Florida Department of Environmental Protection

Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7590
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Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

March 9, 2010

Mr. Thompson S. Baker, President
Florida Rock Industries, Inc.
155 East 21st. Street
Jacksonville, Florida 32206

Re: Project No. 1070007-004-AO
Florida Rock Industries, Inc., Keuka Sand Mine
Air Operation Permit Renewal/Revision
For the existing Starnell Fluid Bed Sand Dryer

Dear Mr. Baker:

NOTICE OF PERMIT ISSUANCE

Enclosed is Permit Number ***1070007-004-AO*** to operate the subject air pollution emissions unit(s), pursuant to Section 403.087, Florida Statutes (F. S.).

The Department's proposed agency action shall become final unless a timely petition for administrative hearing is filed under Section 120.569 or 120.57 F. S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing (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 by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2242).

Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this written notice. Under Section 120.60(3),F.S., however, any person who asked the Department for notice of agency action may file a petition within 14 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 (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code (F. A. C.).

A petition that disputes the material facts on which the Department's action is based 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 petitioner received notice of the agency action or proposed decision;
(d). A statement of all disputed issues of material fact. If there are none, the petition must so state;
(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 notice. 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.

Any party to the Order has the right to seek judicial review of the Order pursuant to Section l20.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Mail Station #35, 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 the Final Order is filed with the Clerk of the Department.

Executed in Jacksonville, Florida.

Christopher L. Kirts, P.E.
District Air Program Administrator

CLK: yke

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Air Permit Issuance was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on 3/9/2010 to the persons listed below.

Thompson S. Baker, Florida Rock Industries, Inc. BakerTo@vmcmail.com
Veronica N. Sgroo. P.E. Koogler and Associates, Inc. vsgro@kooglerassociates.com

Clerk Stamp

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

Monique Jordan

3/9/2010

(Clerk) (Date)