



Environmental Protection and Growth Management Department  
**POLLUTION PREVENTION, REMEDIATION AND AIR QUALITY DIVISION**  
Mailing Address: 115 South Andrews Avenue, Room A-240, Fort Lauderdale, Florida 33301  
954-519-1260 • FAX 954-519-1495

### NOTICE OF PERMIT

Mr. Aaron Herwig, Chief Operating Officer  
Florida Silica Sand Company, Inc.  
181 Bryan Road  
Dania, FL 33004

Dear Mr. Herwig:

Enclosed is operation permit Number 0112141-005-AC to operate an air pollution source issued pursuant to Section 403.087 of the Florida Statutes, Broward County's Specific Operating Agreement with the Florida Department of Environmental Protection, and Broward County Code Chapter 27 Article IV which adopts Florida Administrative Code (FAC) 62-4, 62-296 and 62-297.

Persons whose substantial interests are affected by this permit have a right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative determination (hearing) on it. The petition must conform to the requirements of Chapters 62-103 and 28-5.201, FAC, and must be filed (received) in the Pollution Prevention, Remediation and Air Quality Division (PPRAQ), 115 South Andrews Avenue, Room A-240, Fort Lauderdale, Florida 33301 within fourteen (14) days of receipt of this notice. Failure to file a petition within the fourteen (14) days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, Florida Statutes and Chapter 27. This permit is final and effective on the date filed with the Clerk of the PPRAQ unless a petition is filed in accordance with this paragraph 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 62-103.070, FAC. 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 PPRAQ. When the Order (Permit) is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Pollution Prevention, Remediation and Air Quality Division, 115 South Andrews Avenue, Room: A-240, Fort Lauderdale, FL 33301; 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 from the date the Final Order is filed with the Clerk of the Department.

Executed in Broward County, Florida  
POLLUTION PREVENTION, REMEDIATION AND  
AIR QUALITY DIVISION

  
Jeffrey Halsey, Director

cc: District Air Program Administrator, DEP Southeast District Office (VIA EMAIL)

### CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT and all copies were mailed before the close of business on 4/14/09 to the listed persons.

  
Clerk

4/14/09  
Date



Environmental Protection and Growth Management Department  
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## NOTICE OF AIR POLLUTION PERMIT

### ISSUED TO:

#### PERMITTEE:

Mr. Aaron Herwig, Chief Operating Officer  
Florida Silica Sand Company, Inc.  
181 Bryan Road  
Dania, FL 33004

**AIRS ID No.:** 0112141

**Permit Number:** 0112141-005-AC

**Issue Date:** April 14, 2009

**Expiration Date:** April 14, 2010

**Project:** Air after-the-fact construction permit for a sand and gravel, drying, mixing and bagging operation.

**Lat/Long:** 26°03'13.06" N / 80°09'21.69" W

**UTM:** Zone 17; 584.2 km East; 288.2 km North

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.) Florida Administrative Code (F.A.C.) Rules 62-4 and 62-210 through 62-297 (permitting requirements) and Broward County Code, Chapter 27 (emission limitations) and in conformance with all existing regulations of the Florida Department of Environmental Protection (FDEP). The above named Permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Broward County Pollution Prevention, Remediation and Air Quality Division (PPRAQ) and made a part hereof and specifically described as follows:

**Operate:** An air pollution source consisting of the following emission unit(s):

**EU#001:** A natural gas fired rotary dryer; ABM Model D5424 controlled by baghouse.

**In accordance with:** Application to construct an air pollution source received May 2, 1991, Notice of Intent issued August 20, 1991 and published September 6, 1991, Certificate of Completion of Construction received June 28, 1993, additional information received August 5, 1993, application to renew operation permit received August 24, 1998, application to renew operation permit received June 26, 2003, additional information received August 5, 2003, application for after-the-fact construction permit received November 14, 2008, additional information received January 7, 2009, Notice of Intent issued March 4, 2009, and published in the Sun-Sentinel newspaper on March 19, 2009 (none are attached).

