



Charlie Crist
Governor

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

MARCH 4, 2010
ELECTRONIC CORRESPONDENCE
JWCSYB@JWCHEATHAM.COM

Notice of Permit Modification

Permittee
Parkway Asphalt, Inc.
7396 Westport Place
West Palm Beach, FL 33413

ARMS ID No.	0990344
Permit Numbers	0990344-005-AC & 0990344-006-AO
County	Palm Beach

Authorized Representative
Mr. John W. Cheatham, President

RE: Modification of Air Permit Number 0990344-001-AC.

Dear Mr. Cheatham:

We have reviewed your request for modification of the above permit. Pursuant to your request, the specific condition III. 3.7 of the Permit No. 0990344-001-AC is changed as follows. Other conditions are modified to reflect the current regulations and the correct address of the Health Department.

This letter must be attached to the original permits and it becomes a part of those permits. The remaining provisions of the original permits are not changed by this action and they remain in effect.

FROM:

Section II, 1.1 Regulating Agencies: All applications, reports, tests, and notifications shall be submitted to the Air Pollution Control Section of the **Palm Beach County Health Department (Health Department) at P.O. Box 29 (901 Evernia Street), West Palm Beach, Florida, 33402-0029, and phone number (561) 355-3435.** In addition, *copies* shall be submitted to the Air Program, Southeast District Office, Florida Department of Environmental Protection (DEP) at P.O. Box 15425 (400 North Congress Avenue), West Palm Beach, Florida, 33416-5425. **[Specific Operating Agreement]**

Section III, 3.4 Test Requirements for Rotary Drum Dryer: For purposes of determining compliance with the emission limiting standards for this emission unit, the owner or operator shall have the following tests conducted in accordance with the specified test methods and conditions: **[40 CFR 60.93, Rule 62-297.401, F.A.C. and Permit No. 099-0344-001-AC]**



Post Office Box 29 / 800 Clematis Street
West Palm Beach, FL 33402
www.pbchd.com

(a) Particulate Matter: EPA Method 5, *Determination of Particulate Emissions from Stationary Sources*, 40 CFR 60, Appendix A. **[40 CFR 60.93 and Rule 62-297.401(5)]**

- *Emission Point*: Baghouse outlet vent.
- *Duration*: Test shall consist of 3 separate runs. Sampling for each run shall be at least (60) minutes.
- *Frequency*: **Annually between May 18th and July 18th. Applicants may request approval for alternate testing dates. All written requests must be addressed to the Air Pollution Control Section of the Palm Beach County Health Department located at 901 Evernia Street, West Palm Beach, FL 33402-0029. Requests must be received at PBCHD Environmental Health & Engineering no later than 15 days prior to the end of the original test window and must include justification for deviating from the original schedule.**
- The sampling volume for each run shall be at least 31.8 dry standard cubic foot of exhaust gas.
- The results shall be expressed in grains per dry standard cubic foot of exhaust gas (gr/dscf).

(b) Visible Emissions (Opacity): EPA Method 9, *Visual Determination of the Opacity of Emissions from Stationary Sources*, 40 CFR 60, Appendix A. **[40 CFR 60.93 and Rule 62-297.401(9)(c), F.A.C.]**

- *Emission Point*: Baghouse outlet vent
- *Frequency*: **Annually between May 18th and July 18th. Applicants may request approval for alternate testing dates. All written requests must be addressed to the Air Pollution Control Section of the Palm Beach County Health Department located at 901 Evernia Street, West Palm Beach, FL 33402-0029. Requests must be received at PBCHD Environmental Health & Engineering no later than 15 days prior to the end of the original test window and must include justification for deviating from the original schedule.**
- *Duration*: Test shall be conducted for a minimum of 30 minutes.

Section III, 3.7 Fuel Oil Log: The owner or operator shall show continual compliance with the limit on the sulfur content of the fuel oil by maintaining a log of the following information: **[Permit No. 099-0344-001-AC]**

- (a) Current fuel purchase contract specifying only fuel oil with a maximum sulfur content of **0.50%** sulfur by weight is allowed for the rotary drum dryer and the asphalt cement heater.
- (b) For each purchase and delivery: date of delivery, type of fuel delivered, number of gallons delivered, sulfur content of fuel oil (as delivered), and the typical fuel oil analysis for the fuel (as delivered). **(Note: The sulfur content reported in the fuel oil analysis should be determined by ASTM 4057-88, ASTM D129-91, D2622-92, or ASTM D4294-90 or equivalent, previously approved method.)**

TO:

