



Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

Elmer I.
January 30, 2001

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. William C. Thomas, III
Vice President of Industrial Development & Operations
Conrad Yelvington Distributors, Inc.
Post Office Box 1686
Daytona Beach, Florida 32115

Re: Amended Application for an Air Construction Permit
Powerscreen Sand and Gravel Classifier: Draft Permit No.: 7770473-001-AC

Dear Mr. Thomas:

We received the original application for an air construction permit for a Powerscreen Chieftain 510 on April 19, 2000. The initial application indicated that the screener was to be employed as a relocatable facility at any on the applicant's aggregate storage and processing yards for screening and classifying sand and rock aggregates, at various storage yards owned or operated by Conrad Yelvington Distributors, Inc. (CYDI), throughout the state. This application was processed to a draft Air Construction Permit that was issued on August 11, 2000. In the final days of processing the application we discovered, during a telephone call, that the CYDI intended to use this screener for processing spent abrasive blasting media (ABM). This intended use was not indicated in the application. The spent ABM has the potential of containing toxic heavy metals and toxic chemical residues from paints. Rather than delay or deny the draft permit at that time, we included a paragraph prohibiting the processing of ABM or other hazardous material.

CYDI has never published the public notice that was included in the "Intent to Issue" package for 7770473-001-AC. Rather, CYDI sought to amend the application, and urge the Department to modify the draft Air Construction Permit. Assurances were to be provided that the spent abrasive material was not hazardous, that the proposed processing of ABM would not violate state or federal air pollution standards, that the ABM would not constitute a health hazard, to provide testing criteria for acceptable material, and a management plan for dust and unacceptable spent ABM material.

We agreed to allow you 60 days to amend the application (without additional fees).

Your letter transmitting Stephanie Brooks' undated letter and laboratory reports followed on October 2, 2000. We accepted these documents as an "amendment" to the application. Ms. Brooks made some emission calculations based on TCLP test results and AP 42 emission factors. These calculations were unacceptable because TCLP is not an appropriate laboratory test for determining potential air emissions. I deemed this amendment to the application insufficient and wrote a "Completeness Review and Request for Additional Information", which was mailed on October 16, 2000. I also provided technical reference material that I obtained from the Department's Division of Waste and from an EPA internet search site.

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The certified mail return receipt card shows that you received the notice of completeness review and request for additional information on October 23, 2000.

More than 90 days have past since you received our completeness letter. The application has been in house 280 days, including our agreed extensions.

The Powerscreen Chieftain 510 is not permitted to operate at this time. The documents issued on August 11, 2000, do not authorize assembly, testing or operation of the facility. They only reflect the Department's intent to issue an Air Construction Permit, following (and conditioned upon) the publication of a public notice and resolution of any issues arising therefrom. The procedure for obtaining an Air Operation Permit requires the existence of a valid Air Construction Permit, a separate application and fee for the Air Operating Permit, as well as completion of compliance testing.

Rule 62-4.055(1) Florida Administrative Code provides:

- (1) Within thirty days after receipt of an application for a permit and the correct processing fee the Department shall review the application and shall request submittal of additional information the Department is authorized by law to request. The applicant shall have ninety days after the Department mails a timely request for additional information to submit that information to the Department. If an applicant requires more than ninety days in which to respond to a request for additional information, the applicant may notify the Department in writing of the circumstances, at which time the application shall be held in active status for one additional period of up to ninety days. Additional extensions shall be granted for good cause shown by the applicant. A showing that the applicant is making a diligent effort to obtain the requested additional information shall constitute good cause. Failure of an applicant to provide the timely requested information by the applicable deadline shall result in denial of the application.

Since we have had no response to our letter of October 16, 2000, requesting additional information, nor have we had any request for an extension to the 90 day response time, the Department will allow you thirty days from the receipt of this letter to provide all the information requested in the October 16 letter, or to indicate good cause why this time should be extended. Otherwise, the requested permit will be denied.

If you have any questions, please call me at (850) 921-9522.

Sincerely,



William Geffler, P.E.
Permitting Engineer

Cc:

Stephanie S. Brooks, P.E., Brooks and Associates, Inc.

Clair Fancy, BAR

Bruce Mitchell, BAR

Jerry Campbell, Hillsborough County Environmental Protection Commission

Richard B. Tedder, Division of Waste Management