



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

February 1, 2010

Mr. J. Richard Howell, CEO/President  
Florida Stucco Corp.  
Post Office Box 880023  
Boca Raton, Florida 33488

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

## NOTICE OF INELIGIBILITY TO USE THE AIR GENERAL PERMIT

Dear Mr. Howell:

This is to notify you that the Department, pursuant to your submittal received on December 30, 2009, has determined that your facility does not qualify to use the Air General Permit for concrete batching plant.

The requirements that a facility must meet in order to qualify for use of the Air General Permit are set forth in Rule 62-210.310, Florida Administrative Code (F.A.C.). Your submittal indicates your facility is not eligible for the reason(s) listed below:

- facility information provided is insufficient
- equipment information provided is insufficient
- equipment control information is insufficient
- emissions indicate facility is not eligible
- source category not applicable or incorrect
- certification statement is blank or not signed by Responsible Official
- other:

If you have any questions regarding the Department's determination, please contact Dick Dibble or Becky Ajhar at the Bureau of Air Monitoring and Mobile Sources at 850/488-0114. However, if you believe you meet the requirements for the Air General Permit, you may complete the enclosed blank registration form, making the corrections indicated above, and resubmit it to the Department. Any facility which does not qualify for the Air General Permit may require a standard air pollution control permit from the Department. A notice of your legal rights begins on the following page.

The DEP 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, Florida Statutes, (F.S.).

A person whose substantial interests are affected by the 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, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 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 14 days of publication of the public notice or within 14 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 agency 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, 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; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action 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 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.

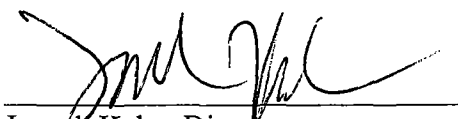
Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of 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.

Any party to this order has the right to seek judicial review of this final action under section 120.68 of the Florida Statutes, by filing 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, Mail Station 35, 3900 Commonwealth boulevard, 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 must be filed within 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida, this 1<sup>ST</sup> day of FEBRUARY, 2010.

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

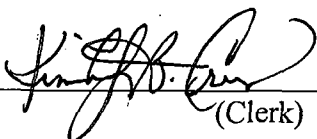


Joseph Kahn, Director  
Division of Air Resource Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this order and all copies were sent by certified mail before the close of business on 2/1/2010 to the person(s) listed:

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)

2/1/10  
(Date)

RECEIVED

**CONCRETE BATCHING PLANT  
AIR GENERAL PERMIT REGISTRATION FORM**

DEC 30 2009

PENDING

PAGE 9 OF 10 OF  
FORM LEFT BLANK

**II. Notification to Permitting Office**

Notification to appropriate permitting office; keep copy onsite)

Mobile Sources

The Department of an eligible facility's intent to use this air general permit for a new facility must detach and complete this part of the Air General Permit (the appropriate Department of Environmental Protection or local air authority which has permitting authority. Please type or print clearly all information for the appropriate air general permit registration processing fee pursuant to Rule 62-210.310(2)(f) effective date of this form)

0990643-002

Notification of intent to: (check one)

1. Establish a new facility.  
2. A facility currently using an air general permit (e.g., a facility proposing to go from an existing air general permit).

3. A facility currently using an air general permit) - Notification of intent to: (check one)  
a. Renew the current term of air general permit use.  
b. Renew the current term of air general permit use after a change of ownership.

c. Renew the current term of air general permit use after a change of ownership requiring re-registration pursuant to Rule 62-210.310(2)(e), F.A.C., or any other administrative correction under Rule 62-210.310(2)(d), F.A.C.

**Permit(s) - For Initial Registrations Only**

If you are surrendering more air operation permits, such permit(s) must be surrendered by the owner of this air general permit. In such case, check the first box, and indicate the number of air operation permits are held by the facility, check the second box. If no air operation permits are hereby surrendered upon the effective date of this air general permit, check the third box.

