

Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

NOTICE OF PERMIT AMENDMENT

CERTIFIED MAIL

Mr. Harry M. Moorefield, President
A.T. Moorefield Paving Contractors, Inc.
1550 Starkey Road
Largo, Florida 34641

Dear Mr. Moorefield:

Re: Operation Permit Amendment - Asphalt Batch Plant
Permit Number: AO52-261053
(Processed under ARMS PA Project 1030026-001-AO)

On January 6, 1997, the Department received your request to amend the above permit. The requested amendment consists of changing the annual test date to better reflect the seasonal nature of the work done by this plant. The Department and the Air Quality Division of the Pinellas County Department of Environmental Management have reviewed this request and have no objection to it. **Therefore, permit number AO52-261053 is hereby amended as follows:**

Page 3 of 5 Specific Condition No. 10 (first sentence only is affected)

From:

10. Test this asphalt batch plant for particulates and visible emissions annually within 60 days prior to or on October 17. ...

To:

10. Test this asphalt batch plant for particulates and visible emissions annually within 60 days prior to or on March 1 of each year. ... (no changes to balance of condition)

Procedures for administrative hearing, mediation, and variance/waiver are described below.

Administrative Hearing

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 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. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this permit. 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 of the Florida Statutes, 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 28-5.207 of the Florida Administrative Code.

A petition must contain the following:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number, and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by the petitioner;
- (e) A statement of the facts that the petitioner contends warrant reversal or modification of the Department's action;
- (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the permit.

Because the administrative action or proposed action addressed in this 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 of intent. 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

A person whose substantial interests are affected by the Department's permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information:

- (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any;
- (b) A statement of the preliminary agency action;
- (c) A statement of the relief sought; and
- (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this permit or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following:

- (a) The names, addresses, and telephone numbers of any persons who may attend the mediation;
- (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;
- (c) The agreed allocation of the costs and fees associated with the mediation;
- (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
- (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
- (f) The name of each party's representative who shall have authority to settle or recommend settlement; and
- (g) The signatures of all parties or their authorized representatives.

As provided in section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by sections 120.569 and 120.57 for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under sections 120.569 and 120.57 remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

Variance/Waiver

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 of the Florida Statutes. 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 this permit.

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, FL 32399-3000.

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);
- (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 EPA and by the person under the Clean Air Act unless and until Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

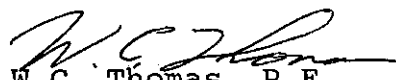
* * * * *

This permit is final and effective on the date filed with the Clerk of the Department unless a timely petition for an administrative hearing is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 62-103.070, F.A.C., or a party requests mediation as an alternative remedy before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. Upon timely filing of a petition or a request for an extension of time to file the petition or a request for mediation, this permit will not be effective until further Order of the Department.

When the Order (Permit) is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate procedure, with the Clerk of the Department 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 from the date the Final Order is filed with the Clerk of the Department.

This amendment letter must be attached to and becomes a part of permit No. AO52-261053. If you have any questions please call Mr. David Zell of my staff at (813) 744-6100, ext. 118.

Sincerely,



W.C. Thomas, P.E.
Director Air Program Administrator
Southwest District

DRZ/

copies to:

Central Florida Testing Laboratories, Inc.
Gary Robbins, Air Quality Division, Pinellas CO. DEM

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT AMENDMENT and all copies were mailed by certified mail before the close of business on 2-13-97 to the listed persons.

FILING AND ACKNOWLEDGEMENT FILED,
on this date, pursuant to Section
120.52(7), Florida Statutes, with
the designated Department Clerk,
receipt of which is hereby
acknowledged.