**Location:** 181 Bryan Road, Dania, Broward County, FL

**To serve:** A sand and gravel, drying, mixing and bagging operation (SIC 32).

**Subject to:** Conditions 1 - 29



## General Conditions

1. Terms of Permit. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The Permittee is placed on notice that the PPRAQ will review this permit periodically and may initiate enforcement action for any violation of these conditions.  
[Rule 62-4.160 (1), F.A.C.]
2. Permit Validity. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the PPRAQ.  
[Rule 62-4.160 (2), F.A.C.]
3. Disclaimer. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, or any violations of federal, state or local laws or regulations. This permit is not a waiver of or approval of any other permit that may be required for other aspects of the total project which are not addressed in this permit.  
[Rule 62-4.160 (3), F.A.C.]
4. Disclaimer. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interest have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.  
[Rule 62-4.160 (4), F.A.C.]
5. Liability. This permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and FDEP rule, unless specifically authorized by an order from the PPRAQ.  
[Rule 62-4.160 (5), F.A.C.]
6. Operation and Maintenance. The Permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the Permittee to achieve compliance with the conditions of this permit, as required by county and state rules. This provision included the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by PPRAQ and FDEP rules.  
[Rule 62-4.160 (6), F.A.C.]
7. Onsite Inspection Activities. The Permittee, by accepting this permit, specifically agrees to allow authorized PPRAQ personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times (depending on the nature of the concern being investigated), access to the premises where the permitted activity is located or conducted to:
  - (a) Have access to and copy any records that must be kept under conditions of the permit;
  - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
  - (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or PPRAQ and FDEP rules.  
[Rule 62-4.160 (7), F.A.C.]



8. Notice of Noncompliance. If, for any reason, the Permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the Permittee shall immediately provide PPRAQ with the following information:
  - (a) A description of and cause of noncompliance; and
  - (b) The period of noncompliance, including dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The Permittee shall be responsible for any enforcement action by PPRAQ for penalties or for revocation of this permit.  
[Rule 62-4.160 (8), F.A.C.]
9. Reporting Noncompliance. The Permittee shall report any periods of noncompliance to the PPRAQ immediately by phone at 954-519-1499 or by Email at EPDHOTLINE@broward.org. This also applies when the period of non-compliance is first determined after normal business hours or on weekends and holidays.  
[Rules 62-4.130 and 62-4.070(3), F.A.C.]
10. Evidence Materials. By accepting this permit, the Permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted facility or activity, that are submitted to the PPRAQ, may be used by the PPRAQ as evidence in any enforcement proceeding arising under the Florida Statutes or F.A.C. rules, except where such use is prohibited by Section 403.111 and 403.73, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.  
[Rule 62-4.160 (9), F.A.C.]
11. Rule Changes. The Permittee agrees to comply with changes in Florida Department of Environmental Protection rules and Florida Statutes after a reasonable time for compliance; provided, however, the Permittee does not waive any other rights granted by Florida Statutes or FDEP rules.  
[Rules 62-4.160 (10), F.A.C.]
12. Permit Transfer. This permit is transferable only upon PPRAQ approval in accordance with Rule 62-4.120 and 62-730.300 F.A.C., as applicable. The Permittee shall be liable for any non-compliance of the permitted activity until the transfer approved by the PPRAQ.  
[Rule 62-4.160 (11), F.A.C.]
13. Work Site Copy. This permit or a copy thereof shall be kept at the work site of the permitted activity.  
[Rule 62-4.160 (12), F.A.C.]
14. Miscellaneous Compliance Requirements. The Permittee shall comply with the following:
  - (a) Upon request, the Permittee shall furnish all records and plans required under FDEP rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the PPRAQ.
  - (b) The Permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recording for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by PPRAQ rule.

(c) Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
  2. The person responsible for performing the sampling or measurements;
  3. The dates analyses were performed.
  4. The person responsible for performing the analyses;
  5. The analytical techniques or methods used;
  6. The results of such analyses.
- [Rule 62-4.160 (14), F.A.C.]

