



Florida Department of Environmental Protection

Southwest District
13051 N. Telecom Parkway
Temple Terrace, Florida 33637-0926

0830023
Steven Counts Inc.

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

September 29, 2009

Subject: Workshop for Nonmetallic Mineral Processing Plants (NMMP) and affected Asphalt Plants

Dear Mr. Manning:

The Florida Department of Environmental Protection's Southwest District (SWD) Air Resource Management Program invites all Nonmetallic Mineral Processing Plants (NMMP) and affected Asphalt plants operating in Citrus, Desoto, Hardee, Hernando, Manatee, Marion, Pasco, Pinellas, and Polk counties to a workshop to be hosted by the SWD office on Tuesday, October 13, 2009. The workshop agenda is attached to this invitation letter.

Our goal is to assist affected facilities in understanding their permit requirements to ensure compliance and minimize their impact on the environment. Specifically, this workshop will provide information on the NMMP General Permit, the requirements of Asphalt Plants that permit NMMPs at their facility and information on the revised New Source Performance Standards (NSPS) Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants. We will also provide a brief overview of potential solid waste permit requirements for these facilities.

To ensure adequate conference room accommodations, we ask that you pre-register yourself and others you would like to bring to the workshop, including your consultants by contacting Patricia Prickett by email at Patricia.Prickett@dep.state.fl.us, or by phone at (813) 632-7600 ext. 102.

We look forward to your attendance and participation.

Sincerely,
Mara Grace Nasca
District Air Program Administrator
Southwest District

Attachment: Agenda
MGN/ng

**Florida Department of Environmental Protection
Southwest District
Air Resource Management
Workshop**

**Nonmetallic Mineral Processing Plants (NMMP) and
Affected Asphalt Plants**

**Tuesday, October 13th, 2009
9:30 a.m. - 12:00 p.m.
Main Conference Room**

Agenda

I. Welcome and Introduction

Mara Grace Nasca
Air Program Administrator

II. Department Presentations

NMMP General Permit Requirements
Operating a RAP Crusher at Asphalt Plants
Revised Federal NSPS Subpart OOO Requirements
Waste Processing Facility Permit Requirements

Max Grondahl
Nancy Knight
Natrevia Gradney
Susan Pelz

III. Questions and Answers

Workshop Attendees



Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

September 15, 2009

0836023

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

Mr. Steven C. Counts, President
Steven Counts Inc.
16611 SE 58th Avenue
Summerfield, FL 34491

Subject: Workshop for Nonmetallic Mineral Processing Plants (NMMP) and affected Asphalt Plants

Dear Mr. Counts:

The Florida Department of Environmental Protection's Southwest District (SWD) Air Resource Management Program invites all Nonmetallic Mineral Processing Plants (NMMP) and affected Asphalt plants operating in Citrus, Desoto, Hardee, Hernando, Manatee, Marion, Pasco, Pinellas, and Polk counties to a workshop to be hosted by the SWD office on Tuesday, October 13, 2009. The workshop agenda is attached to this invitation letter.

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District Air Program Administrator
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MEMORANDUM

TO: Mara Grace Nasca
District Air Program Administrator

THRU: Cindy Zhang-Torres, P.E.
Air Permitting Supervisor

FROM: David Zell *DZ*
Air Permitting Engineer

DATE: 05/04/09

SUBJECT: Final Permit No. 0830023-006-AC
Steven Counts Asphalt Plant No. 3, Marion County

DAY 90: 06/14/09

The Intent to Issue Public Notice for the above permit was published in the (Ocala) Star Banner on 04/17/09. A proof of publication was received on 04/27/09. I have reviewed the proof of publication and verified that the correct notice was published.

Comments requesting several changes to the Draft permit were received from Bruno Ferraro of Grove Scientific and Engineering Company on behalf of Steven Counts via email on 04/28/09. As a result of these comments, I made several minor corrections, additions and clarifications to the description and Specific Condition Nos. 24 and 27.D (*see Final Determination*). No other comments or petitions were received, and, other than those related to the above comments, no additional changes were made to the Draft permit. I determined that the corrections, additions, and clarifications made to the Draft permit were minor and did not require a revised Intent to Issue and Draft permit.