Clerk

2-13-97
Date



Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

NOTICE OF PERMIT ISSUANCE

CERTIFIED MAIL

Mr. Harry M. Moorefield
President
A.T. Moorefield Paving
Contractors, Inc.
1550 Starkey Road
Largo, FL 34641 /

DEP File No.: A052-261053
County: Pinellas

Enclosed is Permit Number A052-261053 to operate the Cedarapids Asphalt Batch Plant located at 1500 Starkey Road, Largo, Pinellas County, issued pursuant to Section 403.087, Florida Statutes and Florida Administrative Code Rules 62-200 through 297 & 62-4.

A person whose substantial interests are affected by this permit may petition for an administrative proceeding (hearing) in accordance with Section 120.57, 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 2600 Blair Stone Road, Tallahassee 32399-2400, within 14 days of receipt of this permit. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;

(d) A statement of the material facts disputed by petitioner, if any;

(e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes petitioner contends required reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this permit. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this notice, in the Office of General Counsel at the above address of the Department. Failure to petition within the allotted time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

This permit is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 62-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this permit will not be effective until further Order of the Department.

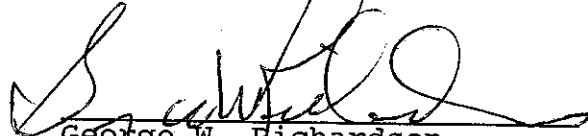
When the Order (Permit) is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; 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 the Final Order is filed with the Clerk of the Department.

Mr. Harry M. Moorefield
Largo, FL 34641

Page Three

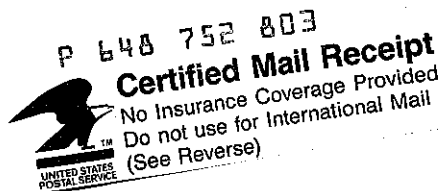
Executed in Tampa, Florida

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



George W. Richardson
Air Permitting Engineer
Southwest District

3804 Coconut Palm Drive
Tampa, FL 33619-8318
(813)744-6100, Ext. 105



MR HARRY MOOREFIELD
PRESIDENT
A.T. MOOREFIELD PAVING
CONTRACTORS INC
1550 STARKEY ROAD
LARGO FL 34641

Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$
Postmark or Date	JAN 24 1995

PS Form 3800, June 1990

Department of Environmental
Quality Division

P.E., Central Florida Testing
Laboratories, Inc.

CERTIFICATE OF SERVICE

Designated Deputy Department Clerk
NOTICE OF PERMIT ISSUANCE and all
the close of business on
listed persons.

AND ACKNOWLEDGEMENT

uant to Section 120.52(11), Florida
Deputy Department Clerk, receipt of


Clerk

JAN 24 1995

Date



Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

PERMITTEE:

A.T. Moorefield Paving
Contractors, Inc.
1550 Starkey Road
Largo, FL 34641 /

PERMIT/PROJECT:

Permit No.: A052-261053
County: Pinellas
Expiration Date: 01/17/00
Project: Asphalt Batch
Plant

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rules 62-200 through 62-297 and 62-4. 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:

For the operation of a Cedarapids asphalt batch plant having a design production capacity of 100.0 tons/hour. The asphalt plant burner is permitted to be fired with, (a) natural gas, or (b) reclaimed/used "on-specification" No. 5 fuel oil having a maximum sulfur content not to exceed 0.6% by weight, or (c) new No. 2 fuel oil having a maximum sulfur content not to exceed 0.3% by weight.* The maximum heat input rate to the asphalt plant burner when firing either fuel is 61.0 MMBTU/HR. An asphalt heater, fired with new No. 2 fuel oil with a maximum heat input rate to the heater of 1.4 MMBTU/HR, is also included in this permit.

Emissions from the dryer are controlled by a dry cyclone separator followed by a Caterpillar, Autopulse II, Model No. APL-720 baghouse with 720 bags having a total cloth filtration area of 11,239 square feet. The filter bags are continually cleaned by a pulse-jet cleaning system.

*Note: Registration as a used oil recycler may be required; ref. Attachment 1.

