# Department of
# Environmental Protection

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

Jeb Bush
Governor

Colleen M. Castille
Secretary

May 2, 2005

Herman C. Fraley, Plant Manager
Lafarge North America, Inc.
886 N. Hwy 17
Palatka, FL 32177

Dear Mr. Fraley:

Putnam County – Air Permit
Lafarge North America, Inc. – Palatka Plant
Construction Permit – 1070039-010-AC
Facility ID: 1070039

This is in reference to your air pollution permit application for the above referenced project.

Florida Administrative Code (F.A.C.) Rule 62-103.150 and Florida Statute (F.S.) Section 403.815 require that you (the applicant) publish at your own expense, the enclosed NOTICE OF INTENT TO ISSUE CONSTRUCTION PERMIT.

The notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place.

The Proof of publication, i.e. newspaper affidavit, shall be provided to the Department of Environmental Protection as soon as possible upon receipt of this letter. The processing of the application will be delayed until fourteen (14) days after this office has received the proof of publication. Failure to publish this Notice and to provide proof of publication may result in the denial of the permit.

If you have any questions, please contact Khalid Al-Nahdy, P.E. at (904) 807-3300, ext 3238.

Sincerely,

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

CLK: ANP
Attachment(s)

cc: Don McGlothlin, Lafarge North America, Inc.
C. Philip Allen, Lafarge North America, Engineering and Maintenance Manager, Palatka
Paul Smith, Trinity Consultants
Paul Greywall, P.E. Trinity Consultants

**STATE OF FLORIDA**
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**
**INTENT TO ISSUE**

In the Matter of an
Application for Permit by:

DEP File No.: 1070039-010-AC
County: Putnam- AP

Herman C. Fraley, Plant Manager
Lafarge North America, Inc.
886 N. Hwy 17
Palatka, FL 32177

## INTENT TO ISSUE

The Department of Environmental Protection gives notice of its intent to issue a permit (copy attached) for the proposed project as detailed in the application specified above, for the reasons stated below. The applicant Mr. Herman C. Fraley, Lafarge North America, Inc., applied on April 15, 2005, to the Department for a construction permit to add a Reclaim Processing and Screening unit and to modify Air Construction Permit No. 1070039-009-AC to remove the second surge bin filter EP022 and its requirements. This facility is located at 886 North Highway 17, Palatka, Putnam County, Florida.

The Department has permitting jurisdiction under Chapter 403, Florida Statutes (F.S.) and Rules 62-4.05 and 62-4.07, Florida Administrative Code (FAC). The project is not exempt from permitting procedures. The Department has determined that a construction permit is required for the proposed work.

The Department intends to issue the permit for the following reason(s):

The applicant has provided reasonable assurances that the proposed work will comply with all applicable department regulations.

Pursuant to Section 403.815, Florida Statutes (F.S.) and Rule 62-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit. The notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. The applicant shall provide proof of publication to the Department, at the Northeast District Office, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256-7590 as soon as possible upon publishing. Failure to publish the notice and provide proof of publication may result in the denial of the permit.

The Department will issue the permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE CONSTRUCTION PERMIT." Written comments should be provided to the Florida Department of Environmental Protection, Northeast District Office at 7825 Baymeadows Way, Suite B-200, Jacksonville, Florida 32256-7590. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 of 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 proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 F.S. 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 notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3) F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3) F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. 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 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.

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 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, 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; 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.

In addition to the above, a person subject to regulation has a right to apply for variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542, F.S. The relief provided by this state statute applies only to state rules, not statues, 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 the action proposed in this notice of intent. The application for a variance or waiver is made by filing petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 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); and
(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), F.S., 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 any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Christopher L. Kirts, P.E.
District Air Program Administrator
Northeast District Office
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7590
(904) 807-3300

CLK: ANP

cc: Don McGlothlin, Lafarge North America, Inc.
C. Philip Allen, Lafarge North America, Engineering and Maintenance Manager, Palatka
Paul Smith, Trinity Consultants
Paul Greywall, P.E. Trinity Consultants

**STATE OF FLORIDA**
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**
**PUBLIC NOTICE OF INTENT TO ISSUE CONSTRUCTION PERMIT**

The Department of Environmental Protection gives notice of its intent to issue a permit to Lafarge North America, Inc., which has a mailing address of 886 North Highway 17, Palatka, Florida 32177. This project is to add a Reclaim Processing and Screening unit and to modify Air Construction Permit No. 1070039-009-AC to remove the second surge bin filter and its requirements. This facility is located at 886 North Highway 17, Palatka, Putnam County, Florida. The Department has assigned file number 1070039-010-AC to this project.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE CONSTRUCTION PERMIT." Written comments should be provided to the Florida Department of Environmental Protection, Northeast District Office at 7825 Baymeadows Way, Suite B-200, Jacksonville, Florida 32256-7590. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes (F.S.). 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 notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. 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 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.

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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.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Northeast District Office, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256-7590.