

Check Sheet

Company Name: APAC-FLA MACAsphalt
Permit Number: 7770073-004-AO
PSD Number: /relocatable?
Permit Engineer: HANKS

Application:

- Initial Application
- Incompleteness Letters
- Responses
- Waiver of Department Action
- Department Response
- Other

Cross References:

-
-
-

Intent:

- Intent to Issue
- Notice of Intent to Issue
- Technical Evaluation
- BACT Determination
- Unsigned Permit

Correspondence with:

- EPA
- Park Services
- Other

- Proof of Publication
- Petitions - (Related to extensions, hearings, etc.)
- Waiver of Department Action
- Other

Final Determination:

- Final Determination
- Signed Permit
- BACT Determination
- Other

Post Permit Correspondence:

- Extensions/Amendments/Modifications
- Other

AFFIDAVIT OF PUBLICATION

THE LEDGER

Lakeland, Polk County, Florida

Case No

STATE OF FLORIDA)
COUNTY OF POLK)

Before the undersigned authority personally appeared Nelson Kirkland, who on oath says that he is Classified Advertising Manager of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

Notice Of Intent

in the matter of

Permit Amendment No. 7770073-004-AO

in the

Court, was published in said newspaper in the issues of

January 7;

1997.

Affiant further says that said The Ledger is a newspaper published at Lakeland, in said Polk County, Florida, and that the said newspaper has heretofore been continuously published in said Polk County, Florida, daily, and has been entered as second class matter at the post office in Lakeland, in said Polk 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 purpose of securing this advertisement for publication in the said newspaper.

Signed



Nelson Kirkland
Classified Advertising Manager
By Nelson Kirkland who is
personally known to me

7th

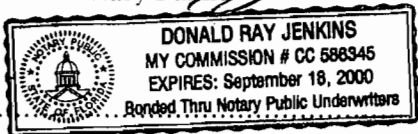
Sworn to and subscribed before me this

day of January A.D. 1997

(Seal)



Notary Public



My Commission Expires

Order#611676

L

R866

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DRAFT Permit Amendment
No. 7770073-004-AO
Frostproof, Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air operation permit amendment to APAC-Florida, Inc., Macasphalt Division, that will allow the operation of a drum mix asphalt plant at a site in Polk County near Frostproof that is approximately 2 miles northwest of the intersection of U.S. Highways 27 and 98. The plant is permitted to emit 8.68 pounds per hour and 11.72 tons per year particulate matter. A Best Available Control Technology (BACT) determination pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD) was not required for this operation permit amendment. The amendment will not result in an increase in any emissions from the facility, and will not cause a violation of any state or federal ambient air quality standards or increments. The expected date of operation at the Frostproof site is March, 1997. The applicant's name and address are: APAC-Florida, Inc., Macasphalt Division, Post Office Box 1819, Winter Haven, Florida 33882-1819.

The Department will issue the FINAL Permit Amendment, in accordance with the conditions of the DRAFT Permit Amendment 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 DRAFT Permit Amendment issuance action for a period of 14 (fourteen) days from the date of publication of this Notice. Any written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit Amendment, the Department shall issue a Revised DRAFT Permit Amendment and require, if applicable, another Public Notice.

The Department will issue FINAL Permit Amendment with the conditions of the DRAFT Permit Amendment unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. or a party requests mediation as an alternative remedy under Section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing. If mediation does not result in a settlement, the procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000; telephone: 904/488-9370, fax: 904/487-4938. 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 (or a request for mediation, as discussed below) 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 28-5.207 of the Florida Administrative Code.

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 Number 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.

A person whose substantial interests are affected by the Department's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any; (b) A statement of the

APAC

preliminary agency action; (c) A statement of the relief sought; and (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following: (a) The names, addresses, and telephone numbers of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs and fees associated with the mediation; (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation; (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen; (f) The name of each party's representative who shall have authority to settle or recommend settlement; and (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

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:

Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 904/488-1344
Fax: 904/922-6979

Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619
Telephone: 813/744-6100
Fax: 813/744-6458

Department of Environmental Protection
Central District
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803-3767
Telephone: 407/894-7555
Fax: 407/897-2966

The complete project file includes the Draft Permit Amendment, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 904/488-1344, for additional information.

R-866 - 1-7, 1997

CC: W. Hanks, BAR



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

December 17, 1996

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Ken Dalton
Environmental Compliance Officer
APAC-Florida, Inc.
Macasphalt Division
Post Office Box 1819
Winter Haven, Florida 33882-1819

Re: DRAFT Permit Amendment No. 7770073-004-AO
Portable Drum Mix Asphalt Plant

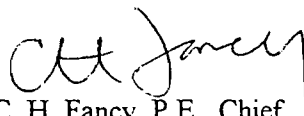
Dear Mr. Dalton:

Enclosed is one copy of the Draft Air Operation Permit Amendment for your portable drum mix asphalt plant. The amendment will allow the unit to relocate to a site near Frostproof, Polk County, Florida. The Department's Intent to Issue Air Operation Permit Amendment and the "PUBLIC NOTICE OF INTENT TO ISSUE AIR OPERATION PERMIT AMENDMENT" are also included.

The "PUBLIC NOTICE OF INTENT TO ISSUE AIR OPERATION PERMIT AMENDMENT" must be published within 30 (thirty) days of receipt of this letter. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

Please submit any written comments you wish to have considered concerning the Department's proposed action to A. A. Linero, P.E., Administrator, New Source Review Section, at the above letterhead address. If you have any other questions, please contact Willard Hanks or Mr. Linero at 904/488-1344.

