

Memorandum

Florida Department of Environmental Protection

TO: Trina Vielhauer, Chief, Bureau of Air Regulation
THROUGH: Jeff Koerner, New Source Review Section
FROM: Bruce Mitchell, New Source Review Section
DATE: February 16, 2009
SUBJECT: Project No. 7770073-012-AC
APAC Southeast, Inc. – Central Florida Division
Relocatable Asphalt Concrete Plant
Expiration Date Extension of Air Construction Permit No. 7770073-010-AC

On January 29, 2009, the Department of Environmental Protection's (Department's) Southwest District office received an application for an extension of the expiration date of air construction permit, No. 7770073-010-AC, which was transferred to the Department's Bureau of Air Regulation and received on February 4, 2009. The permit authorized the relocation of an Asphalt Drum Mix Batch Plant from Okeechobee County to Pinellas County; and, the permit allows the use of a permitted generic portable recycle asphalt pavement (RAP) crusher unit, which will be provided by an off-site contractor. The permit expires on May 31, 2009.

It is recommended that the permit be extended from May 31, 2009 to May 31, 2010, to provide the necessary time to: (1) relocate the asphalt concrete batch plant; (2) perform compliance tests; and (3) submit an application for an air operation permit. Based on the circumstances and information provided, the Department approves this request.

Attachments



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

February 16, 2009

Sent Electronically - Return Receipt Requested

Mr. John D. Skidmore
Division President
APAC-Southeast, Inc. - Central Florida Division
4636 Scarborough Drive
Lutz, Florida 33559

RE: Project No. 7770073-012-AC
Expiration Date Extension of Relocatable Air Construction Permit No. 7770073-010-AC
Asphalt Concrete Batch Plant with an Associated Generic Recycled Asphalt Pavement (RAP) Crusher Unit
Relocation from Okeechobee County to Pinellas County

Dear Mr. Skidmore:

On January 29, 2009, the Department of Environmental Protection's (Department's) Southwest District office received your application for an extension of the expiration date of air construction permit, No. 7770073-010-AC, which was transferred to the Department's Bureau of Air Regulation and received on February 4, 2009. The permit authorized the relocation of an Asphalt Drum Mix Batch Plant from Okeechobee County to Pinellas County; and, the project includes a permitted generic portable recycle asphalt pavement (RAP) crusher unit, which will be provided by an off-site contractor. The request is being made because construction has been delayed due to market conditions. Upon completion of relocation and construction, the required compliance testing will be performed and an application for an air operation permit will be submitted.

Based on the circumstances and information provided, the Department approves the request to extend the expiration date.

Determination: The expiration date of air construction permit No. 7770073-010-AC is hereby extended from **May 31, 2009** to **May 31, 2010**, to provide the necessary time to: (1) relocate the asphalt concrete batch plant; (2) perform compliance tests; and (3) submit an application for an air operation permit. Based on the circumstances and information provided, the Department approves this request. A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes (F.S.).

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, F.S., and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The Permitting Authority responsible for making a permit determination for this project is the Bureau of Air Regulation in the Department's Division of Air Resource Management. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

Petitions: A person whose substantial interests are affected by the 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 with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241). Petitions must be filed within 14 days of receipt of this permit extension. 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, F.A.C.

A petition that disputes the material facts on which the Permitting Authority'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 when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact; (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 Permitting Authority'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 Permitting Authority's final action may be different from the position taken by it in this written notice. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available in this proceeding.

Effective Date: This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this action will not be effective until further order of the Department.

Judicial Review: Any party to this permitting decision (order) has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under 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, 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 must be filed within 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

Trina Vielhauer, Chief
Bureau of Air Regulation

TLV/jfk/bm

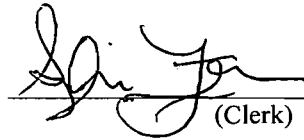
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Extension of Air Construction Permit Expiration Date 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 2/16/09 to the persons listed below.

John D. Skidmore, APAC-Southeast, Inc. – Central Florida Division (jhskidmore@apac.com)
Cindy Zhang-Torres, SWD (Cindy.Zhang-Torres@dep.state.fl.us)
Gary Robbins, Pinellas County Department of Environmental Management (grobbins@co.pinellas.fl.us)
Douglas W. Bauman, P.E., Bottorf Associates, Inc. (doug4ucf@earthlink.net)
Roger T. Caldwell, Application Contact, Bottorf Associates, Inc. (roger@bottorf.com)
Luther Ellis, Facility Contact, APAC-Southeast, Inc. – Central Florida Division (ldellis@apac.com)
Vickie Gibson, BAR Reading File (Victoria.Gibson@dep.state.fl.us)

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.



