Matter of a Request for Administrative Correction:

Mr. Clark Learning
Executive Vice President
Better Roads, Inc.
P.O. Box 9979
Naples, Florida 34101

Project No. 7774818-012-AO
Administrative Correction to Permit No. 7774818-011-AO
Asphalt Plant #4
Collier County

Enclosed is an administratively corrected condition to the air operation permit No. 7774818-011-AO, for the operation of the Asphalt Plant #4 located in Collier at 9220 Collier Blvd. in Naples, Florida. This correction is issued pursuant to Rule 62-210.360, Florida Administrative Code (F.A.C.), and Chapter 403, Florida Statutes (F.S.). This change is made at the Department's request to correct the description of the particulate test method. This corrective action does not alter the effective dates of the existing permit.

The Department of Environmental Protection (Department) will consider the above-noted action final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. Mediation under Section 120.573, F.S., will not be available for this proposed action.

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 (received) by the Agency Clerk in the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 (fourteen) days of receipt of this notice. Petitions filed by any other person must be filed within 14 (fourteen) days of receipt of this proposed action. A petitioner must 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 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 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 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.

Any party to this order (permit) has the right to seek judicial review of it under 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 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 thirty days from the date this notice is filed with the Clerk of the permitting authority.

Executed in Fort Myers, Florida.

Jon M. Iglehart
Director of
District Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Administratively Corrected Permit (including the corrected page) was sent by electronic mail or a link to these documents available electronically on a publicly accessible server, with received receipt requested before the close of business on May 16, 2012 to the persons listed below:

Mr. Clark Learning, Better Roads, Inc. (clarkl@betterroads.net)
Mr. Lynn Robinson, P.E., Southern Environmental Sciences, Inc. (lrobinson@sesfla.com)

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.

(Clerk) May 16, 2012 (Date)

Pursuant to the Department's request, conditions /requirements contained in permit No. 7774818-011-AO have been corrected as indicated below. ~~Strikethrough~~ is used to denote the deletion of text. Double-underlines are used to denote the addition of text. All changes are emphasized with yellow highlight.

1. **Specific Condition 11** is hereby changes as follows:

11. Test Methods: Required tests shall be performed in accordance with the following reference methods:

Method	Description of Method and Comments
1-4	Traverse Points, Velocity and Flow Rate, Gas Analysis, and Moisture Content
5	Determination of Particulate Emissions from Stationary Sources ~~Determination of Nitrogen Oxide Emissions from Stationary Sources~~
9	Visual Determination of the Opacity of Emissions from Stationary Sources

The above methods are described in Appendix A of 40 CFR 60 and are adopted by reference in Rule 62-204.800, F.A.C. No other methods may be used unless prior written approval is received from the Department. [Rules 62-204.800 and 62-297.100, F.A.C.; Appendix A of 40 CFR 60; Permit No. 7774818-009-AC]