

**FLORIDA PUBLISHING COMPANY**  
*Publisher*  
 JACKSONVILLE, DUVAL COUNTY, FLORIDA

STATE OF FLORIDA }  
 COUNTY OF DUVAL }

Before the undersigned authority personally appeared \_\_\_\_\_

Kimberly Crisp who on oath says that he is

Legal Advertising Representative of The Florida Times-Union,

a daily newspaper published at Jacksonville in Duval County, Florida; that the  
 attached copy of advertisement, being a Legal Notice

in the matter of Notice of Intent

John Carlo, Inc.

Draft Permit No. 770402-002-AO

in the \_\_\_\_\_ Court,

was published in THE FLORIDA TIMES-UNION in the issues of \_\_\_\_\_

June 13, 1997

Affiant further says that the said The Florida Times-Union is a newspaper published at Jacksonville, in said Duval County, Florida, and that the said newspaper has heretofore been continuously published in said Duval County, Florida, The Florida Times-Union each day, has been entered as second class mail matter at the postoffice in Jacksonville, in said Duval 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 said newspaper.

Sworn to and subscribed before me  
 this 13th day of

June A.D. 1997

Notary Public,

State of Florida

COMMISSION # CC 54003

EXPIRES JUN 01, 2000

My Commission Expires

DA 444

ATLANTIC BLDG

**PUBLIC NOTICE OF INTENT TO ISSUE AIR OPERATION PERMIT**  
**STATE OF FLORIDA**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**DRAFT Permit No. 7770402-002-AO**  
**John Carlo, Inc.**  
**Relocatable Concrete Batch Plant**  
**Statewide Operation**

The Department of Environmental Protection (Department) gives notice of its intent to issue (reissue) an Air Operation Permit to John Carlo, Inc., P.O. Box 18401, Jacksonville, Florida 32229, for operation of a relocatable concrete batch plant. An air construction permit and an air operation permit were previously issued. This notice will allow relocation of the plant to and operation in any county where it is published. A Best Available Control Technology (BACT) determination was not required for any air pollutant pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The unit will be operated near construction sites requiring ready-mix concrete.

The concrete batch plant requires an open area for the storage of sand and aggregate. It includes a silo and vessels for the storage of cement, along with a bin, mixer, hoppers and conveyors. Payloaders transfer the sand and aggregate from the storage yard to the process equipment. Trucks haul the wet ready-mix concrete from the plant to the construction site. A baghouse is used to control the particulate matter emissions from the plant. Water is applied to the yard to control the fugitive emissions. Maximum particulate matter emissions at 200 cubic yard per hour production is estimated to be 6.5 pounds per hour and 28.5 tons per year. The payloaders and trucks emit the products of combustion from their fuel. The plant is not a source of any other air pollutant.

Because of the low emission rate and the limited time of operation at any one site (2 years), the emissions from this facility will not cause any violations of the ambient air quality standards. An air quality impact analysis was not conducted. Emissions from the facility will not significantly contribute to or cause a violation of any state or federal ambient air quality standards.

The Department will issue the FINAL Air Operation Permit, in accordance with the conditions of the DRAFT Permit 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 and requests for public meetings concerning the proposed DRAFT Permit issuance action for a period of fourteen (14) days from the date of publication of this Notice. Written comments and requests for public meetings 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, the Department shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.

The Department will issue FINAL Permit with the conditions of the DRAFT Permit unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 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 petitioner 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 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:

Dade County Department of Environmental Resources Management 33 Southwest Second Avenue, Suite 900 Miami, Florida 33130-1540 Telephone: 305/372-6925	Broward County Department of Natural Resource Protection 218 Southwest 1st Avenue Fort Lauderdale, Florida 33301 Telephone: 954/519-1220	Hillsborough County Environmental Protection Commission 1410 North 21 Street Tampa, Florida 33605 Telephone: 813/272-5530
Division of Environmental Science and Engineering Palm Beach County Health Unit 901 Evernia Street West Palm Beach, Florida 33401 Telephone: 561/355-3070	Air Quality Division Pinellas County Department of Environmental Management 300 South Garden Avenue Clearwater, Florida 34616 Telephone: 813/464-4422	Air and Water Quality Division Regulatory and Environmental Services Department 421 West Church Street, Suite 412 Jacksonville, Florida 32202-4111 Telephone: 904/630-3484
Department of Environmental Protection Northwest District 160 Government Center, Suite 308 Pensacola, Florida 32501-5794 Telephone: 904/444-8300	Department of Environmental Protection Southwest District 3804 Coconut Palm Drive Tampa, Florida Telephone: 813/744-6100	Department of Environmental Protection South Florida District 2295 Victoria Avenue, Suite 364 Fort Myers, Florida 33901 Telephone: 813/332-6975
Department of Environmental Protection Northeast District 7825 Baymeadows Way, Suite 2008 Jacksonville, Florida 32256 Telephone: 904/448-4300	Department of Environmental Protection Central District 3319 Maguire Boulevard, Suite 232 Orlando, Florida 32803-3767 Telephone: 407/984-7555	Department of Environmental Protection Southeast District 400 North Congress Avenue West Palm Beach, Florida 33416-5425 Telephone: 561/681-6600

The complete project file includes the application, technical evaluations, draft permit, 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.