(Clerk)

2/16/09
(Date)

**TECHNICAL EVALUATION
AND
PRELIMINARY DETERMINATION**

Applicant

APAC-Southeast, Inc.
Central Florida Division
4636 Scarborough Drive
Lutz, Florida 33559

County

Relocation from Okeechobee County to Pinellas County

Project

Project No. 7770073-012-AC
Expiration Date Extension of Project No. 7770073-010-AC

Permitting Authority

Florida Department of Environmental Protection
Division of Air Resource Management
Bureau of Air Regulation
Air Permitting North
2600 Blair Stone Road, MS #5505
Tallahassee, Florida 32399-2400
850-488-0114

APPLICATION INFORMATION

Facility Location.

The proposed facility will be located at the 12955 40th Street North site in Clearwater, Pinellas County. All of the existing equipment at the Clearwater site will be removed except for the drag conveyor and the three asphalt storage silos. From the previous Okeechobee site, the permittee will relocate a portable 300 TPH drum-mixer and associated baghouse system, an asphalt cement storage tank and heating system, two fuel oil storage tanks, and miscellaneous screens, conveyors and hoppers. In addition, the permittee will be allowed to bring a permitted portable 250 TPH recycled asphalt pavement (RAP) crusher unit onto the site to crush and size reclaimed asphalt and concrete pavement for use in making asphalt product. The portable RAP crusher units will be provided from off-site contractors and generally consist of a crusher/grinder, conveyors, a screener, an associated diesel engine and a diesel electrical generator to power the crusher operations.

The asphalt plant's operations are designed to be dismantled, trucked to a new location and reassembled. The applicant proposes to relocate and operate the existing portable hot-mix asphalt plant at properly zoned and permitted sites throughout Florida (see Appendix PC).

Facility Classification.

Title III: The existing facility is not a major source of hazardous air pollutants (HAP).

Title IV: The existing facility has no units subject to the acid rain provisions of the Clean Air Act.

Title V: The existing facility is not a Title V major source of air pollution in accordance with Chapter 213, Florida Administrative Code (F.A.C.).

Prevention of Significant Deterioration (PSD): The existing facility is not a major stationary source in accordance with Rules 62-210.200(Definitions) and 62-212.400(PSD), F.A.C.

New Source Performance Standards (NSPS): There are emission units subject to the NSPS in Title 40 of the Code of Federal Regulations Part 60 (40 CFR 60).

National Emission Standards for Hazardous Air Pollutants (NESHAP): There are no emission units subject to any NESHAP in 40 CFR 63.

Project Description.

The Department of Environmental Protection's (Department's) Southwest District office received a request on January 29, 2009, for the extension of the expiration date of air construction permit No. 7770073-010-AC. The request was transferred to the Department's Bureau of Air Regulation office for processing and was received on February 4, 2009. Due to current economic conditions, construction of the plant has been delayed. Extending the expiration date will allow sufficient time to: (1) relocate the asphalt concrete batch plant; (2) perform compliance tests; and (3) submit an application for an air operation permit. The permit expires on May 31, 2009. The applicant requested an expiration date extension to December 31, 2009.

CONCLUSION

The Department makes a preliminary determination that the proposed project will comply with all applicable state and federal air pollution regulations as conditioned by the permit. This determination is based on a technical review of the complete application, reasonable assurances provided by the applicant, and the conditions specified in the permit. Bruce Mitchell is the project engineer responsible for reviewing the application and drafting the permit change, which is to grant an extension of the expiration date for one year to May 31, 2010. Additional details of this analysis may be obtained by contacting the project engineer at the Department's Bureau of Air Regulation at Mail Station #5505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Livingston, Sylvia

From: Livingston, Sylvia
Sent: Monday, February 16, 2009 3:01 PM
To: 'jhskidmore@apac.com'
Cc: Zhang-Torres; 'grobbins@co.pinellas.fl.us'; 'doug4ucf@earthlink.net'; 'roger@bottorf.com'; 'ldellis@apac.com'; Gibson, Victoria; Mitchell, Bruce; Walker, Elizabeth (AIR)
Subject: APAC-SOUTHEAST, INC. PORT.ASP. PLNT Number 450; 7770073-012-AC - Extension

Dear Sir/ Madam:

Attached is the official **Notice of Final Permit** for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send". **We must receive verification that you are able to access the documents.** Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).