As a result of the comments, and the resulting corrections and clarifications made to the Draft permit, I decided it would be appropriate to include a Final Determination as part of the Notice of Final Permit. I used the new FD template and adjusted the Notice of Final Permit language to reflect the addition of a Final Determination.

I recommend issuance of this final permit, which is identical to the draft permit approved by this office as part of the Notice of Intent package.

Zell, David

From: Zell, David
Sent: Thursday, April 30, 2009 9:23 AM
To: 'bruno@grovescientific.com'
Cc: 'Billy Burke'; 'Sara Greivell'
Subject: RE: Steven Counts, Inc. - Comments on Draft AC Permit 0830023-006-AC

Bruno,

Since the public notice has already been published, I am limited on the changes I can make to the Draft construction permit. Any revisions that are made that would be considered as "relaxations" of requirements would require a revised Intent to Issue and Revised Draft permit, and the public notice would have to be published again. I am assuming that the applicant would like to avoid this. Below are the changes that I am making in the Final permit, pending approval of my supervisor and the District Air Program Administrator.

1st Comment/Correction – I have corrected the description of the hot oil heater on Page 1 as requested.

2nd Comment – The requirements in Specific Condition No. 24 relate to information for the test period. (To clarify this, in addition to the statement that was already in the 1st paragraph of the condition, I have added the phrase "during the testing period" after Items. C., D., E., and H.) Since what we want is information on how the unit is operating during the test period, monthly fuel consumption is not acceptable. Fuel use rate (gal/hr) during the test period will need to be estimated. Use of a calibrated stick, with a measurement taken prior to the start of the first run and after then end of the last run, will be satisfactory to estimate gallons. The time between measurements can then be used to calculate an average gallons/hour rate during the testing period.

3rd Comment – The maximum fuel use limit of Specific Condition No. 4. and Rule 62-210.300(3)(c)2. (Conditional Exemption from Title V Air Permitting – Asphalt Concrete Plants), F.A.C., is for total fuel usage for the asphalt production plant and so must include the asphalt heater. It would be a relaxation of the Draft permit requirement (and rule) to exclude the asphalt heater. I have added a Note below Specific Condition No. 27.D. to allow for hot oil heater fuel usage to be estimated/calculated based on operating hours.

These changes will have to be reviewed and approved by my supervisors, so the actual changes that are made to the Final permit may vary from what I am stating above.

Please let me know if you have any questions regarding this email.

David Zell
FDEP SWD District (Tampa)
Air Permit Engineer
PHONE: 813-632-7600 extension 118
FAX: 813-632-7668

From: Bruno A. Ferraro [mailto:bruno@grovescientific.com]
Sent: Tuesday, April 28, 2009 2:31 PM
To: Zell, David
Cc: 'Billy Burke'; 'Sara Greivell'
Subject: Steven Counts, Inc.

RE: DEP File 0830023-06-AC SCI Plant 3

Zell, David

From: Bruno A. Ferraro [bruno@grovescientific.com]
Sent: Tuesday, April 28, 2009 2:31 PM
To: Zell, David
Cc: 'Billiy Burke'; 'Sara Greivell'
Subject: Steven Counts, Inc.

RE: DEP File 0830023-06-AC SCI Plant 3

Hi David

I reviewed this draft permit with Billy from SCI and have a few comments and corrections on the draft permit for SCI Plant 3.

Page 1 of 10 Exempt Emission Source – the correct description is a Gencor Hyway Model 100 hot oil heater with a maximum designed heat input rate of 1 MMBTU/hr but operating at approximately 0.4 MMBTU/hr.

Page 8 of 10 specific condition 24 – Can we eliminate item E, the requirement to monitor fuel in gallons/hr. Currently we have to use a calibrated stick to do this so the accuracy is limited. If necessary we can install a fuel meter. We would prefer to go with monthly fuel consumption as this is an accurate method for this operation.

Page 9 of 10 specific condition 27 D – Can we change this to monthly fuel records rather than daily for the reason cited above.

Also, since the oil heater is exempt, can we eliminate asphalt cement heater from this requirement. The hot oil heater shares the same fuel tank as the heavy mobile equipment so we'd have to install equipment to separate the hot oil heater usage from the heavy equipment.

Please let me know if you have any questions regarding this email.