1. No air operation permits exist for this facility.

01/06/10 - CALLED LEFT MESSAGE FOR MR. HOWELL W/CLERK FOR ADD'L INFO

01/20/10 - CALLED LEFT MESSAGE W/CLERK FOR A RETURN CALL

**General Facility Information**

**Facility Owner/Company Name** (Name of corporation, agency, or individual owner who or which owns, leases, operates, controls, or supervises the facility.)

FLORIDA STUCCO CORP

**Site Name** (Name, if any, of the facility site; e.g., Plant A, Metropolis Plant, etc. If more than one facility is owned, a registration form must be completed for each.)

**Facility Location** (Provide the physical location of the facility, not necessarily the mailing address.)

Street Address: 21195 BOCA RIO ROAD

City: BOCA RATON FL County: PALM BEACH Zip Code: 33433-2201

**Facility Start-Up Date** (Estimated start-up date of proposed new facility.)(N/A for existing facility)

**Owner/Authorized Representative**

<b>Name and Position Title</b> (Person who, by signing this form below, certifies that the facility is eligible to use this air general permit.) Print Name and Title: J. RICHARD HOWELL CEO, PAES	
<b>Owner/Authorized Representative Mailing Address</b> Organization/Firm: FLORIDA STNCO CORP Street Address: P.O. BOX 880023 City: BOCA RATON County: PALM BEACH Zip Code: 33488	
<b>Owner/Authorized Representative Telephone Numbers</b> Telephone: 561 487 1301 Fax: 561 487 8536 Cell phone (optional):	

**Facility Contact (If different from Owner/Authorized Representative)**

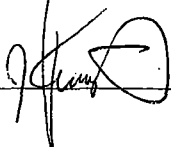
<b>Name and Position Title</b> (Plant manager or person to be contacted regarding day-to-day operations at the facility.) Print Name and Title: GIULIO DIMAIO PLANT MANAGER	
<b>Facility Contact Mailing Address</b> Organization/Firm: 21195 BOCA RIO ROAD Street Address: 21195 BOCA RIO ROAD City: BOCA RATON County: PALM BEACH Zip Code: 33493-2201	
<b>Facility Contact Telephone Numbers</b> Telephone: 561 487 1301 Fax: 561 487 8536 Cell phone (optional):	

**Owner/Authorized Representative Statement**

This statement must be signed and dated by the person named above as owner or authorized representative

*I, the undersigned, am the owner or authorized representative of the owner or operator of the facility addressed in this Air General Permit Registration Form. I hereby certify, based on information and belief formed after reasonable inquiry, that the facility addressed in this registration form is eligible for use of this air general permit and that the statements made in this registration form are true, accurate and complete. Further, I agree to operate and maintain the facility described in this registration form so as to comply with all applicable standards for control of air pollutant emissions found in the statutes of the State of Florida and rules of the Department of Environmental Protection and revisions thereof.*

*I will promptly notify the Department of any changes to the information contained in this registration form.*

Signature  \_\_\_\_\_ Date 12-23-09 \_\_\_\_\_

**Type of Facility**

Check one:

Stationary Facility

Relocatable Facility

**Type(s) of Reasonable Precautions Used to Prevent Unconfined Emissions**

Check all precautions to be used for the management of roads, parking areas, stock piles and yards:

Pave Roads

Pave Parking Areas

Pave Yards

Maintain Roads/Parking/Yards

Use Water Application

Use Dust Suppressant

Remove Particulate Matter

Reduce Stock Pile Height

Install Wind Breaks

Check all precautions to be used for the management of drop points to trucks:

Spray Bar

Chute

Enclosure

Partial enclosure

**Description of Reasonable Precautions**

Below, or as an attachment to this form, provide details of all types of reasonable precautions to be used to prevent unconfined emissions at the facility.