Location: 1550 Starkey Road, Largo, Pinellas County

UTM: 17-326.2 E 3086.9 N NEDS No.: 0026 Point ID No.: 01

Replaces Permit No.: AC52-251800

Page 1 of 5.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

PERMITTEE:
A.T. Moorefield Paving
Contractors, Inc.

Permit No.: AO52-261053
Project: Asphalt Batch Plant

1. A part of this permit is the attached 15 General Conditions.
2. Issuance of this permit does not relieve the permittee from complying with applicable emission limiting standards or other requirements of Rules 62-200 through 62-297, or any other requirements under federal, state, or local law.

EMISSION AND OPERATING LIMITATIONS

3. Particulate matter emissions from this plant shall not exceed 0.06 grains/dscf at standard conditions. Based on a gas flow rate of 26,834 dscfm, particulate matter emissions shall not exceed 13.8 pounds/hour (Rule 62-296.704(2), F.A.C.).
4. Visible emissions from this plant shall not be equal to or greater than 20% opacity (Rule 62-296.704(2), F.A.C.).
5. The maximum permitted production rate for this plant is 100.0 tons/hour (construction permit AC52-251800).
6. The maximum permitted hours of operation for this plant is 2,080 hours/year (construction permit AC52-251800).
7. The asphalt plant burner is permitted to be fired with (a) natural gas, (b) reclaimed/used "on-specification" No. 5 fuel oil having a maximum sulfur content not to exceed 0.6% by weight or (c) new No. 2 fuel having a maximum sulfur content not to exceed 0.3% by weight (construction permit AC52-251800).
8. The permittee shall not cause, suffer, allow, or permit the discharge of air pollutants from this plant which cause or contribute to an objectionable odor (Rule 62-296.320(2), F.A.C. and Pinellas County Ordinance No. 89-70, Subpart 2.620).
9. The permittee shall not burn "off-specification" used oil in the asphalt plant burner. Used oil that exceeds any of the following allowable levels is "off-specification" used oil:

CONSTITUENT/PROPERTY

ALLOWABLE LEVEL

Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Flash Point	100°F minimum
Total Halogens	1,000*/4,000 ppm maximum
PCB's	None (<50 ppm)

*Levels over 1,000 ppm require additional testing (ref. 40 CFR 266, Subpart E).

PERMITTEE:
A.T. Moorefield Paving
Contractors, Inc.

Permit No.: A052-261053
Project: Asphalt Batch Plant

TESTING REQUIREMENTS

10. Test this asphalt batch plant for particulates and visible emissions annually within 60 days prior to or on October 17. Within 45 days of testing, submit a copy of the test data to the Air Compliance Section of the Department's Southwest District Office and the Pinellas County Department of Environmental Management, Air Quality Division. The following information shall be included in the test report:

- A. the production rate,
- B. the type of fuel(s) used, with Fuel Oil Analysis, and
- C. the baghouse's operating parameters, i.e., delta P.

Failure to submit any of the information listed above or operating at conditions during testing which are not representative of normal operating conditions may invalidate the tests (Rules 62-297.340, 62-297.570, and 62-4.070(3), F.A.C.).

11. Compliance with the emission limitations specified in Specific Conditions No. 3 and 4 shall be determined using EPA Methods 1-5 and 9 contained in 40 CFR 60, Appendix A and adopted by reference in Rule 62-297, F.A.C. The Method 9 compliance test shall be conducted by a certified observer and be a minimum of 60 minutes and be conducted along with one of the particulate matter test runs. The minimum requirements for stack sampling facilities, source sampling and reporting, shall be in accordance with Rule 62-297, F.A.C. and 40 CFR 60, Appendix A.