Sincerely,


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

CHF/wh/t

Enclosures

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

DRAFT

January XX, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Ken Dalton, EHS Director
APAC-Florida, Inc.
Macasphalt Division
Post Office Box 1819
Winter Haven, Florida 32399-2400

Re: DRAFT Permit Amendment No. 7770073-004-AO
Relocate to Frostproof, Polk County

Dear Mr. Dalton:

The Department has reviewed the APAC-Florida, Inc., Macasphalt Division, letter dated October 23, 1996, requesting an amendment to its permit for a relocatable drum mix asphalt plant. The amendment will allow the unit to operate at a site that is near Frostproof in Polk County. This request is acceptable and the permit is hereby amended as follows:

Insert of page 2 of permit after description of present operation at Pasco County:

Location: 2 miles East of U.S. Highway 27 and 2.5 miles North of U.S. Highway 98 in Frostproof, Polk County.

Latitude: N 27° 45' 32"

Longitude: W 81° 36' 16"

Correct facility I.D. to 7770073

All other conditions of the permit to operate this unit remain in effect. A copy of this letter shall be filed with the referenced permit and shall become part of the permit.

Sincerely,

Howard L. Rhodes, Director
Division of Air Resources Management

HLR/wh/t

Enclosures

In the Matter of an
Application for Permit Amendment by:

APAC-Florida, Inc.
Macasphalt Division
Post Office Box 1819
Winter Haven, Florida 33882-1819

DRAFT Permit Amendment No.:7770073-004-AO
Portable Drum Mix Asphalt Plant
Relocatable Unit

INTENT TO ISSUE AIR OPERATION PERMIT AMENDMENT

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

The applicant, APAC-Florida, Inc., Macasphalt Division, applied on October 25, 1996, to the Department for an air operation permit amendment for its portable drum mix asphalt plant to relocate near Frostproof, Polk County, Florida. The requested amendment does not authorize any other change to the existing air permit for this unit.

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 operation permit amendment is required to operations at the described facility at the new location.

The Department intends to issue this air operation permit amendment 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 62-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE AIR OPERATION PERMIT AMENDMENT". The notice shall be published one time only within 30 (thirty) days in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. 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, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 904/488-1344; Fax 904/ 922-6979) within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit amendment pursuant to Rule 62-103.150 (6), F.A.C.

publish the notice and provide proof of publication within the allotted time may result in the denial of the permit amendment pursuant to Rule 62-103.150 (6), F.A.C.

The Department will issue the FINAL Permit Amendment, in accordance with the conditions of the enclosed DRAFT Permit Amendment 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 DRAFT Permit Amendment issuance action for a period of 14 (fourteen) days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE AIR OPERATION PERMIT AMENDMENT." Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit Amendment, the Department shall issue a Revised DRAFT Permit Amendment and require, if applicable, another Public Notice.

The Department will issue the permit amendment with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S., or a party requests mediation as an alternative remedy under Section 120.573 F.S. before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 904/488-9730, fax: 904/487-4938. 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 (or a request for mediation, as discussed below) 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 28-5.207 of the Florida Administrative Code.

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 Number 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 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.

A person whose substantial interests are affected by the Department's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any; (b) A statement of the preliminary agency action; (c) A statement of the relief sought; and (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following: (a) The names, addresses, and telephone numbers of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs and fees associated with the mediation; (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation; (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen; (f) The name of each party's representative who shall have authority to settle or recommend settlement; and (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.


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 OPERATION PERMIT AMENDMENT (including the PUBLIC NOTICE and the DRAFT permit amendment) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 12-20-96 to the person(s) listed:

Mr. Ken Dalton, Macasphalt*
Mr. Jerry Kissel, SW District
Mr. Alan Zahm, Central District

Clerk Stamp

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

Kemi Jobe 12-20-96
(Clerk) (Date)

PUBLIC NOTICE OF INTENT TO ISSUE AIR OPERATION PERMIT AMENDMENT

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT Permit Amendment No.:7770073-004-AO
Frostproof, Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air operation permit amendment to APAC-Florida, Inc., Macasphalt Division, that will allow the operation of a drum mix asphalt plant at a site in Polk County near Frostproof that is approximately 2 miles northwest of the intersection of U.S. Highways 27 and 98. The plant is permitted to emit 8.68 pounds per hour and 11.72 tons per year particulate matter. A Best Available Control Technology (BACT) determination pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD) was not required for this operation permit amendment. The amendment will not result in an increase in any emissions from the facility, and will not cause a violation of any state or federal ambient air quality standards or increments. The expected date of operation at the Frostproof site is March, 1997. The applicant's name and address are: APAC-Florida, Inc., Macasphalt Division, Post Office Box 1819, Winter Haven, Florida 33882-1819.

The Department will issue the FINAL Permit Amendment, in accordance with the conditions of the DRAFT Permit Amendment 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 DRAFT Permit Amendment issuance action for a period of 14 (fourteen) days from the date of publication of this Notice. Any written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit Amendment, the Department shall issue a Revised DRAFT Permit Amendment and require, if applicable, another Public Notice.

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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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 904/488-9370, fax: 904/487-4938. 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 (or a request for mediation, as discussed below) 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 28-5.207 of the Florida Administrative Code.

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DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR REGULATION

- (f) The name of each party's representative who shall have authority to settle or recommend settlement; and
- (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

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:

Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida, 32301
Telephone: 904/488-1344
Fax: 904/922-6979

Department Of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619
Telephone: 813/744-6100
Fax: 813/744-6458

Department of Environmental Protection
Central District
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803-3767
Telephone: 407/894-7555
Fax: 407/897-2966

The complete project file includes the Draft Permit Amendment, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 904/488-1344, for additional information.

Florida Department of
Environmental Protection

Memorandum

TO: Clair Fancy

THROUGH: Al Linero *al linero*

FROM: Willard Hanks *wmh*

DATE: December 11, 1996

SUBJECT: APAC-Florida, Inc.
Macasphalt Division
Amendment of Permit
Permit No. 7770073-004-AO

Attached is an Intent and a DRAFT letter proposing to amend an operation permit for a relocatable drum mix asphalt plant. The Central District issued the construction and operation permit for this unit. The proposed amendment will allow the plant to relocate and operate in the Southwest District at a site near Frostproof, Polk County, Florida. No other change in plant operations is being authorized by this amendment.

