STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Electronic Correpsondence
**mike@cameyer.com**

In the Matter of an
Application for Permit by:
Camasphalt Paving, LLC
14013 Tiny Morse Blvd.
Clermont, Florida 34771

Lake County - AP
Drum Mix Asphalt Plant and Crusher
DEP File Number 0694854-001-AC

Attention: Charles A. Meyer, Jr., General Manager
(via Michael T. Byrd, Assistant General Manager)

**INTENT TO ISSUE**

The Department of Environmental Protection (Department) gives notice of its intent to issue a permit (copy enclosed) for the proposed project as detailed in the application specified above. The Central District is issuing this Intent to Issue for the reasons stated below.

The applicant, Camasphalt Paving, LLC, applied on June 7, 2007, to the Department for an air construction permit to construct a drum mix asphalt plant and use a portable recycled asphalt pavement (RAP) and concrete crusher at the asphalt plant site. The drum mix asphalt plant, a source of air emissions, will be constructed at 7061 Sampey Road, Groveland, Florida 34736, which is next to Cherry Lake. The Department has assigned File Number 0694854-001-AC to the project.

The Department has permitting jurisdiction under Section 403 Florida Statutes (F.S.) and Chapter 62-4.210 and Chapter 62-210.300 Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that a construction permit is required for the proposed work.

Pursuant to Section 403.815, F.S. and Rule 62-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit. The Notice shall be published one time only within 30 days, in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department, at 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803-3767 within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

The Department will issue the permit with the attached conditions unless a response is received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE CONSTRUCTION PERMIT." Written comments should be provided to the Central District office at 3319 Maguire Boulevard, Orlando, Florida 32803. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an 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 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel to the Department at 3900 Commonwealth Boulevard, Mail Stop 35, Tallahassee, Florida, 32399-3000, Fax: 850/245-2303. 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), F.S., however, any person who asked the Department for notice of agency action may file a petition within 14 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, as well as the rules and statutes which entitle the petitioner to relief; and
(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 the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material 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 under Section 120.573 of the Florida Statutes is not available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply for a 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 statutes, 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 intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, Fax: 850/245-2303. 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) of the Florida Statutes, 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 Environmental Protection Agency 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.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

James N. Bradner

James N. Bradner, P.E.
Program Administrator
Air Resources Management
3319 Maguire Boulevard
Suite 232
Orlando, Florida 32803-3767
(407) 894-7555

DATE: 8/9/2007

Filed, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk 8/10/07 Date

CERTIFICATE OF SERVICE

This is to certify that this INTENT TO ISSUE and all copies were emailed with a "Read Receipt" requirement before the close of business on 8/10/07 to the listed persons by _____.

JNB/jar

Enclosures: Draft Permit
Notice of Intent

cc: Douglas W. Bauman, MSE, P.E., **(doug4ucf.earthlink.com)**
Roger T. Caldwell, VP, Bottorf Associates, Inc., **(roger@bottorf.com)**

# Florida Department of Environmental Protection

Central District Office
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary


Permittee:
Camasphalt Paving, LLC
14013 Tiny Morse Blvd.
Clermont, Florida 34711

Attention: Charles A. Meyer, Jr.,
General Manager

Facility Number: 0694854
Permit Number: 0694854-001-AC
Expiration Date: August 30, 2012
County: Lake
Latitude/Longitude:
28° 34' 05"N/81° 50' 13"W
Project: Drum Mix Asphalt Plant
with RAP and Concrete Crusher

This permit is issued under the provisions of Chapter(s) 403, Florida Statutes, and Florida Administrative Code Rule(s) 62-210. 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 department and made a part hereof and specifically described as follows:

This construction permit is to allow for the construction of a 200 ton/hr. Drum Mix Asphalt Plant and the use of a 75 ton/hour portable recycle asphalt pavement (RAP) and concrete crusher at this site. Particulate emissions will be controlled with primary baffle plate chamber (knock-out box) followed by a baghouse.

The facility has the following insignificant units:

1) CEI 1500C hot oil heater, with maximum heat input of 1.5 MMBTU/HR.
2) RAP storage piles/hopper/screener conveyors
3) Virgin Aggregate Storage piles/hoppers/screener/conveyors
4) Truck Load-Out and Silo Filling of Three (3) 125-tons capacity hot mix asphalt storage silos

This facility is classified as a synthetic non-Title V source and is located at 7061 Sampey Road, Groveland, Lake County, Florida.