From the Desk of;

Bruno A. Ferraro, CEP, QEP
President
Grove Scientific & Engineering Company
6140 Edgewater Drive, Suite F
Orlando, Florida 32810
Phone 407-298-2282
Cell 407-257-3095
Fax 407-290-9038

GROVE

SCIENTIFIC & ENGINEERING

April 24, 2009

Mara Grace Nasca
F.D.E.P. - Southwest District Office
13051 N Telecom Parkway
Temple Terrace, Florida 33637

D.E.P.
SOUTHWEST DISTRICT
APR 27 2009
TAMPA

**Re: SCI Asphalt Plant No. 3
Proof of Publication for Intent to Issue Air Permit
DEP File No. 0830023-006-AC**

Dear Ms. Nasca:

Enclosed is the original public notice; proof of publication for Steven Counts, Inc. Asphalt Plant 3. The public notice was published in the Star-Banner on Friday, April 17, 2009.

If you have any questions, please call me at (407) 298-2282 or e-mail me at sara@grovescientific.com

Respectfully,

GROVE SCIENTIFIC & ENGINEERING COMPANY



Sara Greivell
Environmental Scientist

CC: Billy Burke - SCI Asphalt Plant 3

AFFIDAVIT OF PUBLICATION

Star-Banner
Published – Daily
Ocala, Marion County, Florida

STATE OF FLORIDA
COUNTY OF MARION

Before the undersigned, a Notary Public of Said County and State, [Signature] who on oath says that they are an authorized employee of the Star-Banner, a daily newspaper published at Ocala, in Marion County, Florida; that the attached copy of advertisement, being a notice in the matter of

***PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION DEP File No. 0830023-
006-AC Steven Counts, Inc. Hot Mix Asphalt Plant #3 Marion County The
Department of Environmental Protection Department gives not***

was published in said newspaper in the issues of:

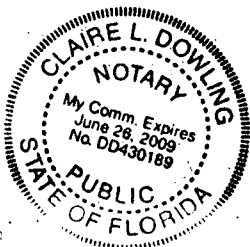
4/17 1x

Affiant further says that the said STAR-BANNER is a daily newspaper published at Ocala, in said Marion County, Florida, and that the said newspaper has heretofore been continuously published in said Marion County, Florida, daily, and has been entered as second class mail matter at the post office in Ocala in said Marion County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the person of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 20th day of April, A.D., 2009

Claire L. Dowling
Notary Public

CLAIRE L. DOWLING
(Print, Type or Stamp Name of Notary Public)



Ad #: A000549295

**PUBLIC NOTICE OF INTENT TO
ISSUE AIR PERMIT STATE OF
FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION
DEP File No. 0830023-006-AC
Steven Counts, Inc. Hot Mix Asphalt
Plant #3 Marion County**

The Department of Environmental Protection (Department) gives notice of its intent to issue an air permit to Steven Counts, Inc., for their hot mix Asphalt Plant #3 located at 9765 SW State Road 200 in Ocala, Marion County. This permit authorizes Steven Counts, Inc. to modify a hot mix asphalt plant. The permit modifications include after-the-fact approval for a conversion to a counterflow continuous mix plant, an increase in the maximum permitted average hourly production rate, removal of the maximum permitted hours of operation limitation (limit on total annual production rate and annual fuel use remains), removal of baghouse emission control device pressure drop range requirements, and a change to the fuel usage recordkeeping requirement. MAILING ADDRESS: Steven Counts, Inc., 16611 SE 58th Avenue, Summerfield, FL 34491 to the attention of Mr. Steven Counts, President.

The Department will issue the final 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 fourteen days from the date of publication of this Public Notice of Intent to Issue Air Permit. Written comments should be provided to the Department of Environmental Protection, 13051 N. Telecom Parkway, Temple Terrace, FL 33637-0926. 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 permits and require, if applicable, another Public Notice.

The Department will issue the final permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

Mediation is not available in this proceeding.

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, 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), P.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, F.A.C.

All petitions filed under these rules shall contain:

- (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 when and how the petitioner received notice of the agency decision;

(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, 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 the 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.

A complete project file 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 Florida Department of Environmental Protection, Southwest District, 13051 N. Telecom Parkway, Temple Terrace, Florida.