I recommend your approval and signature of the Intent to amend this permit.

CHF/wh/t

Attachment

Best Available Copy

P 265 659 111

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sender's Name <i>Ken Dalton</i>	
Street & Number <i>APAC - FIA</i>	
Post Office, State, & ZIP Code <i>Winter Haven, FL</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date <i>12-20-96</i>	
<i>7770073-004-AD</i>	

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items
- Complete items 3
- Print your name and card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
Ken Dalton, ECD
APAC - Fla., Inc
Macasphalt Division
P O BOX 1819
Winter Haven, FL
33882-1819

4a. Article Number
P 265 659 111

4b. Service Type
 Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery
DEC 24 1996

5. Received By: (Print Name)
C. Adams

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)
 C Adams

PS F:

Receipt

Thank you for using Return Receipt Ser:

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF FINAL PERMIT AMENDMENT

In the Matter of an
Application for Permit Amendment

Mr. Ken Dalton
Environmental Compliance Officer
APAC-Florida, Inc.
Macasphalt Division
Post Office Box 1819
Winter Haven, Florida 33882-1819

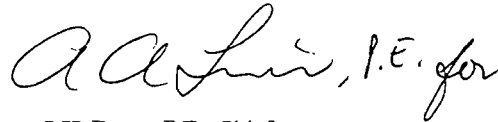
DEP File No. 7770073-004-AO

(Replaces Permit No. 1010073-001-AO)

Enclosed is a letter that amends Permit Number 7770073-003-AO (formerly 1010073-001-AO). This letter amendment authorizes the relocatable drum mix asphalt plant to operate near Frostproof, Polk County, Florida. This permit amendment is issued pursuant to Section 403, Florida Statutes.

Any party to this order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Legal Office; 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 of Appeal must be filed within 14 (fourteen) days from the date this Notice is filed with the Clerk of the Department.

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 NOTICE OF FINAL PERMIT AMENDMENT (including the FINAL permit amendment) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 2-14-97 to the person(s) listed:

Mr. Ken Dalton, Macasphalt *
Mr. Jerry Kissel, SWD
Mr. Alan Zahm, CD

Clerk Stamp

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

Keri Joken 2-14-97
(Clerk) (Date)



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

February 11, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Ken Dalton, EHS Director
APAC-Florida, Inc.
Macasphalt Division
Post Office Box 1819
Winter Haven, Florida 32399-2400

Re: FINAL Permit Amendment No. 7770073-004-AO
Relocate to Frostproof, Polk County

Dear Mr. Dalton:

The Department has reviewed the APAC-Florida, Inc., Macasphalt Division, letter dated October 23, 1996, requesting an amendment to its permit for a relocatable drum mix asphalt plant. The amendment will allow the unit to operate at a site that is near Frostproof in Polk County. This request is acceptable and the permit is hereby amended as follows:

Insert on page 2 of permit after description of present operation at Pasco County:

Location: 2 miles East of U.S. Highway 27 and 2.5 miles North of U.S. Highway 98 in Frostproof, Polk County.

Latitude: N 27° 45' 32"
Longitude: W 81° 36' 16"

Correct facility I.D. to 7770073

All other conditions of the permit to operate this unit remain in effect. A copy of this letter shall be filed with the referenced permit and shall become part of the permit.

Sincerely,

Howard L. Rhodes, Director
Division of Air Resources
Management

HLR/wh/hh

Enclosures

FINAL DETERMINATION

APAC-Florida, Inc.
Macasphalt Division

Amendment of Permit No. 7770073-003-AO
Relocatable Drum Mix Asphalt Plant

An Intent to Issue an air construction permit amendment for APAC-Florida, Inc., Macasphalt Division, of Winter Haven, Florida, to relocate a drum mix asphalt plant from Scottsmor, Brevard County, to Frostproof, Polk County, was distributed on December 20, 1996. The Notice of Intent was published in the Ledger on January 7, 1997.

No comments were submitted in response to the public notice.

The final action of the Department will be to issue the permit amendment No. 7770073-004-AO as proposed in the Intent to Issue.

Florida Department of
Environmental ProtectionMemorandum

TO: Howard L. Rhodes

THRU: Clair Fancy *copy for CHF 2/11*
Al Linero *Al Linero 2/11*

FROM: Willard Hanks *WH*

DATE: February 11, 1997

SUBJECT: APAC-Florida, Inc.
Macasphalt Division

Kim

RECEIVED

FEB 15 1997

BUREAU OF
AIR REGULATION

Attached for approval and signature is a letter that will amend construction permit number 7770073-003-AO for a relocatable drum mix asphalt plant.

The relocatable unit is presently permitted to operate in Scottsmor, Brevard County. The amendment will authorize operation of the unit at a site near Frostproof, Polk County.

No comments were submitted in response to the public notice for the proposed amendment. I recommend your approval and signature.

Attachment

WH/kt

Best Available Copy

P 265 659 169

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to: <i>Ken Dalton</i>	
Street & Number: <i>APAC</i>	
Post Office, State, & ZIP Code: <i>Winter Haven, FL</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date: <i>2-14-97</i>	
<i>7770073-004-AD</i>	

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:
*Ken Dalton, ECO
 APAC - Fla. Inc.
 Macasphalt Division
 P O Box 1819
 Winter Haven, FL
 33882-1819*

5. Signature (Addressee)

6. Signature (Agent)

PS Form

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

4a. Article Number

P 265 659 169

4b. Service Type

- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

7. Date of Delivery

FEB 19 1997

8. Addressee's Address (Only if requested for fee)

Thank you for using Return Receipt Service.