**Description of Facility**

Below, or as an attachment to this form, provide a description of the concrete batching plant operations at the facility in sufficient detail to demonstrate the facility's eligibility for use of this air general permit and to provide a basis for tracking any future equipment or process changes at the facility. Describe all air pollutant-emitting processes and equipment at the facility, and identify any air pollution control measures or equipment used.

U.S. Postal Service

# CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0026 4128 8758



Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$</b>

Postmark  
Here

*Recipi*  
-----  
*Street,*  
-----  
*City, St*

**CERTIFIED MAIL #70000600002641288758**

MR J RICHARD HOWELL CEO PRES  
FL STUCCO CORP  
PO BOX 380023  
BOCA RATON FL 33488

# 0990643

PS For

structions



# memo

## AIR GENERAL PERMITTING

To: KIMBERLY CREWS

From: Dick Dibble



Date: 1/28/2010

Re: TASK: PREPARE A DENIAL OF ENTITLEMENT LETTER FOR CONCRETE BATCHING PLANT AIR GENERAL PERMIT REGISTRATION FORM  
FACILITY AIRS ID# 0990643  
FLORIDA STUCCO CORP  
21195 BOCA RIO ROAD  
BOCA RATON, FLORIDA 33433-2201

REASON: THE AIR GENERAL PERMIT REGISTRATION RENEWAL FORM SUBMITTED & SUBSEQUENT WRITTEN & VERBAL REQUESTS DID NOT RESULT IN SUFFICIENT EQUIPMENT DETAIL BEING PROVIDED TO DEMONSTRATE THE FACILITY'S ELIGIBILITY FOR USE OF THE AIR GENERAL PERMIT AND PROVIDE A BASIS FOR TRACKING ANY FUTURE EQUIPMENT OR PROCESS CHANGES AT THE FACILITY.

ADDRESS TO:  
FLORIDA STUCCO CORP  
c/o J. RICHARD HOWELL, CEO/PRESIDENT  
P.O. BOX 880023  
BOCA RATON, FL 33488

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Comments: Kimberly,

Please prepare a denial of entitlement letter for Sandra's review and Joe Kahn's signature.

Let me know if you have any questions.

Thank you and have a great day!

*Dick*

01/28/10-ENTITLEMENT DENIED-equip't detail not provided after subsequent verbal & written requests, did not demonstrate eligibility for AGP.

**Florida Department of Environmental Protection - Enterprise Applications** ORACLE

Details Ems unit permit Compl asssr Pollutant related party Help Return Exit Window

Air Resource Management System - Facility

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POINT Office \* **SEPB** SE: PALM BEACH County \* **PALM BEACH** AIRSID **ARMINV01**  
 0990643

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Owner/Comp \* **FLORIDA STUCCO CORP** Site **FLORIDA STUCCO CORP-BOCA RIO RD**

Directions

Street **21195 BOCA RIO RD**

City \* **BOCA RATON** Zip **33433** **2201** Validate Address

UTM Zone **17** East **582.58** North **2915.99** Latitude **26** **21** **41.4508** Longitude **80** **10** **20.1820**

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Status \* **A** **ACTIVE** Maj Group SIC \* **32** **STONE, CLAY, GLASS AND CONCRETE PRODUCTS**

Reloc **N** Shtdwn Dt  Strt Dt  Final Shtdwn Dt

Gov Fac \* **0** **NOT OWNED OR OPERATED BY A FEDERAL, STATE, OR LOCAL GOVE** HAZ Waste Generator ID: FLD

AOR Req \* **N** Ozone SIP Facility \* **N** Type **23** **CONCRETE PLANT**

Compliance Tracking  Current Permit Indicator **AG**

Title V **NON TITLE V** non-HAP Class **MINOR** HAP Class **MINOR** Public Exempt **N**

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# of Emis Units C **0** A **3** I **0** Generator Rating  MWV

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Comment **01/28/10-ENTITLEMENT DENIED-equip't detail not provided after subsequent verbal & written requests, did not demonstrate**

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Enter the FACILITY COMMENT

Record: 1/1