The complete project file includes the application, technical evaluation, draft permit, and the information submitted by the authorized representative, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Mara Grace Nasca, Southwest District Air Program Administrator, at 13051 N. Telecom Parkway, Temple Terrace, Florida or call 813-632-7600, for additional information.

Any person may request to obtain additional information, a copy of the application (except for information entitled to confidential treatment pursuant to Section 403.111, F.S.), all relevant supporting materials, a copy of the draft permit, and all other materials available to the Department that are relevant to the permit decision. Additionally, 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 Air Permit." Requests and written comments filed should be provided to the Florida Department of Environmental Protection at 13051 N. Telecom Parkway, Temple Terrace, FL 33637-0926, to the attention of Mara Grace Nasca (phone no. 813-632-7600) referencing the DEP file number(s) listed above. 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 permits and require, if applicable, another Public Notice.

April 17, 2009
#A000549295

MEMORANDUM

TO: Mara Grace Nasca
District Air Program Administrator

THRU: Cindy Zhang-Torres, P.E. *cf*
Air Permitting Supervisor

FROM: David Zell *DZ*
Air Permitting Engineer

DATE: 03/26/09 (Revised 04/01/09)

SUBJECT: Construction Modification Permit 0830023-006-AC
Steven Counts Asphalt Plant No. 3, Marion County

DAY 90: 05/07/09 (*Permittee has requested that the construction permit be issued ASAP**)

On 01/12/09 an application was submitted for operation permit renewal for the Steven Counts, Inc. asphalt hot mix plant (Plant No. 3) located SW of Ocala in Marion County.

On 01/16/09, I accompanied Max Grondahl, the assigned SWD inspector, on an inspection of the facility. As a result of this inspection, additional information was requested on 01/23/09, and an enforcement referral for this facility was also submitted by Max on 01/23/09. A response to the request for additional information was received on 02/03/09. As a result of this RAI response, it was determined that an after-the-fact construction permit and construction permit modifications were required. The permittee and their consultant were notified of this by email on 02/02/09, and on 02/06/09 a construction permit application (and fee) was received. This was assigned Project No. 0830023-006-AC. Since there is no additional construction or compliance testing to be done, the construction modification permit and the operation permit renewal will be issued as a combined AC/AO permit (two permits, one document). (**Revised Memo Note** - After an internal discussion on 04/01/09, it was decided to split the construction permit and the operation permit renewal into two separate permits, in order to get the Draft construction permit out sooner and give further consideration to the enforcement referral issues prior to issuance of the operation permit renewal.)

Information obtained during the site visit and in the RAI response letter revealed that, in a renovation process that began in April of 2007 (when Steven Counts, Inc. bought the facility from Central Florida Aggregates - permit was amended to show transfer of ownership on Project 004-AO, issued 04/03/07), they replaced the drum mixer, changed the drum dryer burner from a 63 MMBtu/hr rated burner to one rated at 100 MMBtu/hr, and changed the plant from a parallel continuous mix plant to a counterflow continuous mix plant. No construction permit was obtained prior to this conversion/ modification. As a result of discussions and review of the permit conditions during the site visit, the RAI response letter included several specific requests for modification to the existing construction permit requirements (based on options pointed out by me during the site visit and in the RAI). The following are the significant requested modifications that were made to specific conditions in the permit (i.e., changes from previous permit):

- change all references from throughput rate to production rate;
- increase in the maximum permitted daily-average hourly production rate from 150 TPH to 400 TPH (this is the design capacity of this plant);

- removal of the maximum permitted hours of operation limit of 3,120 hrs/yr (limit on total annual production rate and annual fuel use remains);
- removal of baghouse emission control device pressure drop range requirements (not included in recent asphalt plant permit that I reviewed and difficult to establish valid range) (pressure drop recordkeeping requirements have been retained in the permit);
- a change to the fuel usage recordkeeping requirement to allow fuel usage to be based on deliveries; and
- increased the maximum asphalt plant drum dryer heat input rate from 63 to 100 MMBtu/hour (to reflect the April 2007 modification).

Based on recent discussions about permitting of asphalt plants, and in order to update the format and content of the permit, specific conditions were added or revised, and the order of the conditions re-organized somewhat. Obsolete or incorrect rule references were also corrected.

See the first page of the Draft permit for a detailed description of the facility.