**GENERAL CONDITIONS:**

1. 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, Florida Statutes (F.S.) The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. 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 Department.

3. 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 any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.

4. 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 interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. 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 Department rules, unless specifically authorized by an order from the Department.

6. 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 Department rules. This provision includes the operation of backup and auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, 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 this 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 Department rules.

   Reasonable time may depend on the nature of the concern being investigated.

8. 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 the Department 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 and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

**GENERAL CONDITIONS:**

9. In 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 source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department 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 Department rules.

11. This permit is transferable only upon Department approval in accordance with Rule 62-4.120 and Rule 62-730.300, Florida Administrative Code (F.A.C.), as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. This permit also constitutes:

( ) Determination of Best Available Control Technology (BACT)
( ) Determination of Prevention of Significant Deterioration (PSD)
( ) Certification of compliance with State Water Quality Standards (Section 401, PL 92-500)
(X) Compliance with New Source Performance Standards

14. The permittee shall comply with the following:

(a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

(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 recordings for continuous monitoring information) 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 Department 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.

15. When requested by the Department, 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 Department, such facts or information shall be corrected promptly.

**40 CFR 60.8 Performance tests.**

1. Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of such facility shall conduct performance tests(s) and furnish the Administrator a written report of the results of such performance tests(s).
[Rule 62-204.800(7), F.A.C.; 40 CFR 60.8(a)]

2. Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Administrator (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard, or (5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in this paragraph shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.
[Rule 62-204.800(7), F.A.C.; 40 CFR 60.8(b)].

3. Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.
[Rule 62-204.800(7), F.A.C.; 40 CFR 60.8(c)].

4. The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

   (a) Sampling ports adequate for test methods applicable to such facility. This includes (i) constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures and (ii) providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.

   (b) Safe sampling platform(s).

   (c) Safe access to sampling platform(s).

   (d) Utilities for sampling and testing equipment.
   [Rule 62-204.800(7), F.A.C.; 40 CFR 60.8(e)].

5. Unless otherwise specified in the applicable subpart, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the Administrator's approval, be determined using the arithmetic mean of the results of the two other runs. [Rule 62-204.800(7), F.A.C.; 40 CFR 60.8(f)]

**40 CFR 60.9 Availability of information.**

1. The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by part 2 of this chapter. (Information submitted voluntarily to the Administrator for the purposes of 40 CFR 60.5 and 40 CFR 60.6 is governed by 2.201 through 2.213 of this chapter and not by 2.301 of this chapter.) [Rule 62-204.800(7), F.A.C.; 40 CFR 60.9].

**40 CFR 60.10 State authority.**

1. The provisions of 40 CFR 60 shall not be construed in any manner to preclude any State or political subdivision thereof from:

   (a) Adopting and enforcing any emission standard or limitation applicable to an affected facility, provided that such emission standard or limitation is not less stringent than the standard applicable to such facility.

   (b) Requiring the owner or operator of an affected facility to obtain permits, licenses, or approvals prior to initiating construction, modification, or operation of such facility. [Rule 62-204.800(7), F.A.C.; 40 CFR 60.10].

**40 CFR 60.11 Compliance with standards and maintenance requirements.**

1. Compliance with standards in this part, other than opacity standards, shall be determined only by performance tests established by 40 CFR 60.8, unless otherwise specified in the applicable standard. [Rule 62-204.800(7), F.A.C.; 40 CFR 60.11(a)].

2. Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Reference Method 9 in appendix A of this part, any alternative method that is approved by the Administrator, or as provided in 40 CFR 60.11(e)(5). For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard). [Rule 62-204.800(7), F.A.C.; 40 CFR 60.11(b)].

