



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

P.E. Certification Statement

Permittee:
APAC-Florida, Inc.

Draft Permit No.: 777073-007-AC

Project type: Air Construction Permit – Statewide Relocatable Asphalt Plant

I HEREBY CERTIFY that the engineering features described in the above referenced application and subject to the proposed permit conditions provide reasonable assurance of compliance with applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4 and 62-204 through 62-297. However, I have not evaluated and I do not certify aspects of the proposal outside of my area of expertise (including but not limited to the electrical, mechanical, structural, hydrological, and geological features).



Scott M. Sheplak, P.E.

date

Registration Number: 48866

Permitting Authority:
Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/921-9532
Fax: 850/922-6979

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Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

June 20, 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Steven Christ
Environmental, Health & Safety Director
APAC-Florida, Inc.
Macasphalt Division
P.O. Box 1819
Winter Haven, Florida 33882-1819

Re: Draft Air Construction Permit No.: 7770073-007-AC
Amendment to Air Operation Permit No.: 7770073-005-AO
Relocatable Drum Mix Asphalt Plant

Dear Mr. Christ:

Enclosed is one copy of the Draft Air Construction Permit (letter) for a relocatable drum mix asphalt plant, which is proposed to be located at the Okeechobee Industrial Park in Okeechobee County. This relocatable facility will be allowed to operate at sites in all of the counties in the Southeast District, and elsewhere in Florida, provided that the proper public notice requirements are satisfied. The Department's "Intent to Issue Air Construction Permit" and "Public Notice of Intent to Issue Air Construction Permit" are also included.

The "Public Notice of Intent to Issue Air Construction Permit" must be published one time only, as soon as possible, in the legal advertisement section of a newspaper of general circulation in the area affected, pursuant to the requirements of Chapter 50, Florida Statutes. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within seven (7) days of publication pursuant to Rule 62-110.106(5), F.A.C. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

Please submit any written comments you wish to have considered concerning the Department's proposed action to Mr. Scott M. Sheplak, P.E., at the above letterhead address. If you have any other questions, please call Mr. Bruce Mitchell at 850/413-9198.

Sincerely,

C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/bm

Enclosures

cc: Mr. Tom Tittle, SED
Mr. Larry G. Stuart, P.E., BAI

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Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

Month Day, 2002

CERTIFIED MAIL – Return Receipt Requested

Mr. Steven Christ
Environmental, Health & Safety Director
APAC-Florida, Inc.
Macasphalt Division
P.O. Box 1819
Winter Haven, Florida 33882-1819

DRAFT

Re: Draft Air Construction Permit No.: 7770073-007-AC
Amendment to Air Operation Permit No.: 7770073-005-AO
Relocatable Drum Mix Asphalt Plant

Dear Mr. Christ:

This Draft air construction permit (letter) is being issued for the purpose of allowing you to publish a Public Notice in a newspaper circulated in the potential counties in the Southeast District, and elsewhere in Florida, that you want to operate your relocatable facility.

Based on the affidavits provided by the newspaper organization(s), you are authorized to operate in the following additional county(ies):

- 1.a. Name of County;
- b. Name of County;
- c. Name of County; and,
- d. Name of County.

2. Expiration Date: April 30, 2003

Sincerely,

C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/bm

cc: Mr. Tom Tittle, SED
Mr. Larry G. Stuart, P.E., BAI

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In the Matter of an
Application for Permit by:

APAC-Florida, Inc.
Macasphalt Division
P. O. Box 1819
Winter Haven, Florida 33882-1819

Draft AC Permit No.: 7770073-007-AC
Relocatable Drum Mix Asphalt Plant
Southeast District Operation
Relocatable Facility

INTENT TO ISSUE AIR CONSTRUCTION PERMIT

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit (copy of Draft Permit (letter) attached) for the proposed project, detailed in the application specified above and for the reasons stated below.

The applicant, APAC-Florida, Inc., applied on June 13, 2002, to the Department for an air construction permit to be allowed to publish a Public Notice for the potential relocation of the operation of its relocatable drum mix asphalt plant in the Southeast District and elsewhere in Florida. The proposed location is the Okeechobee Industrial Park in Okeechobee County.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-212. The above actions are not exempt from permitting procedures. The Department has determined that an air construction permit, which allows publication of a Public Notice, is required in order for the relocatable drum mix asphalt plant to relocate at sites within the Southeast District and elsewhere in Florida.