Click on the following link to access the permit project documents:

http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/7770073.012.AC.F_pdf.zip

Owner/Company Name: APAC-SOUTHEAST INC., CENTRAL FL DIVISION

Facility Name: APAC-SOUTHEAST, INC. PORT.ASP. PLNT Number450

Project Number: 7770073-012-AC

Permit Status: FINAL

Permit Activity: CONSTRUCTION/ Relocatable Asphalt Concrete Plant

Facility County: PINELLAS

Processor: Bruce Mitchell

The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering community. Access these documents by clicking on the link provided above, or search for other project documents using the "*Air Permit Documents Search*" website at <http://www.dep.state.fl.us/air/eproducts/apds/default.asp>.

Permit project documents are addressed in this email may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any problems opening the documents or would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation at (850)488-0114.

Sylvia Livingston
Bureau of Air Regulation
Division of Air Resource Management (DARM)
850/921-9506
sylvia.livingston@dep.state.fl.us

Note: The attached document is in Adobe Portable Document Format (pdf). Adobe Acrobat Reader can be downloaded for free at the following internet site: <http://www.adobe.com/products/acrobat/readstep.html>.

Livingston, Sylvia

From: Skidmore, John (APAC) [John.Skidmore@apac.com]
Sent: Sunday, February 22, 2009 5:42 PM
To: Livingston, Sylvia
Cc: Ellis, Luther (APAC Central Florida); Herdman Rosemary (APAC Central Florida)
Subject: RE: APAC-SOUTHEAST, INC. PORT.ASP. PLNT Number 450; 7770073-012-AC - Extension

Dear Ms. Livingston:

I have received your notice and I have accessed the documents. I apologize, I have been out of the office. Thank you for following up.

From: Livingston, Sylvia [mailto:Sylvia.Livingston@dep.state.fl.us]
Sent: Wednesday, February 18, 2009 9:05 AM
To: Skidmore, John (APAC)
Subject: FW: APAC-SOUTHEAST, INC. PORT.ASP. PLNT Number 450; 7770073-012-AC - Extension

Dear Mr. Skidmore,

We have not received confirmation that you were able to access the documents attached to this February 16th e-mail, as well as the documents provided in the link (http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/7770073.012.AC.F_pdf.zip) referenced in the email. Please confirm receipt by opening the attachment and clicking on the link to the permit documents, and sending a reply to me.

The Division of Air Resource Management is sending electronic versions of these documents rather than sending them Return Receipt Requested via the US Postal service. Your "receipt confirmation" reply serves the same purpose as tracking the receipt of the signed "Return Receipt" card from the US Postal Service. Please let me know if you have any questions.

Sylvia Livingston
Bureau of Air Regulation
Division of Air Resource Management (DARM)
850/921-9506
sylvia.livingston@dep.state.fl.us

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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Sent: Monday, February 16, 2009 3:01 PM
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Cc: Zhang-Torres; 'grobbins@co.pinellas.fl.us'; 'doug4ucf@earthlink.net'; 'roger@bottorf.com'; 'ldellis@apac.com'; Gibson, Victoria; Mitchell, Bruce; Walker, Elizabeth (AIR)
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Owner/Company Name: APAC-SOUTHEAST INC., CENTRAL FL DIVISION

Facility Name: APAC-SOUTHEAST, INC. PORT.ASP. PLNT Number450

Project Number: 7770073-012-AC

Permit Status: FINAL

Permit Activity: CONSTRUCTION/ Relocatable Asphalt Concrete Plant

Facility County: PINELLAS

Processor: Bruce Mitchell

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Sylvia Livingston

Bureau of Air Regulation

Division of Air Resource Management (DARM)

850/921-9506

sylvia.livingston@dep.state.fl.us

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Livingston, Sylvia

From: Robbins, Gary W [grobbins@co.pinellas.fl.us]
Sent: Tuesday, February 17, 2009 7:28 AM
To: Livingston, Sylvia
Subject: RE: APAC-SOUTHEAST, INC. PORT.ASP. PLNT Number 450; 7770073-012-AC - Extension

Received

*Gary Robbins
Pinellas County
Environmental Management, Air Quality Division
Environmental Program Coordinator
Air Quality Division*

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Sent: February 16, 2009 3:01 PM
To: jhskidmore@apac.com
Cc: Zhang-Torres; Robbins, Gary W; doug4ucf@earthlink.net; roger@bottorf.com; ldellis@apac.com; Gibson, Victoria; Mitchell, Bruce; Walker, Elizabeth (AIR)
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