3. The opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard. [Rule 62-204.800(7), F.A.C.; 40 CFR 60.11(c)]

4. At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. [Rule 62-204.800(7), F.A.C.; 40 CFR 60.11(d)].

5.(a) For the purpose of demonstrating initial compliance, opacity observations shall be conducted concurrently with the initial performance test required in 40 CFR 60.8 unless one of the following conditions apply. If no performance test under 40 CFR 60.8 is required, then opacity observations shall be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated but no later than 180 days after initial startup of the facility. If visibility or other conditions prevent the opacity observations from being conducted concurrently with the initial performance test required under 40 CFR 60.8, the source owner or operator shall reschedule the opacity observations as soon after the initial performance test as possible, but not later than 30 days thereafter, and shall advise the Administrator of the rescheduled date. In these cases, the 30-day prior notification to the Administrator required in 40 CFR 60.7(a)(6) shall be waived. The rescheduled opacity observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under 40 CFR 60.8. The visible emissions observer shall determine whether visibility or other conditions prevent the opacity observations from being made concurrently with the initial performance test in accordance with procedures contained in Reference Method 9 of appendix A of this part. Opacity readings of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards. The owner or operator of an affected facility shall make available, upon request by the Administrator, such records as may be necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission certification. Except as provided in 40 CFR 60.11(e)(5), the results of continuous monitoring by transmissometer which indicate that the opacity at the time visual observations were made was not in excess of the standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the source shall meet the burden of proving that the instrument used meets (at the time of the alleged violation) Performance Specification 1 in appendix B of 40 CFR 60, has been properly maintained and (at the time of the alleged violation) that the resulting data have not been altered in any way.

(b) Except as provided in 40 CFR 60.11(e)(3), the owner or operator of an affected facility to which an opacity standard in this part applies shall conduct opacity observations in accordance with 40 CFR 60.11(b), shall record the opacity of emissions, and shall report to the Administrator the opacity results along with the results of the initial performance test required under 40 CFR 60.8. The inability of an owner or operator to secure a visible emissions observer shall not be considered a reason for not conducting the opacity observations concurrent with the initial performance test.

(c) The owner or operator of an affected facility to which an opacity standard in this part applies may request the Administrator to determine and to record the opacity of emissions from the affected facility during the initial performance test and at such times as may be required. The owner or operator of the affected facility shall report the opacity results. Any request to the Administrator to determine and to record the opacity of emissions from an affected facility shall be included in the notification required in 40 CFR 60.7(a)(6). If, for some reason, the Administrator cannot determine and record the opacity of emissions from the affected facility during the performance test, then the provisions of 40 CFR 60.7(e)(1) shall apply.

(d) The owner or operator of an affected facility using a continuous opacity monitor (transmissometer) shall record the monitoring data produced during the initial performance test required by 40 CFR 60.8 and shall furnish the Administrator a written report of the monitoring results along with Method 9 and 40 CFR 60.8 performance test results.

(e) The owner or operator of an affected facility subject to an opacity standard may submit, for compliance purposes, continuous opacity monitoring system (COMS) data results produced during any performance test required under 40 CFR 60.8 in lieu of Method 9 observation data. If an owner or operator elects to submit COMS data for compliance with the opacity standard, he shall notify the Administrator of that decision, in writing, at least 30 days before any performance test required under 40 CFR 60.8 is conducted. Once the owner or operator of an affected facility has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent tests required under 40 CFR 60.8 until the owner or operator notifies the Administrator, in writing, to the contrary. For the purpose of determining compliance with the opacity standard during a performance test required under 40 CFR 60.8 using COMS data, the minimum total time of COMS data collection shall be averages of all 6-minute continuous periods within the duration of the mass emission performance test. Results of the COMS opacity determinations shall be submitted along with the results of the performance test required under 40 CFR 60.8. The owner or operator of an affected facility using a COMS for compliance purposes is responsible for demonstrating that the COMS meets the requirements specified in 40 CFR 60.13(c), that the COMS has been properly maintained and operated, and that the resulting data have not been altered in any way. If COMS data results are submitted for compliance with the opacity standard for a period of time during which Method 9 data indicates noncompliance, the Method 9 data will be used to determine opacity compliance.

(f) Upon receipt from an owner or operator of the written reports of the results of the performance tests required by 40 CFR 60.8, the opacity observation results and observer certification required by 40 CFR 60.11(e)(1), and the COMS results, if applicable, the Administrator will make a finding concerning compliance with opacity and other applicable standards. If COMS data results are used to comply with an opacity standard, only those results are required to be submitted along with the performance test results required by 40 CFR 60.8. If the Administrator finds that an affected facility is in compliance with all applicable standards for which performance tests are conducted in accordance with 40 CFR 60.8 of this part but during the time such performance tests are being conducted fails to meet any applicable opacity standard, the shall notify the owner or operator and advise him that he may petition the Administrator within 10 days of receipt of notification to make appropriate

adjustment to the opacity standard for the affected facility.