Since this facility will continue to operate under the Rule 62-210.300(3)(c)2., F.A.C. asphalt plant conditional exemption requirements, which limit maximum annual production and fuel oil usage rates, there will be no change to potential or allowable emissions from this facility as a result of the modifications to the permit made in the construction permit.

Review of the compliance test information in ARMS showed that they had successfully completed the required PM and VE tests for 2008 (done on 09/29/08).

Email responses (2) concerning this application were received from the enforcement section on 01/21/09 (see permit files for copies of these emails). As discussed above, on 01/16/09, I accompanied Max Grondahl, the assigned inspector, on an inspection of the facility. Issues revealed in this inspection resulted in an enforcement referral for this facility, which was submitted by Max on 01/23/09. On 03/26/09 I was sent an email with a copy of the Steven Counts, Inc. Warning Letter dated 03/25/09 attached to it. Review of the warning letter indicated that the construction-without-a-permit issue had not been included (as I erroneously thought it was going to be). I discussed the situation with Sajeda Noor, the Enforcement staff person referenced on the warning letter, and prepared an additional enforcement referral form as an addendum referral to be considered for inclusion in the warning letter enforcement meeting/ teleconference with the company and in any subsequent consent order.

I recommend that this Intent to Issue and ~~combined AC/AC~~ draft permit s (~~one document~~) be sent out as attached and submit them for your review and approval.

** Note: As a result of significant production curtailments being taken by this facility to comply with the current permit operating rate limits (which are significantly below the design capacity of the plant), **they are anxious to get the construction modification permit issued as soon as possible** to increase the permitted production rate for this plant up to its true capacity and make the plant more economical to run (They indicated that they are trying minimize operation the plant until they get the rate increased, due to it being uneconomical to operate at the lower rate on the current operation permit.).*

TECHNICAL EVALUATION
AND
PRELIMINARY DETERMINATION
FOR

Steven Counts, Inc.

Marion County

Construction Permit Application Number

0830023-006-AC

Florida Department of Environmental Protection

Southwest District

Temple Terrace, Florida

April 1, 2009

Prepared by: David Zell

I. Project Description:

A. Applicant:

Steven Counts, President
Steven Counts, Inc.
16611 SE 58th Avenue
Summerfield, FL 34491

B. Professional Engineer:

Mr. James T. Show, P.E.
Grove Scientific & Engineering Company
6140 Edgewater Drive, Suite F
Orlando, Florida 32810

C. Project Location:

This project is for the Steven Counts, Inc. Asphalt Plant #3, located at 9765 SW State Road 200 in Ocala, Marion County, Florida.

D. Project Summary:

The permit modifications include after-the-fact approval for a conversion to a counterflow continuous mix plant including an increase in dryer burner heat input capacity, an increase in the maximum permitted average hourly production rate, removal of the maximum permitted hours of operation limitation (limit on total annual production rate and annual fuel use remains), removal of baghouse emission control device pressure drop range requirements, and a change to the fuel usage recordkeeping requirement.

See the Draft permit memo and the first page of the Draft permit for a description of the facility and more details on the modifications.

E. Application Information:

Application Received and Complete on: 02/06/09

II. Rule Applicability

This project is subject to the preconstruction review requirements of Chapter 403, Florida Statutes and Chapters 62-204 through 62-297, Florida Administrative Code (F.A.C.), as indicated below.

Subject to:	Y/N	Comments
Rule 62-210.300, F.A.C. - Sources Not Subject to Prevention of Significant Deterioration or Nonattainment Requirements, F.A.C.	Y	not exempt from general permitting requirements
Rule 62-212.400, F.A.C. - Prevention of Significant Deterioration	N	facility is PSD minor source
Rule 62-296.320(4), F.A.C. - General Particulate Emission Limiting Standards	Y	plant operations are a source of unconfined particulate matter emissions
Rules 62-296.320(1) and (2), F.A.C. - General Pollutant Emission Limiting Standards (VOCs and Odor)	Y	plant operations could be a source of odors
Rule 62-296.400, F.A.C. - Stationary Source Emission Standards	N	there is no applicable source category
Rule 62-296.500, F.A.C. - Reasonably Available Control Technology (VOC)	N	Marion County is an attainment area for ozone
Rule 62-296.700, F.A.C. - Reasonably Available Control Technology (PM)	N	not located in a PM RACT applicable area
Rule 62-204.800, F.A.C. - Standards of Performance for New Stationary Sources (NSPS)	Y	subject to NSPS 40 CFR 60 Subpart I
Rule 62-204.800, F.A.C. National Emission Standard for Hazardous Air Pollutants (NESHAPS – 40 CFR 61)	N	there is no applicable source category
Rule 62-204.800, F.A.C. National Emission Standard for Hazardous Air Pollutants for Source Categories a.k.a. MACT (NESHAPS – 40 CFR 63)	N	not a major source of HAPS, and there is no applicable source category
Chapter 62-213, F.A.C. - Operation Permits for Major Sources of Air Pollution	N	facility is a synthetic non-Title V source
Rule 62-297.310, F.A.C. - General Compliance Test Requirements, F.A.C.	Y	VE and PM testing is required

