



Charlie Crist
Governor

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

JANUARY 22, 2010
ELECTRONIC CORRESPONDENCE
MIKE.KANADAY@HUBBARD.COM

Notice of Permit Modification

Hubbard Construction Company, East Coast Paving Division
2269 Indian Road, Bldg. No. 3

West Palm Beach, FL 33409

Authorized Representative
Mr. Joe Kanaday, Division Manager

ARMS ID No.	0990530
Permit Numbers	0990530-007-AC & 0990530-008-AO
County	Palm Beach

RE: **Modification of Air Permit Numbers 0990530-003-AC and 0990530-006-AO.**

Dear Mr. Kanaday:

We have reviewed your request for modification of the above permits. Pursuant to that request, the specific conditions III.A.7., and III.A.8. of Permit Nos. 0990530-003-AC and 0990530-006-AO are changed as follows:

FROM:

III.A.7. Visible Emissions: The permittee shall have a formal compliance test conducted on the dryer exhaust each federal fiscal year (October 1 – September 30) **at intervals of no more than 12 months** to demonstrate compliance with the opacity limitation. [Rule 62-297.310(7)(a)4.a, F.A.A.] and

III.A.8. Particulate Matter: The permittee shall have a formal compliance test conducted on the dryer exhaust each federal fiscal year (October 1 – September 30) **at intervals of no more than 12 months** to demonstrate compliance with the specific condition III.A.2. [Rule 62-297.310(7)(a)4.a, F.A.C.].

III.A.9. Fuel Oil Sulfur Content: The permittee shall sample and monitor fuel oil sulfur content during each federal fiscal year (October 1 – September 30) **at intervals of no more than 12 months** collect a sample of the as-fired fuel oil in accordance with the following:

- (a) Annual sampling shall be conducted simultaneously with the annual particulate matter testing and consist of three (3) samples, one per test run, collected from an in-line sampler.
- (b) Test samples shall be mixed into a single composite sample with a split sample provided to the Health Department within 24 hours of collection.
- (c) The samples shall be analyzed for sulfur content in accordance with the following ASTM Method(s), as appropriate:
 - ASTM D 4057-88. Standard Practice for Manual Sampling of Petroleum and Petroleum Products.
 - ASTM D 129-91. Standard Test Method for Sulfur in Petroleum Products (General Bomb Method).
 - ASTM D 2622-94. Standard Test Method for Sulfur in Petroleum Products by X-Ray Spectrometry.
 - ASTM D 4294-90. Standard Test Method for Sulfur in Petroleum Products by Energy-Dispersive X-Ray Fluorescence Spectroscopy.

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



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

TO:

III.A.7. Visible Emissions: The permittee shall have a formal compliance test conducted on the dryer exhaust each federal fiscal year (October 1 – September 30) to demonstrate compliance with the opacity limitation.

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

III.A.8. Particulate Matter: The permittee shall have a formal compliance test conducted on the dryer exhaust each federal fiscal year (October 1 – September 30) to demonstrate compliance with the specific condition III.A.2. [Rule 62-297.310(7)(a)4.a, F.A.C.].

III.A.9. Fuel Oil Sulfur Content: The permittee shall sample and monitor fuel oil sulfur content during each federal fiscal year (October 1 – September 30). The permittee shall collect a sample of the as-fired fuel oil in accordance with the following:

- (a) Annual sampling shall be conducted simultaneously with the annual particulate matter testing and consist of three (3) samples, one per test run, collected from an in-line sampler.
- (b) Test samples shall be mixed into a single composite sample with a split sample provided to the Health Department within 24 hours of collection.
- (c) The samples shall be analyzed for sulfur content in accordance with the following ASTM Method(s), as appropriate:
 - ASTM D 4057-88. Standard Practice for Manual Sampling of Petroleum and Petroleum Products.
 - ASTM D 129-91. Standard Test Method for Sulfur in Petroleum Products (General Bomb Method).
 - ASTM D 2622-94. Standard Test Method for Sulfur in Petroleum Products by X-Ray Spectrometry.
 - ASTM D 4294-90. Standard Test Method for Sulfur in Petroleum Products by Energy-Dispersive X-Ray Fluorescence Spectroscopy. [Rules 62-297.310(7)(b), and 62-297.440, F.A.C.]

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.

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 1/22/10 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

Roger T. Caldwell, Vice President,
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Bottorf Associates, Inc.
6729 Edgewater Commerce Parkway
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roger@bottorf.com

Douglas Bowman, P.E.
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6729 Edgewater Commerce
Parkway
Orlando, FL 32810
douq4ucf@earthlink.net

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.

Jeanette Jones
(Clerk)

1/22/10
(Date)