



KA187-99-05
August 31, 1999

Done in
S.E. District
So treat as
Correspondence.

Isidore Goldman
Southeast District—Air Program
Florida Department of Environmental Protection
P. O. Box 15425
West Palm Beach, FL 33416

RECEIVED
SEP 22 1999
DEPT OF ENV PROTECTION
WEST PALM BEACH

SUBJECT: Florida Rock Industries, Inc.—Fort Pierce Mine
Permit No. 1110072-007-AO
Application for Air Construction Permit
Install an Additional Portable Screening Unit

Dear Mr. Goldman:

Enclosed please find four (4) copies of the referenced application. A check for \$500 is enclosed as the applicable processing fee.

Please call me if you have any questions at (352) 377-5822.

Sincerely,

Koogler & Associates

KEN CONWELL, Project Engineer

Encl.

cc: Mike O'Berry--Florida Rock Industries, Inc.



Department of Environmental Protection

FILE

Lawton Chiles
Governor

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

NOV 24 1998

CERTIFIED MAIL

Mr. Thompson S. Baker, II
President Aggregates Group
Florida Rock Industries, Inc.
Post Office Box 4667
Jacksonville, FL 32201

Z 220 331 792 11/24
DEP File No. 1110072-007-AO
St. Lucie County
Project: Florida Rock Industries, Inc.
Ft. Pierce Quarry

RE: Modification of Air Permit, Permit Number 1110072-005-AO, Issued September 28, 1996

Dear Mr. Baker:

We have reviewed your request for a modification of permit 1110072-003-AO, received November 12, 1998. However this operation permit was superseded by permit 1110072-005 issued September 26, 1996. Pursuant to your request, the current permit 1110072-005-AO is changed as follows:

The following units are not in service at the above permitted facility:

Crushers: Cedar Rapids/4340

Screening: Cedar Rapids (4'x20'), and Cedar Rapids (5'x16')

Conveying: Cedar Rapids #1 Undercrusher, Cedar Rapids Swivel Conveyor, Cedar Rapids Rip Rap Belt, Cedar Rapids Underscreen Conveyor, and Cedar Rapids Radial Stacker.

Power Units: Diesel engine Detroit/1271, and CAT/3408

This letter must be attached to the original permit and becomes part of that permit. The remaining provisions of the permit are not changed by this action and remain in effect.

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. 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)

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of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice or intent, whichever occurs first. Under section 120.60(3), 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, as well as the rules and statutes which entitle the petitioner to relief; and (f) A demand for relief.

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

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 a 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 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 the action proposed in this notice of intent.

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, 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 the 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.

If you have questions regarding this modification, you may contact Manuel Delosantos at (561) 681-6656.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

I. Goldman, P.E. 11-24-98
Isidore Goldman, P.E. Date
District Air Program Administrator
Southeast District

IG/md

cc: Steven Cullen, P.E., Koogler & Associates
4014 NW 13th Street, Gainesville, FL 32609
Tom Tittle, Air Program, SED

FILING AND ACKNOWLEDGMENT: FILED, on this date, pursuant to § 120.52(7), F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Jenda C Thomas 11/24/98
Clerk Date