BEST AVAILABLE COPY



APAC, Inc., 900 Ashwood Parkway, Suite 700 Atlanta, Georgia 30338-4780, 770/392-5368, Fax 770/392-5305

LAW DEPARTMENT FACSIMILE TRANSMITTAL
FACSIMILE NUMBER: 770/392-5305

1 Pages (including this cover page)

DATE: February 7, 1997

TO: Doug Beason, Esquire **FROM:** M. Craig Hall, Esquire
 770/392-5368

COMPANY: Department of Environmental
 Protection

FAX NO.: (904) 487-4938

CC: K. Dalton

D. Donofrio

W. Hanks (904) 922-
 6979 (w/petition) (5 pages)

MESSAGE: Re: Macasphalt Air Permit

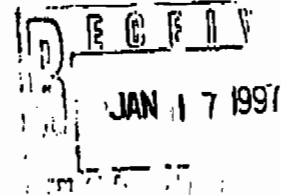
Thank you for providing me with the information pertaining to the above matter. Be advised, however, that the request for an administrative hearing pertains to permit # 7770249-001-AO. The permit which you are refusing to approve, however, is permit # 7770073-004-AO. These permits are for different divisions of APAC-Florida, Inc., and they pertain to work in entirely different counties. As such, I request that you immediately authorize Macasphalt's permit # 7770073-004-AO in accordance with Florida law. Your failure to authorize this permit in a timely fashion will result in extensive costs to Macasphalt. Thank you for your assistance. Please contact me immediately with questions.

To verify receipt of or to report problems with this transmittal, please call Norma Kirkland at 770/392-5320.

This facsimile may contain information that is privileged and confidential and/or exempt from disclosure under applicable law. This transmission is intended solely for the individual or entity designated above. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you should understand that any distribution, copying or use of the information contained in this facsimile by anyone other than the designated recipient is unauthorized and strictly prohibited. If you have received this facsimile in error, please immediately notify the sender by telephone.

BEST AVAILABLE COPY

Lake Awesome Development Corporation
899 Knights Trail Road
Nokomis, FL 34275



January 12, 1997

Office of General Counsel of the Department
3900 Commonwealth Boulevard
Mail Station 35
Tallahassee, FL 32399-3000

To Whom It May Concern,

We ask that you except this letter as our formal request for an administrative hearing on a petition for modification of operating hours by:

Mr. David A. Donofrio, P.E.
President
APAC-Florida, Inc.
1451 Myrtle Street
Sarasota FL, 34234
Sarasota County.

As the petitioner we would like to address the items as required in the Intent to Issue publication pursuant to sections 120.569 and 120.57 of the Florida Statutes.

(a)

- Lake Awesome Development Corp.
899 Knight's Trail Road
Nokomis, FL 34275
- DEP Permit file # 1150249-01-AO
- Owners: Mr. Bill Morse
Mr. Steele Boring
- Phone: 941 485-1800
- Agent: Mr. B. Douglas Fraley II
- Phone: 941-322-2490
- Sarasota County

BEST AVAILABLE COPY

(b)

Applicants petition for modification of hours was discovered in their file at the Sarasota County Department of Natural Resource's Pollution Control Office, while obtaining information for a January 7, 1997 public hearing to be held by the Sarasota County Board of County Commissioner, on the issue of nighttime hours of operation of the APAC asphalt plant located on Gene Green Rd. in Laurel Fl.

(c)

The existing hours of operation for the applicant's asphalt plant were locally extended in August of 1996 with the inclusion of Saturdays as an extra day of operation. At that time we, and other adjoining property owners, at a public hearing, agreed to a compromise letting APAC have Saturdays in lieu of any extended daytime hours or any nighttime hours of operations.

Lake Awesome is a Recreational Vehicle Park and APAC's asphalt plant is located just 200 ft from our property line which is a detriment to the residents of our park. Sarasota County, APAC, and independent sound consultant have recorded sound levels at or exceeding 65dBA during daytime operating hours of APAC's plant. This is the maximum allowed by the Sarasota County Noise Ordinance.

At the recent January 7, 1997 public hearing the Board of County Commissioners granted APAC the right to operate at nighttime, and to be exempt from the County noise ordinance while working on County or State road projects. This action alone by the Board is and will be an increased health threat to the residents of our park. The additional noise levels and dust created by both the plant and truck traffic at night will greatly affect the health and well being of those residents just 200 ft. from the plant and only 50 ft. from the haul route of the asphalt plant.

Any consideration by The Department of Environmental Protection for extension, or in this case elimination of, operating hours for this plant would certainly not be considered an act of protection but instead an expansion of an existing Environmental hazard and threat to the citizens living next to this plant.

(d)

The material facts, some of which were stated above are:

- APAC's days/hours of operations were just recently expanded.
- APAC was just granted a large expansion of their borrow pit, which is an additional to the existing noise and dust pollution problem.
- APAC was recently granted the right to operate, and exceed County Noise Pollution levels at night on County and State road work.