(g) The Administrator will grant such a petition upon a demonstration by the owner or operator that the affected facility and associated air pollution control equipment was operated and maintained in a manner to minimize the opacity of emissions during the performance tests; that the performance tests were performed under the conditions established by the Administrator; and that the affected facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the applicable opacity standard.

(h) The Administrator will establish an opacity standard for the affected facility meeting the above requirements at a level at which the source will be able, as indicated by the performance and opacity tests, to meet the opacity standard at all times during which the source is meeting the mass or concentration emission standard. The Administrator will promulgate the new opacity standard in the Federal Register.
[Rule 62-204.800(7), F.A.C.; 40 CFR 60.11(e)].

6. Special provisions set forth under an applicable subpart of this part shall supersede any conflicting provisions of this section.
[Rule 62-204.800(7), F.A.C.; 40 CFR 60.11(f)].

**40 CFR 60.12 Circumvention.**

1. No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.
[Rule 62-204.800(7), F.A.C.; 40 CFR 60.12].

**40 CFR 60.14 Modification.**

1. Except as provided under 40 CFR 60.14(e) and 40 CFR 60.14(f), any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification within the meaning of section 111 of the Act. Upon modification, an existing facility shall become an affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere.
[Rule 62-204.800(7), F.A.C.; 40 CFR 60.14(a)].

2. Emission rate shall be expressed as kg/hr (lbs./hour) of any pollutant discharged into the atmosphere for which a standard is applicable. The Administrator shall use the following to determine emission rate:

(a) Emission factors as specified in the latest issue of "Compilation of Air Pollutant Emission Factors", EPA Publication No. AP-42, or other emission factors determined by the Administrator to be superior to AP-42 emission factors, in cases where utilization of emission factors demonstrate that the emission level resulting from the physical or operational change will either clearly increase or clearly not increase.

(b) Material balances, continuous monitor data, or manual emission tests in cases where utilization of emission factors as referenced in 40 CFR 60.14(b)(1) does not demonstrate to the Administrator's satisfaction whether the emission level resulting from the physical or operational change will either clearly increase or clearly not increase, or where an owner or operator demonstrates to the Administrator's satisfaction that there are reasonable grounds to dispute the result obtained by the Administrator utilizing emission factors as referenced in 40 CFR 60.14(b)(1). When the emission rate is based on results from manual emission tests or continuous monitoring systems, the procedures specified in 40 CFR 60 appendix C of 40 CFR 60 shall be used to determine whether an increase in emission rate has occurred. Tests shall be conducted under such conditions as the Administrator shall specify to the owner or operator based on representative performance of the facility. At least three valid test runs must be conducted before and at least three after the physical or operational change. All operating parameters which may affect emissions must be held constant to the maximum feasible degree for all test runs.
[Rule 62-204.800(7), F.A.C.; 40 CFR 60.14(b)].

3. The addition of an affected facility to a stationary source as an expansion to that source or as a replacement for an existing facility shall not by itself bring within the applicability of this part any other facility within that source.
[Rule 62-204.800(7), F.A.C.; 40 CFR 60.14(c)].

4. The following shall not, by themselves, be considered modifications under this part:

(a) Maintenance, repair, and replacement which the Administrator determines to be routine for a source category, subject to the provisions of 40 CFR 60.14(c) and 40 CFR 60.15.

(b) An increase in production rate of an existing facility, if that increase can be accomplished without a capital expenditure on that facility.

(c) An increase in the hours of operation.

(d) Use of an alternative fuel or raw material if, prior to the date any standard under this part becomes applicable to that source type, as provided by 40 CFR 60.1, the existing facility was designed to accommodate that alternative use. A facility shall be considered to be designed to accommodate an alternative fuel or raw material if that use could be accomplished under the facility's construction specifications as amended prior to the change. Conversion to coal required for energy considerations, as specified in section 111(a)(8) of the Act, shall not be considered a modification.