Section II, 1.1 Regulating Agencies: All applications, reports, tests, and notifications shall be submitted to the Air Pollution Control Section of the **Palm Beach County Health Department (Health Department) at P.O. Box 29 (800 Clematis Street), West Palm Beach, Florida, 33402-0029, and phone number (561) 837-5900. [Specific Operating Agreement]**

Section III, 3.4 Test Requirements for Rotary Drum Dryer: For purposes of determining compliance with the emission limiting standards for this emission unit, the owner or operator shall have the following

tests conducted in accordance with the specified test methods and conditions: **[40 CFR 60.93, Rule 62-297.401, F.A.C. and Permit No. 099-0344-001-AC]**

- (a) Particulate Matter: EPA Method 5, *Determination of Particulate Emissions from Stationary Sources*, 40 CFR 60, Appendix A. **[40 CFR 60.93, Rule 62-297.401(5) and Rule 62-297.310(7)(a)4.]**
- *Emission Point*: Baghouse outlet vent.
 - *Duration*: Test shall consist of 3 separate runs. Sampling for each run shall be at least (60) minutes.
 - *Frequency*: **During each federal fiscal year (October 1 – September 30).**
 - The sampling volume for each run shall be at least 31.8 dry standard cubic foot of exhaust gas.
 - The results shall be expressed in grains per dry standard cubic foot of exhaust gas (gr/dscf).
- (b) Visible Emissions (Opacity): EPA Method 9, *Visual Determination of the Opacity of Emissions from Stationary Sources*, 40 CFR 60, Appendix A. **[40 CFR 60.93, Rule 62-297.401(9)(c), and Rule 62-297.310(7)(a)4.]**
- *Emission Point*: Baghouse outlet vent
 - *Frequency*: **During each federal fiscal year (October 1 – September 30).**
 - *Duration*: Test shall be conducted for a minimum of 30 minutes.

Section III, 3.7 Distillate Fuel Oil Log: The owner or operator shall show continual compliance with the limit on the sulfur content of the fuel oil by maintaining a log of the following information: **[Permit No. 099-0344-001-AC, and Permittee's request]**

- (a) Current fuel purchase contract specifying only fuel oil with a maximum sulfur content of 0.5% by weight is allowed for the rotary drum dryer and the asphalt cement heater.
- (b) For each purchase and delivery of the distillate fuel oil: date of delivery, type of fuel delivered, number of gallons delivered, sulfur content of fuel oil (as delivered), and the typical fuel oil analysis for the fuel (as delivered).

The Florida Department of Environmental Protection (DEP) has permitting jurisdiction under Section 403.087, Florida Statutes (F.S.). However, in accordance with Section 403.182, F.S., the DEP recognizes the Palm Beach County Health Department (Health Department) as the approved local air pollution control program of Palm Beach County. Through a Specific Operating Agreement, the DEP delegated to the Health Department the authority to issue or deny permits for this type of air pollution source located in Palm Beach County.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Legal Office, Attention: Chief Legal Officer, located at 800 Clematis Street in West Palm Beach, Florida, 33401. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this modification. A petitioner must 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 (or a request for mediation, as discussed below) 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.

A petition 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 each 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;
- (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.

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 modification. 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 for this action.

Any party to this Final Order has the right to seek judicial review pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure with the Health Department at the address listed below; 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 this Order is filed with the Clerk of the Health Department.

If you have questions regarding this modification, you may contact Laxmana Tallam, P.E. at 561-837-5978.

ISSUED BY:

Executed in West Palm Beach, Florida
PALM BEACH COUNTY HEALTH DEPARTMENT



James E. Stormer, Q.E.P., Environmental Administrator
Air & Waste Program
Division of Environmental Public Health

CERTIFICATE OF SERVICE

The undersigned duly designated agency clerk hereby certifies that the Notice of Permit modification was sent by electronic mail (with received receipt) before the close of business on 3.4.10 to the permittee.

In addition, the undersigned duly designated deputy agency clerk hereby certifies that *copies* of these documents were sent by electronic mail (with received receipt) on the same date to the following persons:

Lennon Anderson, P.E. FDEP/SED
400 North Congress Avenue, Suite 200
West Palm Beach, FL. 33401
Lennon.Anderson@dep.state.fl.us

William D. Arlington – Environmental Consultant
Arlington Environmental Services
P.O. Box 657
Okeechobee, FL 34973
karlington@arlingtonenvironmental.com

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated agency Clerk, receipt of which is hereby acknowledged.

A. Martha Hill
(Clerk)

3.4.10
(Date)