February 28, 2005

RTIFIED MAIL – RETURN RECEIPT

Mr. William J. Whitehurst, President
V.E. Whitehurst & Sons, Inc.
20551 NE 75th Street
Gainesville, FL 32696

Re: Alachua County – Air Permitting
V.E. Whitehurst & Sons, Inc.
Gainesville Asphalt Facility
Permit No. 0010037-008-AO
AIRS ID No.: 0010037

Dear Mr. Whitehurst:

NOTICE OF PERMIT ISSUANCE

Enclosed is Permit Number 0010037-008-AO to operate the subject air pollution emissions unit(s), pursuant to Section 403.087, Florida Statutes (F. S.).

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 or significant change of terms or conditions.

This permit is final agency action (upon signature) unless a timely petition for administrative 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 proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F. S. 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 32399-3000. 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), F. S. 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), F. S., 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 (F. A. C.).

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, F. A. C.

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.

In addition to the above, a person subject to regulation has a right to apply for variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542, F. S. The relief provided by this state statute applies only to state rules, not statues, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of issuance. The application for a variance or waiver is made by filing petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. The petition must specify the following information:

(a) The name, address, and telephone number of the petitioner;
(b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any;
(c) Each rule or portion of a rule from which a variance or waiver is requested;
(d) The citation to the statute underlying (implemented by) the rule identified in (c) above;
(e) The type of action requested;
(f) The specific facts that would justify a variance or waiver for the petitioner;
(g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and
(h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F. S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner. Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

This permit is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 62-l03.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this permit will not be effective until further Order of the Department.

Any party to the Order has the right to seek judicial review of the Order pursuant to Section l20.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, F. A. C., Florida Rules of Appellate procedure, with the Clerk of the Department in the Office of General Counsel, Mail Station 35, 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 30 days after the Final Order is filed with the Clerk of the Department.

Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Christopher L. Kirts, P.E.
District Air Program Administrator

CLK*:KAA*

cc: *Steven C. Cullen, P.E. – Koogler & Associates*

CERTIFICATE OF SERVICE

This is to certify that this **NOTICE OF PERMIT ISSUANCE** and all copies were mailed before the close of business on March 2, 2005 to the listed persons.

Mr. William J. Whitehurst, President
V.E. Whitehurst & Sons, Inc.

Steven C. Cullen, P.E. – Koogler & Associates

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) February 28, 2005 (Date)

P.E. Certification Statement

Permittee:
V.E. Whitehurst & Sons, Inc.
Gainesville Asphalt Facility

Permit No.: 0010037-008-AO]
Facility ID No.: 0010037

Project Name/Type: Air Operation Permit (Initial).

I HEREBY CERTIFY *that the engineering features described in the above referenced application and subject to the proposed permit conditions provide reasonable assurance of compliance with applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4 and 62-204 through 62-297. However, I have not evaluated and I do not certify aspects of the proposal outside of my area of expertise (including but not limited to the electrical, mechanical, structural, hydrological, and geological features).*

Permitting Authority:
State of Florida
Department of Environmental Protection
Northeast District Office, Air Program
7825 Baymeadows Way, Suite B-200
Jacksonville, Florida 32256-7590

Phone: (904) 807-3300
FAX: (904) 448-4363

_____ _____
Khalid Al-Nahdy, P.E. date
Registration Number: 57952