**40 CFR 60.92 Standard for particulate matter.**

1. Particulate matter emissions shall not exceed 90 mg/dscm (0.04 gr/dscf).
[Rule 62-204.800(7), F.A.C.; 40 CFR 60.92(a)(1)]

2. Visible emissions shall not be equal to or greater than 20 percent opacity.
[Rule 62-204.800(7), F.A.C.; 40 CFR 60.92(a)(2)]

**40 CFR 60.93 Test methods and procedures.**

1. EPA Method 5 shall be used to determine the particulate matter concentration. The sampling time and sample volume for each run shall be at least 60 minutes and 0.90 dscm (31.8 dscf).
   [Rule 62-297.401, F.A.C.; 40 CFR 60.93(b)(1)]

2. EPA Method 9 and the procedures in 40 CFR 60.11 shall be used to determine opacity.
   [Rules 62-204.800(7) and 62-297.401, F.A.C.; 40 CFR 60.93(b)(2)]

## Additional Operating Conditions

1. The facility (including the asphalt plant, hot oil heater, and portable asphalt crusher) maximum operating limits are as follows:

   a) The process rate shall not exceed 0.500 million tons of a virgin or recycle (100 percent) mix asphalt product per any consecutive twelve-months period.

   b) Total fuel oil consumption shall not exceed 1.2 million gallons in any consecutive twelve-months period of the combination of new no. 2 through no. 6 fuel oils and on specification used oil. Natural gas may be used as a backup fuel.

   c) The maximum sulfur content of all fuel oils consumed shall not exceed 1.0 percent by weight.

   [Rules 62-210.200, (Potential to Emit), F.A.C. and 62-210.300(3)(b)4.(c)2., F.A.C.]

2. The drum mix asphalt plant shall not exceed 4000 operational hours.
   [Rule 62-210.200, (Potential to Emit), F.A.C.]

3. The following used oil specifications are applicable. Used oil within the allowable levels is "on-specification" and used oil exceeding any allowable level is "off-specification."

| Constituent/Property | Allowable Levels | Test Methods |
|---|---|---|
| Arsenic | 5 ppm maximum | EPA SW-846 |
| Cadmium | 2 ppm maximum | EPA SW-846 |
| Chromium | 10 ppm maximum | EPA SW-846 |
| Lead | 100 ppm maximum | EPA SW-846 |
| Flash Point | 100° F minimum | EPA SW-846 |
| Total Halogens | 4,000 ppm maximum* | EPA SW-846 |
| PCB | < 50 ppm | EPA SW-846 |

   * Used oil containing between 1,000 and 4,000 ppm of total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste and cannot be utilized unless the applicant first rebuts this presumption by demonstrating that Used Oil does not contain hazardous waste and receives written approval from the Department.
   [Rule 62-710.210(3), F.A.C.; 40 CFR Part 279.11]

4. When used oil is fired the facility must operate in compliance with all applicable regulations and Department policy including the requirements of Rule 62-710, Part V, F.A.C. and 40 CFR 266 Subparts D and E and any new regulations subsequently adopted, and the following conditions shall apply:

   a) Each time used oil is transferred to the facility storage tank a sample of used oil to be burned shall be analyzed for arsenic, chromium, cadmium, total halogens, PCB, flash point, and lead using EPA/DEP or ASTM approved methods prior to being fired. Alternately, the used oil vendors' analysis for the referenced parameters may be utilized to satisfy this condition. Results

of the used oil sampling and analysis shall be retained on site for a three year period.

b) The total quantity of used oil burned during each calendar year, on a monthly basis, shall be included in the Annual Operations Report for Air Emissions Sources.

c) The firing of used oil which contains PCB at concentrations greater than 2 ppm and less than 50 ppm is regulated by 40 CFR 761. The source can not fire used oil which contains PCB concentrations in this range during startup or shutdown in accordance with 40 CFR 761.20(e)(3), and the source must submit to this office a copy of the written notice described in 40 CFR 761.20(e)(3)].

5. No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any source whatsoever, including, but not limited to, vehicular movement, transportation of materials, construction alteration, demolition or wrecking, or industrially related activities such as loading, unloading, storing or handling, without taking reasonable precautions to prevent such emission [Rule 62-296.320(4)(c)1., F.A.C.]. The area must be watered down should unconfined emissions occur.
[Rule 62-296.320, F.A.C.]