(e)

The above statements reference facts, that would warrant The Department of Environmental Protection not grant the requested deletion of hours of operation. In addition to those facts We would like to point out that:

- APAC, at their own choosing, without any formal action pending or any public requests choose to shut down their Myrtle Street plant and their other operations in the adjoining county and locate their new plant adjacent to Lake Awesome Development RV Park.
- We objected to their relocation but still agreed to let them operate on Saturdays, in lieu of no nighttime hours. They then greatly expanded their borrow pit, which we did not oppose, as well since it was located a thousand feet or so on the other side of the asphalt plant.
- APAC is now requesting a self induced need for a variance from their permit at the expense of the health and well being of the people living within earshot of their plant.
- It is now obvious to us that it has been and is their intent to continue to do whatever is necessary to gradually expand their operations at this site to compensate for the shutting down of their other plants at the expense of their neighbors.
- This is a self induced hardship and does not warrant any special considerations for The Department of Environmental Protection.
- Any additional hours of operation of the asphalt plant would and has already affected the viability and economic impact on the immediate community.
- Additional permitted hours of operation will not only add to the existing maximum level of noise pollution allowed but will also obviously add to the heavy truck traffic on the haul route which runs for ½ mile along side of Lake Awesome RV Park

- (f) Florida Statutes sections 120.569 and 120.57 provides for *Persons whose substantial interest will be affected by such a modified final decision of The Department of Environmental Protection Agency have a right to petition for an Administrative Hearing ... and that 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 ...* As stated above, the applicants request to waive the hours of operation is a demonstration of a self induced economic hardship. Case history will clearly show that both self induced and economic hardships are not substantial grounds for granting this or similar request of this nature especially those that have an impact on the health and well being of those persons affected.
- (g) It is our request that you deny the Permit Amendment requested by APAC-Florida of Specific Condition No. 2 of Permit Number 7770249-001-AC as requested, and that you also deny the Permit Amendment requested by APAC-Florida of Specific Condition No. 5 of Permit Number 7770249-001-AO . Both of which are in The Department of Environmental Protection Agency file Number 1150249-001-AO.

Thank you for your time and consideration to this very important matter.

Sincerely,

B. Douglas Fraley II
Agent for Lake Awesome

cc: Steele Boring
cc: Bill Morse
cc: APAC- Florida

BEST AVAILABLE COPY



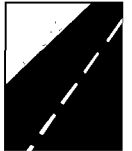
APAC-Florida, Inc.

Macasphalt Division

P.O. Box 1819

Winter Haven, FL 33882-1819

Office 941/967-0646 □ Fax 941/967-6829



Macasphalt
Division

Certified Mail

January 13, 1997

Florida Department of
Environmental Protection
New Source Review Section
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RECEIVED

JAN 16 1997

BUREAU OF
AIR REGULATION

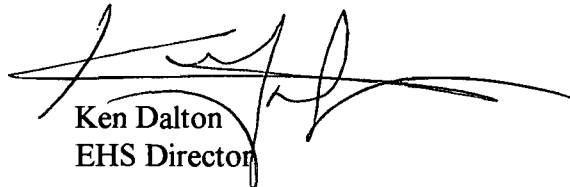
RE: Permit Amendment No. 7770073-004-AO
Portable Drum Mix Asphalt Plant

Dear A. A. Linero, P.E.

Enclosed please find a copy of the proof of publication from the Lakeland Ledger. The Lakeland Ledger circulates throughout the Frostproof area.

Should there be any additional questions, please do not hesitate to contact me at (941) 967-0646.

Sincerely,



Ken Dalton
EHS Director



EQUAL
OPPORTUNITY
EMPLOYER

AFFIDAVIT OF PUBLICATION

THE LEDGER

Lakeland, Polk County, Florida

Case No

STATE OF FLORIDA)
COUNTY OF POLK)

Before the undersigned authority personally appeared Nelson Kirkland, who on oath says that he is Classified Advertising Manager of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

Notice Of Intent

in the matter of

Permit Amendment No. 7770073-004-AO

in the

Court, was published in said newspaper in the issues of

January 7;

1997.

Affiant further says that said The Ledger is a newspaper published at Lakeland, in said Polk County, Florida, and that the said newspaper has heretofore been continuously published in said Polk County, Florida, daily, and has been entered as second class matter at the post office in Lakeland, in said Polk 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 purpose of securing this advertisement for publication in the said newspaper.

Signed

Nelson Kirkland
Nelson Kirkland
Classified Advertising Manager
By Nelson Kirkland who is
personally known to me

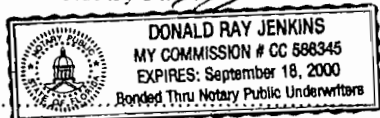
7th

Sworn to and subscribed before me this

day of January..... A.D. 19.....97.....

(Seal)

Donald Ray Jenkins
Notary Public



My Commission Expires

Order#611676

L

R866

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DRAFT Permit Amendment
No. 7770073-004-AO
Frostproof, Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air operation permit amendment to APAC-Florida, Inc., Macasphalt Division, that will allow the operation of a drum mix asphalt plant at a site in Polk County near Frostproof that is approximately 2 miles northwest of the intersection of U.S. Highways 27 and 98. The plant is permitted to emit 8.66 pounds per hour and 11.72 tons per year particulate matter. A Best Available Control Technology (BACT) determination pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21. Prevention of Significant Deterioration (PSD) was not required for this operation permit amendment. The amendment will not result in an increase in any emissions from the facility, and will not cause a violation of any state or federal ambient air quality standards or increments. The expected date of operation at the Frostproof site is March, 1997. The applicant's name and address are: APAC-Florida, Inc., Macasphalt Division, Post Office Box 1819, Winter Haven, Florida 33882-1819.

The Department will issue the FINAL Permit Amendment, in accordance with the conditions of the DRAFT Permit Amendment 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 DRAFT Permit Amendment issuance action for a period of 14 (fourteen) days from the date of publication of this Notice. Any written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit Amendment, the Department shall issue a revised DRAFT Permit Amendment and require, if applicable, another Public Notice.

The Department will issue FINAL Permit Amendment with the conditions of the DRAFT Permit Amendment unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. or a party requests mediation as an alternative remedy under Section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing. If mediation does not result in a settlement, the procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000; telephone: 904/488-9370; fax: 904/487-4938. Petitions must be filed within fourteen (14) 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 (or a request for mediation, as discussed below) 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 28-5.207 of the Florida Administrative Code.

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 Number 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.