12. Testing of emissions to show compliance shall be conducted within 90-100% of the maximum permitted production rate of 100.0 tons/hour. A compliance test submitted at an operating rate less than 90% of the permitted rate will automatically constitute an amended permit at the lesser rate plus 10% until another test, showing compliance at a higher rate, is submitted. Any time the permitted rate of the source is exceeded by more than 10% a compliance test shall be performed within 30 days of initiation of the higher rate and the test results shall be submitted to the Department within 45 days of testing. Acceptance of the test by the Department will constitute an amended permit at the higher rate plus 10%, up to a maximum permitted rate of 100.0 tons/hour. The emission limitations in Specific Conditions No. 3 and 4 and shall not change. Failure to submit the production rate and actual operating conditions in the test report may invalidate the test and fail to provide reasonable assurance of compliance (Rule 62-4.070(3), F.A.C.).

PERMITTEE:
A.T. Moorefield Paving
Contractors, Inc.

Permit No.: AO52-261053
Project: Asphalt Batch Plant

13. Compliance with the fuel sulfur content requirements of Specific Condition No. 8 shall be demonstrated during the compliance test by submitting either of the following with the test report:

- A. A Certificate of Fuel Oil Analysis from your fuel oil vendor for the fuel used during the compliance test;
- B. A Certificate of Fuel Oil Analysis for a fuel oil sample taken during the compliance test.

(Rule 62-4.070(3), F.A.C.):

14. The permittee shall notify the Pinellas County Department of Environmental Management, Air Quality Division 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 and having such test conducted (Rule 62-297.340(1)(i), F.A.C.).

OTHER REQUIREMENTS

15. All reasonable precautions shall be taken to prevent and control generation of unconfined emissions of particulate matter in accordance with the provisions in Rule 62-296.310, F.A.C. These provisions are applicable to any source, including but not limited to, vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrial related activities such as loading, unloading, storing and handling.

16. The permittee shall submit used oil analysis for each batch of used oil burned the previous calendar year along with the annual emission report. The analysis shall be conducted on a sample of used oil that is representative of the used oil burned. The analysis shall report the actual quantitative constituent/property levels for:

- A. Each constituent/property listed in Specific Condition No. 9, and

- B. Weight percent sulfur.

(Rules 62-4.070(3) and 62-297, F.A.C.):

17. Submit to the Air Section of the Department's Southwest District Office and the Pinellas County Department of Environmental Management, Air Quality Division, each calendar year on or before March 1, completed DEP Form 17-210.900(4), "Annual Operating Report for Air Pollutant Emitting Facility," for the preceding calendar year (Rule 62-210.370(2), F.A.C.).

PERMITTEE:
A.T. Moorefield Paving
Contractors, Inc.

Permit No.: AO52-261053
Project: Asphalt Batch Plant

18. In order to document compliance with the limitations of Specific Conditions No. 6, 7 and 8 the permittee shall keep a daily log of the following:

- A. Maximum production rate in tons/hour.
- B. Hours of operation on each fuel.
- C. Type of fuel and amount.
- D. Pressure drop across the baghouse.

The log shall be kept for the most recent two year period and be made available for inspection by the Department or the Pinellas County Department of Environmental Management, Air Quality Division on request (Rule 62-4.070(3), F.A.C.).

19. The Caterpillar, Autopulse II, Model No. APL-720 baghouse shall be operated and maintained in accordance with the Operation and Maintenance (O&M) Plan that was submitted as part of the permit renewal application received on 8/27/90. The O&M documentation logs shall be maintained for a minimum of the most recent two years and be made available for inspection upon request (Pinellas County Ordinance No. 89-70 amended by 90-63, Subpart 2.230).

20. Two applications for the renewal of this operating permit shall be submitted to the Air Permitting Section of the Department's Southwest District Office and one copy of the application to the Pinellas County Department of Environmental Management, Air Quality Division at least 60 days prior to the expiration date of this permit (Rule 62-4.090(1), F.A.C.).

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



for Dr. Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

17-710.500 Registration and Notification.

(1) The following persons shall annually register their used oil handling activities with the Department on DER Form 17-710.900(1):

(a) Any person who annually transports more than 500 gallons of used oil over public highways;

(b) Any person who owns or operates a collection facility that receives or accumulates more than 6,000 gallons of used oil annually. For the purpose of registration, the amount received does not include used oil delivered to collection centers by individuals that change their own personal motor oil; and

i.e., Burns - HGR 6/30/94
(c) Any person who recycles more than 10,000 gallons of used oil annually.