III. Summary of Emissions from the Drum Mix Asphalt Plant

Pollutant	Potential Emissions	Ef Source	Allowable Emissions
PM/PM10	48.5 TPY/< 48.5 TPY ¹	40 CFR 60.692(a) ¹	0.04 gr/dscf (NSPS Subpart I)
VOC	8.0 TPY	AP-42 Table 11.1-8	
NOx	13.8 TPY	AP-42 Table 11.1-7	
SO2	69.2 TPY	AP-42 Table 1.3-1	
CO	32.5 TPY	AP-42 Table 11.7-8	

¹ PM potential emission are is based on the NSPS Subpart I PM emission limitation and the baghouse air flow rate from the last stack test.

Fugitive PM10 emissions - This facility is permitted under the Title V Conditional Exemption requirements of Rule 62-210.300(3)(c), F.A.C. There is no RAP crusher located at this facility. As shown above PM emissions from the asphalt drum mix asphalt plant are estimated at 48.5 TPY. PM10 emissions will be less than this value since PM10 is a subset of total PM. Fugitive PM10 emissions from vehicle traffic and material handling were not specifically calculated since it was considered reasonable to consider that they would not exceed the 51.5 TPY+ level necessary to make this facility a major Title V source.

IV. Conclusions

The emission limits proposed by the applicant will meet all of the requirements of Chapters 62-204 through 297, F.A.C.

The General and Specific Conditions listed in the proposed permit (attached) will assure compliance with all the applicable requirements of Chapters 62-204 through 297, F.A.C.

V. Proposed Agency Action

Pursuant to Section 403.087, Florida Statutes and Section 62-4.070, Florida Administrative Code, the Department hereby gives notice of its intent to issue a permit to construct the aforementioned air pollution source in accordance with the draft permit and its conditions as stipulated (see attached).



Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

March 25, 2009

CERTIFIED MAIL NO. 7007 0710 0003 0138 8328
RETURN RECEIPT REQUESTED

Mr. Steve Counts, President
Steven Counts, Inc.
10395 SE Sunset Harbor Rd
Summerfield, FL 34491

Subject: Warning Letter No: WL09-0003AS42SWD
Steven Counts, Inc. (fka: Central Florida Aggregate, Inc.)
Facility ID No: 0830023
Marion County

Dear Mr. Counts:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible and to seek your cooperation in resolving the matter. A review of Central Florida Aggregate's files indicates violations of Florida Statutes and Rules may exist at your asphalt plant located at 9765 SW State Road 200, Ocala, Marion County, Florida, as noted below.

1. Facility failed to submit the 2006 Annual Operating Report by the deadline of March 1, 2007, as specified in Specific Condition No. 29 of Air Permit 0830023-003-AO, in reference to Rules 62-210.370(3)(a)4. and 62-210.300(3)(c)2.h. of the Florida Administrative Code (F.A.C.)
2. Facility exceeded maximum throughput of 150 tons/hour daily average as specified in Specific Condition No. 3, in reference to Rules 62-4.070(3), 62-210.300(3)(c)1.a, and 62-210.200, F.A.C.
3. Facility failed to maintain a logbook of the baghouse pressure drop as specified in Specific Condition 27 of Air Operation Permit 0830023-003-AO.

Florida Statutes, Chapter 403.161(1)(b) states that it shall be a violation of this chapter, and it shall be prohibited for any person to fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the Department pursuant to its lawful authority.