A person whose substantial interests are affected by the Department's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any; (b) A statement of the

APAC

preliminary agency action; (c) A statement of the relief sought; and (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following: (a) The names, addresses, and telephone numbers of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs and fees associated with the mediation; (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation; (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen; (f) The name of each party's representative who shall have authority to settle or recommend settlement; and (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

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:

Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida, 32301
Telephone: 904/488-1344
Fax: 904/922-6979

Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619
Telephone: 813/744-6100
Fax: 813/744-6458

Department of Environmental Protection
Central District
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803-3767
Telephone: 407/894-7555
Fax: 407/897-2966

The complete project file includes the Draft Permit Amendment, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida, 32301, or call 904/488-1344, for additional information.

R-866-1-7; 1997

CC: W. Hanks, BAR



APAC-Florida, Inc.

Macasphalt Division

P.O. Box 1819

Winter Haven, FL 33882-1819

Office 941/967-0646 □ Fax 941/967-6829



Macasphalt
Division

Certified Mail

November 21, 1996

Florida Department of
Environmental Protection
Twin Tower's Office Building
2600 Blair Stone Road (5505)
Tallahassee, Florida 32399-2400
Attn: A.A. Linero, P.E.

RECEIVED
NOV 26 1996
BUREAU OF
AIR REGULATION

RE: Application of Notification of Intent to Relocate,
Permit No. 7770073-004-AO, Processing Fee

Dear Sir/Madam:

Enclosed please find a check in the amount of \$250.00 for the processing fee for the above referenced facility. Also enclosed is the latest stack test results for the above referenced facility.

Should there be any need for additional information, please do not hesitate to contact me at (941) 967-0646.

Sincerely,

Ken Dalton
EHS Director



EQUAL
OPPORTUNITY
EMPLOYER

MACASPHALT a Division of APAC — Florida, Inc.

M80
REMITTANCE ADVICE

27172^L

DATE OR INVOICE NUMBER	AMOUNT	DISCOUNT	NET	CODE	DATE OR INVOICE NUMBER	AMOUNT	DISCOUNT	NET	CODE
RELOCATI	25000		25000	1					
								TOTALS	25000

CODES: 1. INVOICE 2. CREDIT MEMO
 3. DEBIT MEMO 4. OTHER

27172

MACASPHALT

a Division of APAC — Florida, Inc.

P. O. BOX 1819

WINTER HAVEN, FLORIDA 33882-1819

73-113
93083

*****250*DOLLARS*AND*NO*CENTS*****

DATE
 11-20-96

NET AMOUNT
 \$250.00***

446971

DEPARTMENT OF ENVIRONMENTAL
PROTECTION

PAY TO
THE
ORDER OF

MACASPHALT
GENERAL ACCOUNT

[Handwritten Signature]
 AUTHORIZED SIGNATURE
[Handwritten Signature]
 AUTHORIZED SIGNATURE

BANK OF ASHLAND
ASHLAND, KY.

"Void after six (6) Months From Date Of Check"





Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

November 14, 1996

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Ken Dalton, EHS Director
Macasphalt Division
Post Office Box 1819
Winter Haven, Florida 33882-1819

Dear Mr. Dalton:

RE: Application of Notification of Intent to Relocate
APAC's Portable Asphalt Plant, Permit No. 7770073-004-AO

You recently notified the Department of plans to relocate a portable asphalt plant from Brevard County to Polk County. An air permit amendment will be required to operate this plant at the new site. To amend this permit, the Department will need a \$250 processing fee and a copy of the latest stack test results for this plant.

The Bureau of Air Regulation will process your request on receipt of this material. You will need to publish a Notice of Intent prepared by the Department prior to the amendment to relocate this plant.

If you have any questions on this matter, please contact Willard Hanks at 904/488-1344.

Sincerely,

A. A. Linero, P.E.
Administrator
New Source Review Section

AAL/wh

cc: Alan Zahm, CD
Jerry Kissel, SWD

P 339 251 180

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to <i>Ken Dalton</i>	
Street & Number <i>Mac Asphalt Div.</i>	
Post Office, State, & ZIP Code <i>Winter Haven, FL</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	<i>11-14-96</i>
<i>7770073-004-A0</i>	

PS Form 3800, April 1995

RETURN ADDRESS completed on the reverse:

- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

fee):

- Addressee's Address
 - Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:
Ken Dalton, 986
Mac Asphalt Division
P O Box 1819
Winter Haven, FL
33882-1819

4a. Article Number
P 339-251 180

4b. Service Type
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery
NOV 14 1996

5. Signature (Addressee)
Charlie Adams

8. Addressee's Address (Only if requested and fee is paid)

RECEIVED
 AIR REGULAR MAIL
 BOARD OF
 1986

Thank you for using Return Receipt Service.



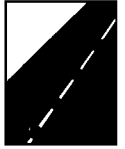
APAC-FLORIDA, INC.

MACASPHALT DIVISION

P.O. Box 1819

Winter Haven, FL 33882-1819

Office 941/967-0646 □ Fax 941/967-6829



MACASPHALT
DIVISION

RECEIVED
OCT 25 1996
Department of Environmental Protection
SOUTHWEST DISTRICT

Certified mail

October 23, 1996

Florida Department of
Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

RE: Application of Notification of Intent to Relocate,
APAC's Portable Asphalt Plant, Permit No. 7770073-003-AO

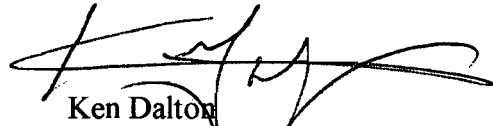
Dear Sir/Madam:

Enclosed please find an application of Notification of Intent to Relocate for the above referenced facility. This facility is currently located in Brevard County and is permitted through the Central District DEP. It is our intent to relocate to the proposed new location on or about March 3, 1997. Also enclosed as required for this application is a current copy of our latest compliance emissions test for this facility.

