



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

NOTICE OF PERMIT EXTENSION AND MINOR MODIFICATION

Mr. Bob Coble, General Manager
Angelo's Recycled Materials, Inc.
Post Office Box 1493
Largo, Florida 33779-1493

RE: Angelo's Recycled Materilas, Inc., Plant No.3, Permit No. 7770179-002-AC (Expiration Date Extension and Minor Modification for Construction Permit No. 7770179-001-AC)

Dear Mr. Coble:

The Department received your letter dated August 30, 1999 requesting an extension of time for the above referenced air permit as well as a change in the initial location of the facility. As requested, the Department hereby amends this permit, by revising the expiration date from **September 15, 1999, to March 31, 2000.** Enclosed, please find the revised permit, which includes the changes outlined below.

The initial location of operation has been changed as follows:

From:
Central Control Road
Air Force Demolition and Debris Landfill Site
Cape Canaveral

To:
1440 South Perimeter Road
West Palm Beach, FL 33406

In addition, Appendix PC has been added to the permit and conditions 5 and 20 of the referenced permit are changed:

From:

5. Extension of Expiration Date: This air construction permit shall expire on September 15, 1999. The permittee may, for good cause, request that this construction permit be extended. Such a request shall be submitted to the Department's Bureau of Air Regulation prior to 60 days before the expiration of the permit.

[Rules 62-210.300(1), 62-4.070(4) and 62-4.210, F.A.C.]

20. Test Notification: The owner or operator shall notify the Department's district office and, if applicable, appropriate local program, at least 30 days prior to the date on which each formal compliance test is to begin. Notification shall include the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator.

[Rule 62-297.310(7)(a)9., F.A.C., 40 CFR 60.8]

[Note: The federal requirements of 40 CFR 60.8 require 30 days notice of the initial test and any tests required under section 114 of the Clean Air Act.]

To:

5. Extension of Expiration Date: This air construction permit shall expire on March 31, 2000. The permittee may, for good cause, request that this construction permit be extended. Such a request shall be submitted to the Department's Bureau of Air Regulation prior to 60 days before the expiration of the permit.

[Rules 62-210.300(1), 62-4.070(4) and 62-4.210, F.A.C.]

20. Test Notification: The owner or operator shall notify the Department's district office and, if applicable, appropriate local program, at least 15 days prior to the date on which each formal compliance test is to begin. Notification shall include the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator.

[Rule 62-297.310(7)(a)9., F.A.C., 40 CFR 60.8]

[Note: The federal requirements of 40 CFR 60.8 require 30 days notice of the initial test and any tests required under section 114 of the Clean Air Act, but the Department rules require 15 days notice for the annual compliance tests. Unless otherwise advised by the Department, provide 15 days notice prior to conducting annual tests, except for the initial test when 30 days notice is required.]

The applicant has also removed equipment from the facility since the original construction permit was issued. Therefore the facility description has been changed:

From:

This facility consists of a 200 ton per hour (TPH) Cedarapids, Inc. Model 3054 Crusher, a 200 TPH Bohringer Inc., Model RC14 secondary impact crusher and associated equipment (feeder, screens, and conveyors) and a 545 kilowatt (KW) Caterpillar Model 3412 diesel powered generator. Fugitive particulate matter emissions throughout the crushing unit are controlled by a water suppression system with spray bars located at the various emissions points throughout the plant. Emissions from the diesel engine powered generator are uncontrolled.

To:

This facility consists of a 200 ton per hour (TPH) Bohringer, Inc., Model RC14 crusher and associated equipment (feeder, screens, and conveyors) and a 545 kilowatt (KW) Caterpillar Model 3412 diesel powered generator. Fugitive particulate matter emissions throughout the crushing unit are controlled by a water suppression system with spray bars located at the various emissions points throughout the plant. Emissions from the diesel engine powered generator are uncontrolled.

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 (received) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the permitting authority for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the 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 how and when each petitioner received notice of the agency action or proposed action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and,
- (f) A demand for relief.

A petition that does not dispute the material facts upon which the 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 notice of intent. 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 will not be available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply to the Department of Environmental Protection 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 of Environmental Protection, 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.

Any party to this order 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 permitting authority 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 30 (thirty) days from the date this Notice is filed with the Clerk of the permitting authority.

This application is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Florida Department of Environmental Protection, 111 South Magnolia, Tallahassee, Florida 32301.

Executed in Tallahassee, Florida.

C. H. Fancy
for 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 PERMIT EXTENSION AND MINOR MODIFICATION was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 11/19/99 to the persons listed:

Mr. Bob Coble, General Manager, Angelo's Recycled Materials, Inc.*
Mr. Bernard A. Ball, Jr., Central Florida Testing Laboratories
Len Kozlov, DEP Central District
Isidore Goldman, DEP Southeast District
James Stormer, Palm Beach County Health Department
Marie Driscoll, Orange County Environmental Protection Department

Clerk Stamp

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

Barbara J. Boutwell 11/19/99
(Clerk) (Date)