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

July 11, 2012

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

Mr. Charles W. Roberts
C. W. Roberts Contracting, Inc.
3372 Capital Circle Northeast
Tallahassee, Florida 32308

Dear Mr. Roberts:

This letter constitutes an administrative correction to permit 7775118-008-AO.

Construction permit 7775118-007-AC authorized the C.W. Roberts Freeport Asphalt Plant No. 3 to use Biomass Fuel Oil (BFO-1 comprised of 0.1% diesel, 99.9% Free Fatty Acids oil) in the asphalt plant dryer. The facility is required to comply with the testing requirements per Specific Condition No. 7 in Construction Permit 7775118-007-AC:

7. Initial Compliance Tests: The emissions unit shall be tested to demonstrate initial compliance with the emissions standards for Particulate Matter and Visible Emissions, and to verify emissions estimates of Carbon Monoxide and Nitrogen Oxide while burning biomass fuel oil. The initial tests shall be conducted within 60 days after achieving permitted capacity, but not later than 180 days after initial operation of the unit. [Rules 62-4.070(3), 62-210.300(3)(c)2.i and 62-297.310(7)(a)1, F.A.C.]

To our knowledge, the facility has not yet submitted test results for the use of Biomass Fuel Oil. By this letter, Specific Condition A.4. of permit 7775118-008-AO is changed as follows.

From:
A.4. Fuel Types and Usage. The facility may operate using natural gas or fuel oil, which includes on-spec used oil or Biomass Fuel Oil (BFO-1 comprised of 0.1% diesel, 99.0% Free Fatty Acid (FFA) oil). Total combined fuel oil consumption for 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 owner shall maintain records to demonstrate that each shipment of fuel oil, except for Biomass 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 approved by the Department. [Rules 62-210.300(3)(c)2.b and c, F.A.C., and permit 7775118-007-AC]

To:
A.4. Fuel Types and Usage. The facility may operate using fuel oil or "on-spec" used oil with a maximum sulfur content of 1.0 percent by weight, or alternatively, may operate using natural gas. Total combined fuel oil consumption for 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 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 approved by the Department. [Rules 62-210.300(3)(c)2.b and c, F.A.C., and permit 7775118-007-AC]

All other specific conditions of the permit remain in effect. This letter shall be attached to and made a part of permit 7775118-008-AO.

If you have any questions, please contact Maria J. Irizarry at 850/595-0670 or e-mail maria.irizarry@dep.state.fl.us.

Sincerely,

/s/

Rick Bradburn
Air Program Administrator

Enclosure
c: Tammy Reed; Koogler & Associates: treed@kooglerassociates.com
Joseph Shuler, C. W. Roberts: jshuler@cwrcontracting.com

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.