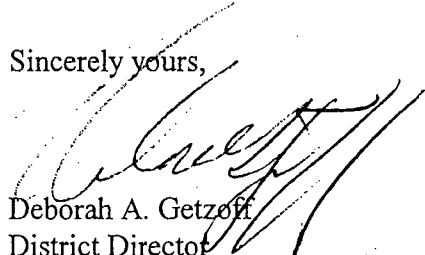
Mr. Steven Counts, President
Steven Counts, Inc. (fka: Central Florida Aggregate, Inc.)
Warning Letter No: WL09-0003AS42SWD
Page 2 of 2

The conditions revealed by the file review and any other activities at your facility that may be contributing to violations of the above-described statutes or rules should be ceased. Operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to \$10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes.

You are requested to contact Sajeda Noor at (813) 632-7600, Extension 129, or at Sajeda.Noor@dep.state.fl.us, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting or teleconference with Department personnel to discuss this matter. You may bring anyone with you to the meeting that you feel could help resolve this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred.

Please be advised this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,



Deborah A. Getzoff
District Director
Southwest District

3/24/09
Date

cc: Mr. Billy Burkey, Steven Counts, Inc.
Ms. Dianne Spingler, FDEP/DARM



February 3, 2009

Mr. David Zell
Air Permitting Engineer
F.D.E.P. - Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Dept. of Environmental
Protection

FEB 04 2009

**RE: Steven Counts, Inc Asphalt Plant #3 (Ocala)
Request for additional Information
DEP Project Number 0830023-005-AF**

Southwest District

Dear Mr. Zell:

We have prepared this response to your letter requesting additional information addressed to Mr. Steven Counts, dated January 26, 2009. In the previously submitted permit renewal application (December 2008), this facility requested an increase in the maximum hourly permitted production rate from 150 tons per hour (TPH) to 267 TPH. However, based on the burner rating, the baghouse air-to-cloth ratio and overall plant design, the maximum production rate of this asphalt plant is 400 TPH and the application is modified to reflect this rate.

Based on operating constraints such as aggregate type and moisture content the production rate will never be this high. In the September 2008 stack test, the facility tested at an average output process rate of 243.3 TPH. The facility is requesting the following additional changes to their air operating permit as part of the renewal application process:

1. Remove the limitation on maximum hours of operation currently stated in Specific Condition No. 3.

2. Remove the requirement to maintain a specific pressure drop range in the pulse-jet baghouse per Specific Condition No. 7. This facility will still be required to keep daily records of the baghouse pressure drop.
3. Maintain fuel usage recordkeeping based on monthly fuel deliveries rather than record actual daily fuel usage amounts.
4. Maximum design production rate is 400 TPH. The plant will not exceed 500,000 Tons/ consecutive 12-months.

This facility is requesting no changes to the current permitted fuels, which are limited to on-specification used oil with a sulfur content $\leq 1.0\%$ and new virgin No. 2 oil. If the facility decides in the future to add additional fuels, they will submit a construction permit addressing these changes.

The monthly recordkeeping will be updated to meet the operating record requirements stated in Specific Condition No. 25 of the current permit. These updates include:

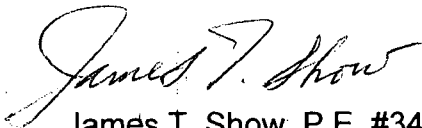
- Monthly operating records for asphalt production, fuel usage and operating hours will be changed from a calendar year basis to a rolling 12-consecutive month basis.
- The process records will be maintained for the tons of asphalt production.
- Actual hours of operation for the asphalt drum mixer (i.e., the time the burner is operating).

Around April of 2007, the asphalt drum mixer was replaced converting the plant from a parallel continuous mix plant to a counterflow continuous mix plant. The

maximum heat input rating of the drum mixer burner is 100 MMBtu/hour (720 gallons/hr of used on specification fuel oil at 140,000 BTU/gallon).

If you have any questions, please call me at (407) 298-2282 or e-mail me at sara@grovescientific.com .

