

INTEROFFICE MEMORANDUM

TO: Michael Cooke

THRU: Trina Vielhauer

FROM: Bruce Mitchell *RB*

THRU: Jim Pennington *JKP*

DATE: March 31, 2005

SUBJECT: Transfer of Air Permit Request
Kearney Development Co., Inc. to Florida Soil Cement, LLC
Various Counties – Statewide (see Appendix PC – Permitted Counties)
Administrative Correction to Air Operation Permit No.: 7770380-002-AO
Project No.: 7770380-003-AO

Attached is an Administrative Correction to Air Operation Permit, No. 7770380-002-AO, Project No. 7770380-003-AO, for the transfer of air operation permit from Kearney Development Co., Inc. to Florida Soil Cement, LLC, that can relocate in the various counties in which Public Notice has been advertised (see Appendix PC – Permitted Counties). This corrective action does not alter the effective dates of the existing permit.

On March 18, 2005, the applicant submitted a request for a Transfer of Air Permit on DEP Form 62-210.900(7), minus the processing fee; and, on March 30, 2005, the appropriate processing fee was received. In a review of the website for the Florida Department of State, Division of Corporations, Florida Limited Liability, a listing was found for “Florida Soil Cement, LLC”, effective April 1, 2004.

April 1, 2005, is Day 2 on the permitting clock.

cc: Jim Pennington

Attachments

MGC/tlv/bm

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF ADMINISTRATIVE CORRECTION TO AIR OPERATION PERMIT

In the Matter of a Request for Administrative
Correction for Transfer of Air Permit:

Alan G. Payne	Project No.: 7770380-003-AO
President	Administrative Correction to Air Operation Permit No.: 7770380-002-AO
Florida Soil Cement, LLC 9625 Wes Kearney Way Riverview, Florida 33569	Various Counties - Statewide

Enclosed is an ADMINISTRATIVE CORRECTION to Air Operation Permit, No. 7770380-002-AO, Project No. 7770380-003-AO, for the transfer of an air operation permit from Kearney Development Co., Inc. to Florida Soil Cement, LLC, for the affected facility that can relocate in the various counties in which Public Notice has been advertised (see Appendix PC – Permitted Counties). This correction is issued pursuant to Rule 62-210.360, Florida Administrative Code (F.A.C.), and Chapter 403, Florida Statutes (F.S.). This change is made at the applicant's request received March 30, 2005 (date the processing fee was received). This corrective action does not alter the effective dates of the existing permit.

The Department of Environmental Protection (Department) will consider the above-noted action final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. Mediation under Section 120.573, F.S., will not be available for this proposed action.

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) by the Agency Clerk in the Department's Office of General Counsel, MS #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9314, Fax: 850/487-4938). Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 (fourteen) days of receipt of this notice. Petitions filed by any other person must be filed within 14 (fourteen) days of receipt of this proposed action. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition must contain the following information:

- (a) The name 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;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and,
- (g) A statement of the relief sought by the petitioner, stating precisely the action 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 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.

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

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;

ADMINISTRATIVE CORRECTION

Project No.: 7770380-003-AO

Administrative Correction to Air Operation Permit No.: 7770380-002-AO

Various Counties - Statewide

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- (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 United States Environmental Protection Agency 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.

Any party to this order (permit) has the right to seek judicial review of it under Section 120.68, F.S., by the filing of 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, 3900 Commonwealth Boulevard, Mail Station #35, 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 of Appeal must be filed within thirty days from the date this notice is filed with the Clerk of the permitting authority.

Executed in Tallahassee, Florida.


 Michael G. Cooke, Director
 Division of Air Resource Management

Attachment

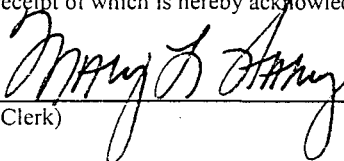
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF ADMINISTRATIVE CORRECTION TO AIR OPERATION PERMIT (including Appendix PC – Permitted Counties) was sent by certified mail (*) and copies were mailed by U.S. Mail or electronically sent before the close of business on 4/18/05 to the person(s) listed or as otherwise noted:

