



Charlie Crist  
Governor

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

**JUNE 26, 2009**  
**ELECTRONIC CORRESPONDENCE**  
[EPALENZUELA@SFMATERIALS.COM](mailto:EPALENZUELA@SFMATERIALS.COM)

South Florida Materials Corp.  
101 Sansbury's Way  
West Palm Beach, Florida 33411

<b>DEP File No.</b>	0990630
<b>Project Number</b>	0990630-008-AC
<b>County</b>	Palm Beach

*Authorized Representative:*

Eddie Palenzuela, Terminal Manager

RE: Modification of Air Permit Number 0990630-004-AC, Issued, December 21, 2006

Dear Mr. Palenzuela:

We have reviewed your request for a modification of the above permit. Pursuant to that request, the specific condition 1.3 of Section III.A of the permit is changed as follows:

**FROM:**

**Hours of Operation:** The combined hours of operation for both units shall not exceed 8760 hours during any consecutive 12-month period without prior authorization from the Permitting Authority. [Rules 62-4.160(2), 62-210.200(245) and 62-210.300, F.A.C.]

**TO:**

**Hours of Operation:** The hours of operation shall be unlimited for both heaters. The permittee shall comply with the fuel usage limits as specified in Section 1.1 this section. [Rules 62-4.160(2), 62-210.200(245)(PTE), 62-210.300, F.A.C. and permittee's request]

This letter must be attached to the original permit and becomes part of that permit. The remaining provisions of the permit are not changed by this action and 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 826 Evernia Street in West Palm Beach, Florida, 33401. Petitions filed by the permit applicant or any of the



Post Office Box 29 / 901 Evernia Street, West Palm Beach, FL. 33402  
Jean M. Malecki, M.D, MPH, FACPM, Director  
[www.pbchd.com](http://www.pbchd.com)

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 561-355-3136 at extension 1142.

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

  
John O' Malley, P.G., R.S. Director  
Division of Environmental Health and Engineering

**CERTIFICATE OF SERVICE**

The undersigned duly designated agency clerk hereby certifies that the Notice of Permit modification was sent by electronic mail (with read receipt) before the close of business on 6/26/2009 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 read receipt) on the same date to the following persons:

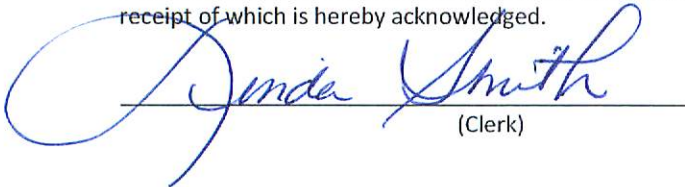
**Lee Hoefert, P.E. FDEP/SED**  
400 North Congress Avenue, Suite 200  
West Palm Beach, FL. 33401  
[Lee.Hoefert@dep.state.fl.us](mailto:Lee.Hoefert@dep.state.fl.us)

**Richard Vogel, Manager**  
**Environmental & Regulatory Affairs**  
South Florida Materials Corp.  
101 Sansbury's Way  
West Palm Beach, FL 33411  
[rvogel@vecenergy.com](mailto:rvogel@vecenergy.com)

**Jim Estler, Consultant**  
Clean Air Consulting, Inc.  
18218 North 30<sup>th</sup> Street  
Lutz, Florida 33559  
[estler@aol.com](mailto:estler@aol.com)

**Kenneth E. Given,**  
**P.E.**  
18218 North 30<sup>th</sup> St  
Lutz, FL 33559  
[ken@airtest.fdn.com](mailto:ken@airtest.fdn.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.

  
(Clerk)

6/26/2009  
(Date)