Respectfully,
GROVE SCIENTIFIC & ENGINEERING COMPANY



James T. Show, P.E. #34361
V.P. Engineering



Sara Greivell
Environmental Scientist

cc: Billy Burke – Steven Counts, Inc.
Steve Counts – Steven Counts, Inc

SCI Plant 3 RAI Sub to FDEP 09/ 328260 / 020309

Zell, David

From: Zell, David
Sent: Monday, February 02, 2009 3:10 PM
To: 'Sara Greivell'
Cc: bburke@scipaveit.com; bruno@grovescientific.com; Grondahl, Max; Zhang-Torres
Subject: RE: Request for Additional Information for Air Operation Permit Renewal Application for Steven Counts Asphalt Plant # 3 (DEP Project 0830023-005-AF)

Sara,

I reviewed the draft letter and it responds to all the issues raised in my RAI letter. However the responses raise several additional issues.

1. It certainly is best to permit a process for its design capacity – that way it is unlikely it can be or ever will be exceeded. It should be noted, however, that Rule 62-297.310(2), F.A.C. (Operating Rate During Testing), requires that compliance testing be conducted while an emissions unit is operating at permitted capacity, which is defined as 90-100% of the maximum operating rate allowed by the permit. If this is not practical, then the unit may be tested at a lower rate, but subsequent operation is limited to 110% of the tested rate until a new test at a higher rate is conducted. What this means for this plant is that, in order to be allowed operate at up to the 400 TPY permitted design capacity, the unit would need to be tested while operating at 360 TPY (90% of 400 TPY) or higher. Based on the operating rate during the Sept. 2008 test, the drum mix plant would be limited to a maximum production rate of 267.6 TPY (110% of 243.3 TPH test rate) until such time as it was tested at a higher rate. (The above will be included in a condition of the operation permit renewal).
2. Any change in mixer drum size and/or drum mixer burner heat input rating which will result in an increase in the TPH production capacity off the plant requires an air construction permit prior to making the physical changes. This should have been done when the plant was converted to a counterflow continuous mix plant and the drum mixer burner replaced with one with a higher heat input capacity (from 63.0 to 100 MMBtu/hour). After reviewing this new development with the SWD Air Permitting Supervisor, it has been determined that the facility must now obtain an after-the-fact air construction permit for this past plant modification. This will require submittal of a construction permit application, along with a construction permit application processing fee (\$250 for a minor modification based on no increase in potential emissions since the facility will still be subject to the same 500,000 TPY production limit and 1.2 million gallons year fuel use limit). This procedure is consistent with how we have handled similar situations at other asphalt mix plants that have changed out drums and burners. The operation permit renewal project will be processed with the after-the-fact construction permit project in one combined document, with a public notice requirement as described in my initial RAI letter.

If you have any questions concerning this response please contact me, or my supervisor, Cindy Zhang-Torres (she can be contacted at the email address in the cc block above, or at Ext. 107).

David Zell
FDEP SWD District (Tampa)
Air Permit Engineer

PHONE: 813-632-7600 extension 118
FAX: 813-632-7668



Please consider the environment before printing this email.

From: Sara Greivell [mailto:sara@grovescientific.com]
Sent: Friday, January 30, 2009 1:58 PM
To: Zell, David
Cc: bburke@scipaveit.com; bruno@grovescientific.com
Subject: Re: Request for Additional Information for Air Operation Permit Renewal Application for Steven Counts Asphalt Plant # 3 (DEP Project 0830023-005-AF)

Hi David,

As discussed today, attached is a draft copy of the response to the Department's request for additional information. Please review and let me know if you have any further questions/comments/concerns.

Thank you,
Sara

On Mon, Jan 26, 2009 at 10:45 AM, Zell, David <David.Zell@dep.state.fl.us> wrote:

Please find attached an MS Word document electronic file of the Request for Additional Information (RAI) letter for the above FDEP SW District Air Program permit application project. The official signed hard copy of this letter was sent to Mr. Steven Counts by US Mail on 01/26/09.

Please let me know via email if you have any questions concerning this letter.

David Zell
FDEP SWD District (Tampa)
Air Permit Engineer

PHONE: 813-632-7600 extension 118
FAX: 813-632-7668



Please consider the environment before printing this email.

"This staff assessment is preliminary and is designed to assist in the review of the application prior to final agency action. The comments provided herein are not the final position of the Department and may be subject to revision pursuant to additional information and further review."

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.

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Sara Greivell
Environmental Scientist
Grove Scientific & Engineering
Phone: 407-298-2282 ext.108
Fax: 407-290-9038
sara@grovescientific.com