Should there be any additional information needed, please do not hesitate to contact me at (941) 967-0646.

Sincerely,

**not enclosed
- J. Russell 10/28/96*


Ken Dalton
EHS Director



EQUAL
OPPORTUNITY
EMPLOYER

**Department of
Environmental Protection**

DIVISION OF AIR RESOURCES MANAGEMENT

**NOTIFICATION OF INTENT TO RELOCATE
AIR POLLUTANT EMITTING FACILITY**



See Instructions for Form No. 62-210.900(3)
Submit to DEP district office for the area in which the facility is to be relocated.

Current Facility Information

1. Facility ID: Unknown	2. Permit Number: 7770073-003-A0
3. Facility Owner or Operator: APAC-Florida, Inc., Macasphalt Division	
4. Facility Name: 0455 Portable Plant	
5. Facility Street Address or Location Description: .25 Miles West of I-95 On Highway 5A	
6. City: Scottsmor	7. County: Brevard
8. Shutdown Date at This Location: 2/28/96	

Proposed New Facility Location

1. Facility Street Address or Location Description: 2 Miles East of US 27 and 2½ Miles North of US 98 in Frostproof		
2. City: Frostproof	3. County: Polk	4. Zip Code:
5. Facility Coordinates: UTM Zone 17	UTM East or Latitude N 27° 45' 32"	UTM North or Longitude W 81° 36' 16"
6. Startup Date at New Location: 3/3/97		
7. Facility Comment:		

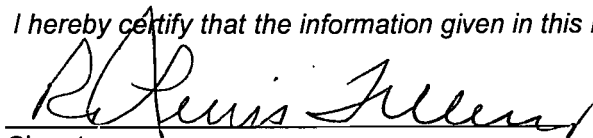
Owner/Authorized Representative or Responsible Official

Name and Title of Owner/Authorized Representative or Responsible Official: R. Lewis Tillery, Division President		
Organization/Firm: APAC-Florida, Inc., Macasphalt Division		
Street Address or P.O. Box: P. O. Box 1819		
City: Winter Haven,	State: Florida	Zip: 33882-1819
Telephone: (941) 967-0646	Fax: (941) 967-6829	

Facility Contact

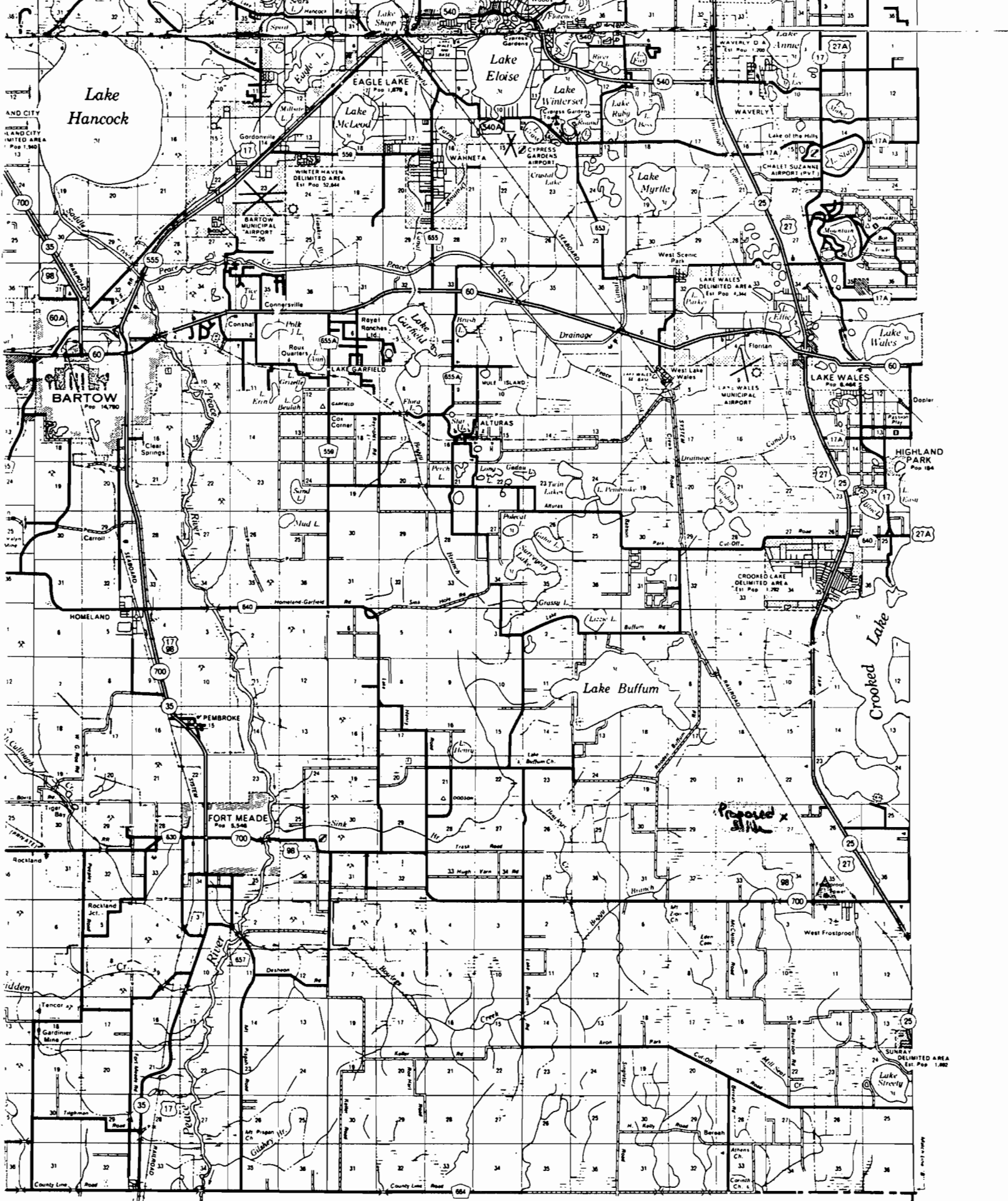
Name and Title of Facility Contact: Ken Dalton, EHS Director		
Organization/Firm: APAC-Florida, Inc., Macasphalt Division		
Street Address or P.O. Box: P. O. Box 1819		
City: Winter Haven,	State: Florida	Zip: 33882-1819
Telephone: (941) 967-0646	Fax: (941) 967-6829	