(2) The registration form shall be accompanied by a registration fee of \$25 for each activity.

(3) Upon receipt of the completed form and fee, the Department shall issue to each registered collection or recycling facility a validated registration form and number which shall be valid for one year. For transporters, acknowledgment of registration shall be included in the certification process of Rule 17-710.600, F.A.C. The registration shall be valid from July 1 of the year of registration or renewal until June 30 of the following year.

(4) Each collection and recycling facility location shall be registered with the Department. The validated registration form and number shall be displayed in a prominent place at each facility.

(5) Transporters may submit one registration form for their entire transportation fleet.

(6) Each public used oil collection center shall notify the Department no later than 30 days after first accepting used oil from the public on DER Form 17-710.900(6). The Department shall acknowledge filing of the notification within 30 days of receipt.

Specific Authority: 403.061, 403.704, F.S.

Law Implemented: 403.704, 403.754, 403.760, F.S.

History: New 2-25-85, Formerly 17-7.63, 17-7.630, Amended 1-17-90.

17-710.510 Recordkeeping.

(1) Each registered person who transports or recycles used oil shall maintain records on DER Form 17-710.900(2) or on substantially equivalent forms approved by the Department. These records shall include, but are not limited to, the following information:

(3)(a) A used oil recycling facility shall have and submit to the Department as part of its general permit notification a written closure plan to show how the facility will be closed to meet the following requirements:

1. There will be no need for further facility maintenance;
2. Used oil will not contaminate surface or ground water; and
3. All soils will be free of oil, and equipment will be emptied and cleaned or dismantled.

(b) The closure plan shall be updated whenever significant operational changes occur or design changes are made.

(c) The closure plan shall be maintained with records required under Rule 17-710.510, F.A.C.;

(4) The general permit for a used oil recycling facility shall be valid for five years. A general permit may be renewed by submission of the notification required in Subsection (2).

(5) Permits shall not be required under this section for the burning of used oil as a fuel, provided:

(a) A valid Department air permit is in effect for the facility; and

(b) The facility burns used oil in accordance with applicable United States Environmental Protection Agency regulations, local government regulations, and the requirements of its Department air permit.

(6) No permit is required under this section for the use of used oil for the beneficiation or flotation of phosphate rock.

Specific Authority: 403.704, 403.814, F.S.

Law Implemented: 403.769, 403.814, F.S.

History: New 1-17-90.

17-710.900 Forms. The forms and instructions used by the Department in the Used Oil Management Program are adopted and incorporated by reference in this section. The form is listed by rule number, which is also the form number, and with the subject, title and effective date. Copies of forms may be obtained by writing to the Used Oil Management Coordinator, Bureau of Waste Planning and Regulation, Division of Waste Management, Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Application for Registration, Used Oil Collection and Recycling Facilities and Transporters, effective 1-17-90.

(2) Used Oil Recordkeeping Form, effective 1-17-90.

ATTACHMENT - 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. 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 the permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgement 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 or 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 or 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 a reasonable time, access to the premises, where the permitted activity is located or conducted to:

GENERAL CONDITIONS:

- a. Have access to and copy any records that must be kept under the conditions of the 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 non-compliance; and
- b. the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

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.

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 Sections 403.73 and 403.111, 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 Florida Administrative Code Rules 17-4.120 and 17-730.300, 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.

GENERAL CONDITIONS:

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)
- () Compliance with New Source Performance Standards (NSPS)

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 instrumentation) 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:

- the date, exact place, and time of sampling or measurements;
- the person responsible for performing the sampling or measurements;
- the dates analyses were performed;
- the person responsible for performing the analyses;
- the analytical techniques or methods used; and
- 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 that 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.