The Department intends to issue this air construction permit based on the belief that reasonable assurances have been provided to indicate that operation of these emission units will not adversely impact air quality, and the emission units will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C.

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed "Public Notice of Intent to Issue Air Construction Permit." The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. 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. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-1344; Fax: 850/922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in Section 50.051, F.S., to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

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 "Public Notice of Intent to Issue Air Permit." Written comments should be provided to the permitting authority's office. 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, 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 of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). 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, 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 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, 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 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.

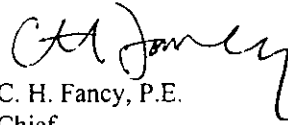
The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number 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.

Executed in Tallahassee, Florida.



C. H. Fancy, P.E.

Chief

Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE AIR CONSTRUCTION PERMIT (including the PUBLIC NOTICE and the Draft Permit (letter)) was sent by certified mail (*) and copies were mailed by U.S. Mail, or electronic mail (as noted) before the close of business on 6/20/02 to the person(s) listed:

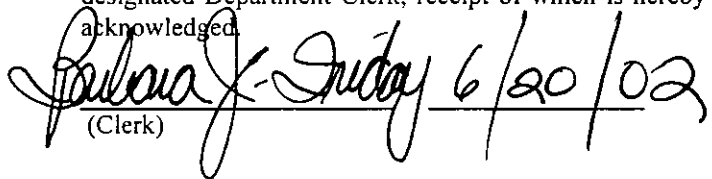
Mr. Steven Christ *, Environmental, Health & Safety Director, APAC-Florida, Inc.

Mr. Tom Tittle, DEP, Southeast District

Mr. Larry G. Stuart, P.E., BAI

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



(Clerk)

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Draft AC Permit No.: 7770073-007-AC
Amendment to Air Operation Permit No.: 7770073-005-AO

APAC-Florida, Inc.
Macasphalt Division
Relocatable Drum Mix Asphalt Plant

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit (letter) to APAC-Florida, Inc., for a relocatable drum mix asphalt plant, which will be operated within the Southeast District and elsewhere in Florida, depending on the newspaper publications of the Public Notice. The relocatable drum mix asphalt plant is a minor source of air pollution and not subject to the Prevention of Significant Deterioration (PSD) regulations, Rule 62-212.400, Florida Administrative Code (F.A.C.). A Best Available Control Technology determination was not required for this facility. The applicant's name and address are: Mr. Steven Christ, Environmental, Health & Safety Director, APAC-Florida, Inc., Macasphalt Division, P. O. Box 1819, Winter Haven, Florida 33882-1819.

The facility has been reviewed for potential operation within the Southeast District and elsewhere in Florida. The proposed location of the relocatable facility is the Okeechobee Industrial Park in Okeechobee County.

The Department will issue the Final Permit (letter), in accordance with the terms and conditions in the Draft Permit (letter), unless a response received in accordance with the following procedures results in a different decision or significant change of the terms or conditions.

The Department will accept written comments concerning the proposed Draft Permit issuance action for a period of 14 (fourteen) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-1344; Fax: 850/922-6979). Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this Draft Permit, the Department shall issue a Revised Draft Permit and require, if applicable, another Public Notice.

The Department will issue the Final Permit with the conditions of the Draft Permit unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, Florida Statutes (F.S.). Mediation is not available for this action. 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 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) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions 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. 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 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.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Numbers 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 the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed 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 Department's action or proposed action addressed in this notice of intent.

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 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.

Copies of the proposed air construction permit (letter) are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Permitting Authority:

Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-0114
Fax: 850/922-6979

District Office:

Department of Environmental Protection
Southeast District Office
400 North Congress Avenue
West Palm Beach, Florida 33416
Telephone: 561/681-6755
Fax: 561/681-6790

The complete project file, which includes the application, proposed construction permit (letter), and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S., is available in the office of the permitting authority in Tallahassee. Interested persons may contact Mr. Scott M. Sheplak, P.E., at the above address, or call 850/921-9532, for additional information.

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7099 3400 0000 3449 5564

Article Sent To:
Mr. Steven Christ

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
 Here

Name (Please Print Clearly) (to be completed by mailer)
Mr. Steven Christ
 Street, Apt. No., or PO Box No.
P.O. Box 1819
 City, State, Zip
Winter Haven, Florida 33882-1819