- | | |
|---|--|
| Alan G. Payne *, President, Florida Soil Cement, LLC, 9625 Wes Kearney Way, Riverview, FL 33569 | Len Kozlov, DEP-CD |
| Daniela Banu, Broward Co – DNRP | Sandra Veazey, DEP-NWD |
| Chris Kirts, DEP-NED | Ron Blackburn, DEP-SD |
| Gerald Neubauer, DEP-NWDB | Patrick Wong, Dade Co - DERM |
| Jason Waters, DEP-SWD | Sterlin Woodard, Hillsborough Co - EPC |
| Ebenezer Gujarrlapudi, Duval Co – ERMD/EQD | James Stormer, Palm Beach Co - DESE |
| Marie Driscoll, Orange Co – EPD | Kent Kimes, Sarasota Co - NRD |
| Peter Hessling, Pinellas Co – DEM | |

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.


 (Clerk) 4/18/05
 (Date)

ADMINISTRATIVE CORRECTION

Project No.: 7770380-003-AO

Administrative Correction to Air Operation Permit No.: 7770380-002-AO

Various Counties - Statewide

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1. Transfer of Air Operation Permit:

FROM: Kearney Development Co., Inc.
Various Counties – Statewide (see Appendix PC – Permitted Counties)

TO: Florida Soil Cement, LLC
Various Counties – Statewide (see Appendix PC – Permitted Counties)

SECTION V. APPENDIX PC – PERMITTED COUNTIES

The permittee is authorized to operate in the following counties where public notice has been published:

Permitted Counties:	Public Notice Published on:	Permitted Counties:	Public Notice Published on:	Permitted Counties:	Public Notice Published on:
Alachua	February 15, 1995	Hamilton	March 9, 1995	Okeechobee	February 24, 1995
Baker	February 22, 1995	Hardee	February 12, 1995	Orange	February 11, 1995
Bay	February 15, 1995	Hendry	February 23, 1995	Osceola	February 11, 1995
Bradford	February 15, 1995	Hernando	February 12, 1995	Palm Beach	February 23, 1995
Brevard	February 11, 1995	Highlands	February 12, 1995	Pasco	February 12, 1995
Broward	February 23, 1995	Hillsborough	February 12, 1995	Pinellas	February 12, 1995
Calhoun	February 15, 1995	Holmes	February 15, 1995	Polk	February 12, 1995
Charlotte	February 23, 1995	Indian River	February 23, 1995	Putnam	February 15, 1995
Citrus	February 12, 1995	Jackson	February 15, 1995	St. Johns	February 22, 1995
Clay	February 15, 1995	Jefferson	February 15, 1995	St. Lucie	February 23, 1995
Collier	February 23, 1995	Lafayette	March 2, 1995	Santa Rosa	February 14, 1995
Columbia	February 15, 1995	Lake	February 11, 1995	Sarasota	February 12, 1995
Dade	February 23, 1995	Lee	February 23, 1995	Seminole	February 11, 1995
DeSoto	February 12, 1995	Leon	February 19, 1995	Sumter	February 12, 1995
Dixie	February 24, 1995	Levy	February 15, 1995	Suwannee	February 15, 1995
Duval	February 22, 1995	Liberty	February 15, 1995	Taylor	February 15, 1995
Escambia	February 14, 1995	Madison	February 15, 1995	Union	February 15, 1995
Flagler	February 25, 1995	Manatee	February 12, 1995	Volusia	February 11, 1995
Franklin	February 15, 1995	Marion	February 23, 1995	Wakulla	February 19, 1995
Gasden	February 15, 1995	Martin	February 24, 1995	Walton	February 14, 1995
Gilchrist	February 15, 1995	Monroe	February 23, 1995	Washington	February 14, 1995
Glades	February 23, 1995	Nassau	February 22, 1995		
Gulf	February 15, 1995	Okaloosa	February 14, 1995		

This table reflects all affidavits of publication furnished to the Department.

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

7000 2670 0000 7028 2119

OFFICIAL USE

Mr. Alan G. Payne, President

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

Postmark
Here

Sent To
Mr. Alan G. Payne, President
Street, Apt. No., or PO Box No.
9625 Wes Kearney Way
City, State, ZIP+4
Riverview, Florida 33569