6. No person shall circumvent any pollution control device or allow the emissions of air pollutants without the applicable air pollution control device operating properly.
[Rule 62-210.650, F.A.C.]

7. No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor. An objectionable odor is defined as any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rule 62-296.320(2) F.A.C. and Rule 62-210.200(181), F.A.C.]

**Operating Conditions and Emission Limits - Nonmetallic mineral processing plant**

8. The owner or operator shall comply with Rule 62-296.320, F.A.C., using the following reasonable precautions:

a) Unconfined emissions shall be controlled by using a water suppression system with spray bars located wherever unconfined emissions occur at the feeder, the entrance and exit of the crusher, the classifier screens, and the conveyor drop points. [Rule 62-296.320, F.A.C.]

b) Unconfined emissions that might be generated by vehicular traffic or wind shall be controlled by applying water (by water trucks equipped with spray bars) or effective dust suppressant(s) on a regular basis to all stockpiles, roadways and work-yards where this nonmetallic mineral processing plant is located. [Rule 62-296.320, F.A.C.]

9. Visible emissions from any crusher, grinding mill, screening operation, bucket elevator, transfer point on belt conveyors, bagging operation, storage bin, enclosed truck or railcar loading station, or any other emission point **not subject** to 40 CFR Part 60, shall be less than 20 percent opacity, pursuant to Rule 62-296.320, F.A.C. [Rule 62-296.320, F.A.C.]

## Compliance Testing

10. The drum mix asphalt plant shall be tested for particulate emissions and concurrently for visible emissions not later than 180 days after initial startup.
[Rule 40 CFR 60.8 and Rule 62-297.310(7)(a)3, F.A.C.]

11. EPA Method 5 shall be used to determine the particulate matter concentration. The sampling time and sample volume for each run shall be at least 60 minutes and 0.90 dscm (31.8 dscf).
[Rule 62-297.401, F.A.C.; 40 CFR 60.93 (b)(1)]

12. EPA Method 9 and the procedures in 40 CFR 60.11 shall be used to determine opacity for the drum mix asphalt plant. EPA Method 9 shall be conducted for thirty minutes.
[Rule 62-297.401 F.A.C.; 40 CFR 60.93(b)(2)]

13. The crusher shall be tested for visible emissions not later than 180 days after initial startup of the drum mix asphalt plant. DEP Method 9 shall be used to determine opacity for the crusher and shall be conducted for thirty minutes.
[Rule 62-296.320(4)(b)4., F.A.C.]

14. The owner or operator shall notify the air compliance section of this office, at least 15 days prior to the date on which each formal compliance test is to begin, of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating the test and having such test conducted for the owner or operator.
[Rule 62-297.310(7)(a)9., F.A.C.]

15. The maximum operating rate for the drum mix asphalt plant and crusher are 200 tons per hour of asphalt product and 75 tons per hour of crushed material, respectively. Testing of emissions shall be conducted with the emissions unit operation at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted capacity; in this case, subsequent emissions 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.]

16. The stack sampling facility must comply with Rule 62-297.310(6), F.A.C., regarding minimum requirements that include but are not limited to: location of sampling ports, work platform area hand rails and toe rails, caged ladder, access and electrical power.
[Rule 62-297.310(6), F.A.C.]

17. A differential pressure gauge is required to measure the pressure drop across the baghouse, a minimum of 10 days before the stack test is performed. [Rule 62-297.310(5)(b), F.A.C.]

**Recordkeeping and Document Submittal**

18. The permittee shall maintain records to demonstrate that the sulfur content, by weight, of each shipment of new and on-spec used oil is 1.0 percent or less and that the sulfur content was determined in accordance with the methods listed in specific condition **19.** and general condition **14c.** [Rule 62-210.300(3)(c)1.c., F.A.C.]

19. The fuel sulfur content, percent by weight, for liquid fuels shall be evaluated using one of ASTM D2622-94, ASTM D4294-90(95), ASTM 1552-95, ASTM D1266-91, or both ASTM D4057-88 and ASTM D129-95 or latest editions. Alternately, after written notification to the Department, the permittee may use other DEP Air Program-approved methods, i.e. alternate sampling procedures, for sulfur in petroleum products.. [Rules 62-210.300(3)(c)1.c., and 62-297.440, F.A.C.]

