Florida Department of
Environmental Protection
Southwest District
13051 N. Telecom Parkway
Temple Terrace, Florida 33637-0926

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

NOTICE OF PERMIT AMENDMENT

Steven Counts, President
Steven Counts, Inc.
16611 SE 58th Avenue
Summerfield, FL 34491

Re: Correct SO_2 Emission Credit
DEP Project File No.: 0830023-007-AO
Reference DEP Permit No.: 0830023-005-AO

Dear Mr. Counts:

The Department is initiating this air operation permit amendment to clarify the AP-42 Emission Factors used to calculate SO_2 emissions for reporting in the Annual Operating Report. This is an amendment to air operation permit 0830023-005-AO for your Ocala facility. This permit was issued on 07/30/2009, and is for a drum mix asphalt plant. The following amendment is hereby made as follows:

Specific Condition No. 32.:

FROM:

32. Annual Operating Report (AOR) - On or before **April 1** of each year, the permittee shall submit a completed DEP Form 62-210.900(5), "Annual Operating Report for Air Pollutant Emitting Facility" (AOR) for the preceding calendar year. The report may be submitted electronically in accordance with the instructions received with the AOR package sent by the Department, or a hardcopy may be sent to the Compliance Authority. The sulfur dioxide emissions from using fuel oil when producing asphalt product shall be determined using the U.S. EPA's document AP-42, Table 1.3-1 and a reduction of 0.1 lbs. of sulfur dioxide for each ton of asphalt product produced.
[Rules 62-4.070(3), 62-210.370(3), and 62-210.300(3)(c)2.h,F.A.C.]

TO:

32. Annual Operating Report (AOR) - On or before **April 1** of each year, the permittee shall submit a completed DEP Form 62-210.900(5), "Annual Operating Report for Air Pollutant Emitting Facility" (AOR) for the preceding calendar year. The report may be submitted electronically in accordance with the instructions received with the AOR package sent by the Department, or a hardcopy may be sent to the Compliance Authority. The sulfur

dioxide emissions from using fuel oil when producing asphalt product shall be determined using the U.S. EPA's document AP-42, Table 1.3-1 and a reduction of 50% of the fuel bound sulfur, up to a maximum (as SO_2) of 0.1 lb of sulfur dioxide for each ton of asphalt product produced. *(Note: one pound of sulfur produces two pounds of SO_2.)*
[Rules 62-4.070(3), 62-210.370(3), and 62-210.300(3)(c)2.h,F.A.C.]

A person whose substantial interests are affected by the proposed permit amendment 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. 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, F.A.C.

All petitions filed under these rules shall contain:

(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 when and how the petitioner received notice of the agency decision;
(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, including an explanation of how the alleged facts relate to the specific rules or statutes; 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 permit amendment. 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.

This permit amendment is final and effective on the date filed with the Clerk of the Department unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. or unless a request for an extension of time in which to file a petition is filed within the time specified for filing a petition. Upon timely filing of a petition or a request for an extension of time to file the petition, this permit amendment will not be effective until further Order of the Department.

Any party to the Order (Permit Amendment) has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal under Rule 9.110 of the Florida rules of Appellate Procedure, with the clerk of the Department of Environmental Protection in the Office of General Counsel, Douglas Building, 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 of Appeal must be filed within 30 days after this Order is filed with the Clerk of the Department.

This letter must be attached to and becomes a part of permit 0830023-005-AO. If you have any questions, please call permit engineer, Nancy E. Knight, at (813)632-7600 extension 120.

Executed in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Mara Grace Nasca

Mara Grace Nasca
District Air Program Administrator
Southwest District

MGN/NEK/pp

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Permit Amendment was sent by electronic mail before the close of business on 04-26-2010 to the person(s) listed:

Mr. Steven Counts, President, Steven Counts, Inc.
(scounts@scipaveit.com)

Mr. Billy Burke, Steven Counts, Inc.
(bburke@scipaveit.com)

Mr. Bruno Ferraro, Grove Scientific & Engineering Company
(bruno@grovescientific.com)

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

(Clerk) 04-26-2010 (Date)