15. Information Submittal. When requested by the PPRAQ, the Permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the Permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the PPRAQ, such facts or information shall be corrected promptly.  
[Rule 62-4.160 (15), F.A.C.]
16. Rules Adoption. Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, as amended are adopted by Broward County Code, Sec. 27-173.  
[Broward County Code, Sec. 27-173]

#### **Facility-wide Conditions**

17. Objectionable Odor. No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor.  
[Rule 62-296.320(2), F.A.C.]
18. Volatile Organic Compound Emissions or Organic Solvent Emissions. No person shall store, pump, handle, process, load, unload or use in any process or installation volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the PPRAQ.  
[Broward County Board of Ordinances, Sec. 27-175(f)]
19. Unconfined emissions of particulate matter: No person shall cause, let, permit, suffer or allow emission of particulate matter from any source whatsoever, including but not limited to vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrial-related activities such as loading, unloading, storing or handling without taking reasonable precautions to prevent such emissions.

Reasonable precautions include, but shall not be limited to, the following:

- a) Paving and maintenance of roads, parking areas and yards.
- b) Application of asphalt, water, or other dust suppressants to unpaved roads, yards, open stock piles and similar sources.
- c) Removal of particulate matter from roads and other paved areas under the control of the owner or operator of the source to prevent reintrainment and from buildings or work areas to prevent particulate from being airborne.
- d) Curtailing of operation if winds are entraining unconfined particulate matter.



- e) Limiting the height of open storage piles.

[Rule 62-296.320(4)(c) F.A.C., 62-4.070(3) F.A.C., and Broward County Code Sec. 27-177(b)]

20. Concealment. No person shall build, erect, install, or use any article, machine, equipment or other contrivance, the use of which will conceal any emission which would otherwise constitute a violation of any provisions of Broward County Codes.  
[Broward County Code, Sec. 27-175(b)]
21. Circumvention. No person shall circumvent any air pollution device, or allow the emission of air pollutants without the applicable air pollution control device operating properly.  
[Broward County Code, Sec. 27-175(c)]
22. Maintenance. No person shall operate any air pollution control equipment or systems without proper and sufficient maintenance to assure compliance with Broward County Codes.  
[Broward County Code, Sec. 27-175(d)]

## Specific Conditions

### Emission Limiting Standards

23. No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart (20 percent opacity).  
[Rule 62-296.320(4)(b)1. and Rule 62-296.320(4)(b)4., F.A.C.]
24. Fuel used to operate the rotary dryer is limited to natural gas.  
[Rule 62-4.070(3), F.A.C.]

### Compliance Testing Requirements

25. During each federal fiscal year (October 1 - September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emission unit shall have a formal compliance test conducted for visible emissions as follows:

The compliance test report shall include test results for the following methods:

| <u>Source/ Emission Point</u> | <u>Pollutant</u>  | <u>Test Method</u> | <u>Frequency</u>  |
|-------------------------------|-------------------|--------------------|-------------------|
| Dryer Baghouse                | Visible Emissions | EPA Method 9*      | Every fiscal year |

\* Each emission unit can be tested in accordance with EPA Method 9 for thirty (30) minutes and the observation period shall include the period during which the highest opacity emissions are expected to occur.

[Rule 62-297.310(4)(a)2. and Rule 62-297.310(7)(a)4.a, F.A.C.]

26. Testing of visible emissions shall be conducted with the emission unit operating at permitted capacity. If it is impracticable to test at permitted capacity, an emission unit may be tested at less than the minimum permitted capacity; in this case, subsequent emission unit operation is limited to 110 percent of the test load until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no

more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity.

[Rule 62-297.310(2) F.A.C.]

27. When the PPRAQ, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard in F.A.C. Rule 62-204 through 62-297 or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emission unit to conduct compliance test which identifies the nature and quantity of pollutant emissions from the emission unit and to provide a report on the results of said tests to the PPRAQ.

[Rule 62-297.310(7)(b) F.A.C.]

#### **Notification requirements**

28. The owner or operator shall notify the PPRAQ, at least 15 days prior to the date on which each formal compliance is to begin, of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator.

[Rule 62-297.310(7)(a)9., F.A.C.]

#### **Recordkeeping and Reporting Requirements**

29. Copies of all compliance reports, tests, notifications or other submittals required by this permit shall be submitted to the PPRAQ, as soon as practical but no later than forty-five (45) days after the last test is completed.

[Rule 62-297.310(8)(b), F.A.C.]

Executed in Broward County, Florida  
Pollution Prevention, Remediation and Air Quality Division

  
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Jeffery Halsey, Director