Certification

Statement by Owner/Authorized Representative or Responsible Official: <i>I hereby certify that the information given in this report is correct to the best of my knowledge.</i>	
 Signature	<u>10/22/96</u> Date

Supplemental Requirements

1. Provide a scale map (e.g., the relevant portion of a USGS topographic map) showing the proposed new location of the facility and points of air pollutant emissions in relation to residences, roads, and other features of the surrounding area.
2. If relocating to a different DEP district, provide a copy of the most recent compliance test report.



AND CITY
LIMITED AREA
Pop. 1,900

BARTOW
Pop. 14,790

FORT MEADE
Pop. 8,548

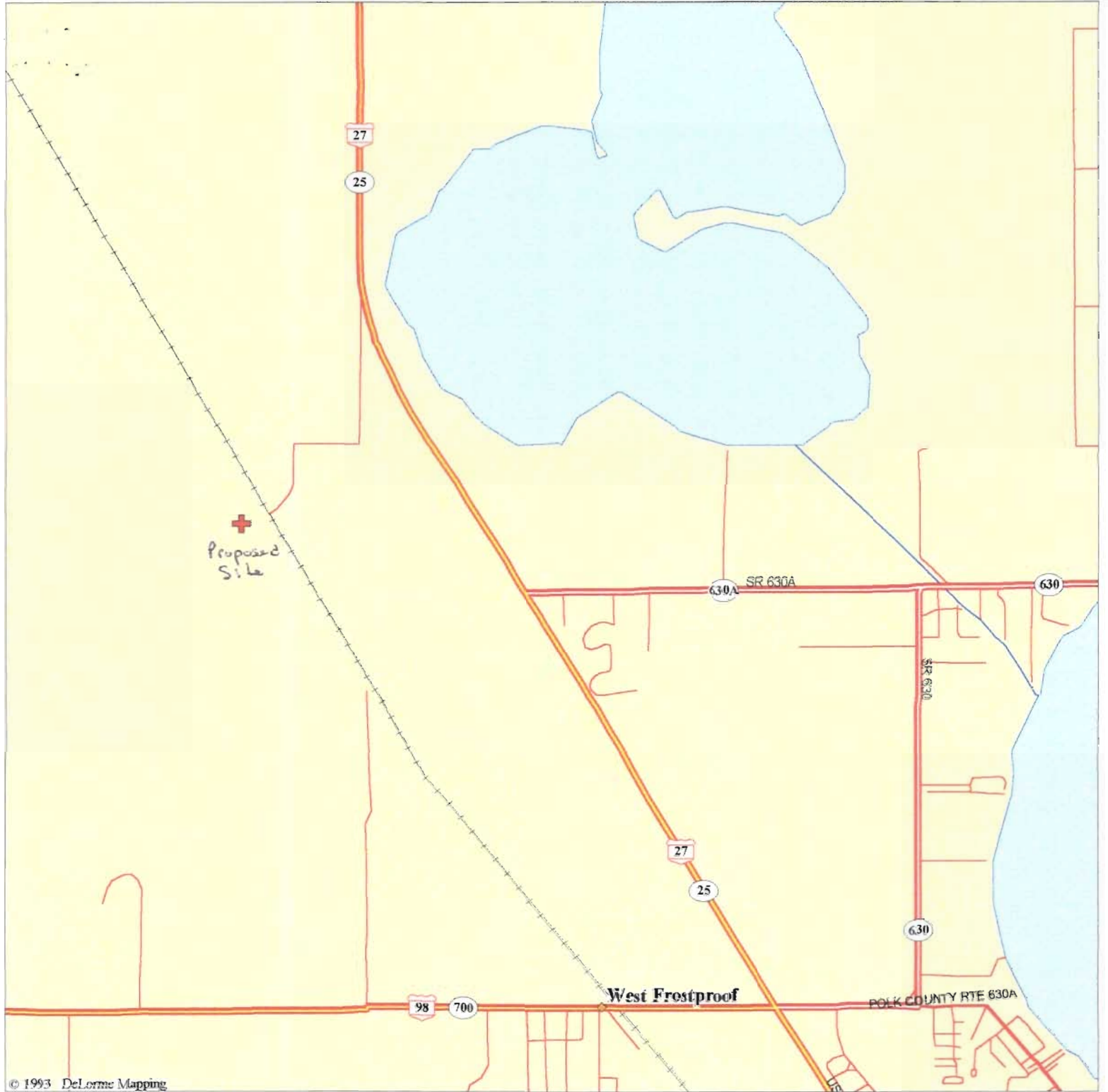
LAKE WALES
Pop. 8,496

HIGHLAND PARK
Pop. 184

SUNNY
LIMITED AREA
Est. Pop. 1,982

TO WAUCHULA




Proposed
State




© 1993 DeLorme Mapping

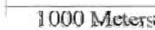
LEGEND

-  State Route
-  Town, Small City
-  US Highway
-  Street, Road
-  Hwy Ramp
-  Major Street/Road
-  State Route
-  US Highway

-  Railroad
-  River
-  Open Water

Scale 1:31,250 (at center)

 2000 Feet

 1000 Meters

Mag 14.00

Tue Oct 22 09:57:05 1996