20. In order to demonstrate compliance with operating condition numbers 1, 2, 3 and 4 on pages 11 and 12, the permittee shall maintain a log at the facility for a period of at least 5 years from the date the data is recorded. The log at a minimum shall contain the following:

Monthly

a) designation of the month and year of operation for which the records are being tabulated

b) consecutive 12-months total of operational hours for the drum mix asphalt plant

c) consecutive 12-months total of asphalt product (tons) from the drum mix asphalt plant, fuel oil burned (record in gallons), **which includes the drum mix asphalt plant and the crusher.**

{Permitting Note: Natural gas consumption does not need to be tracked.}
[Rule 62-4.070(3), F.A.C.]

Note: A consecutive 12-months total is equal to the total for the month in question plus the totals for the eleven months previous to the month in question. A consecutive 12-months total treats each month of the year as the end of a 12-month period. A 12-months total is not a year-to-date total. Facilities that have not been operating for 12 months should retain 12-months totals using whatever number of months of data is available until such a time as a consecutive 12-months total can be maintained each month. [Rule 62-4.070(3), F.A.C.]

21. Supporting documentation (chemical usage tracking logs, MSDS sheets, purchase orders, EPA "As Supplied" data sheets) shall be kept for each chemical and associated products which includes sufficient information to determine usage rates and emissions. These records shall be made available to the Department upon request. Documentation of each chemical reclaimed will use a mass balance method to determine usage/emissions (amount used minus amount collected for disposal or recycle). The log and documents shall be kept at the facility for at least five years and made available to the Department. The monthly logs shall be completed by the end of the following month. [Rules 62-4.070(3)]

22. The owner or operator shall submit a copy of the compliance test results to the air compliance section of this office as soon as practical but no later than 45 days after the last sampling run of each test is completed. [Rule 62-297.310(8)(b), F.A.C]

23. The owner or operator shall complete DEP Form No. 62-210.900(5), F.A.C. "Annual Operating Report for Air Pollutant Emitting Facility", including the Emissions Report, for each calendar year and submit to the air compliance section of this office on or before March 1 of the following year. [Rule 62-210.370(3), F.A.C.]

**Permit Application**

24. The construction shall reasonably conform to the plans and schedule submitted in the application. If the permittee is unable to complete construction on schedule, he must notify the department in writing at least 90 days prior to the expiration of the construction permit and submit an application for an extension of the construction permit.

An operating permit is required for operation of this source. To obtain a permit, the permittee must demonstrate compliance with the conditions of the construction permit and submit the application fee, along with the compliance test results and Application for Air Permit to the Department's Central Florida District Office [Rule 62-4.220, F.A.C.]. The application shall be submitted no later than 180 days after commencement of operations (drum mix asphalt plant).
[Rule 62-4.220, F.A.C.]

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

_____
James N. Bradner, P.E.
Program Administrator
Air Resources Management

Issued: _____

**STATE OF FLORIDA**
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**
**PUBLIC NOTICE OF INTENT TO ISSUE CONSTRUCTION PERMIT**

The Department of Environmental Protection gives notice of its intent to issue an air construction permit to Camasphalt Paving, LLC, 14013 Tiny Morse Blvd., Clermont, Lake County, Florida 34711, to construct a drum mix asphalt plant and use a portable recycled asphalt pavement (RAP) and concrete crusher at the same site. The drum mix asphalt plant, a source of air emissions, will be constructed at 7061 Sampey Road, Groveland, Florida 34736, which is next to Cherry Lake. The Department has assigned File Number 0694854-001-AC to the project.

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.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE CONSTRUCTION PERMIT." Written comments should be provided to the District office at 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 Florida Statutes (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 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, Mail Station 35, Tallahassee, Florida, 32399-3000, Fax: 850/245-2303. 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), F.S., however, any person who asked the Department for notice of agency action may file a petition within 14 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, as well as the rules and statutes which entitle the petitioner to relief; and
(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 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 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 under Section 120.573 of the Florida Statutes is not available in this proceeding.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: the Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, Florida.