



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF PERMIT

In the matter of an
Application for Permit by:

DEP File No. 7774801-002-AO
Statewide Operation

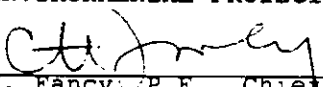
Mr. Alan G. Payne
Manager - Pugmill Operation
Kearney Development Company, Inc.
8621 Martin Luther King Blvd. E.
Tampa, Florida 33610

Enclosed is Permit Number 7774801-002-AO for the operation of a portable soil cement plant. This permit authorizes operation in any county within Florida where the public notice requirements for this unit have been met. This permit 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, Florida Statutes, by filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; 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 days from the date this Notice is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

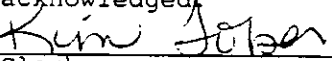
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


C. H. Fancy, P.E., Chief
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
904-488-1344

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this NOTICE OF PERMIT and all copies were mailed by certified mail before the close of business on 1-18-96 to the listed persons.

Clerk Stamp
FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to
§120.52(11), Florida Statutes,
with the designated Department
Clerk, receipt of which is hereby
acknowledged.


Clerk
1-18-96
Date

Copies furnished to:

District Air Program Administrators
County Air Program Administrators
Joseph Kowalski, K² Engineering, Inc.

Z 127 633 152



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

2/23/99

This permit is
referenced as
7774801-003-AD in
AKMS

Sent to	
Alan Payne	
Street and No.	
Hearney Dev.	
P.O., State, and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	1-18-96
7774801-002-AD	

PS Form 3800, March 1993

Is your RETURN ADDRESS completed on the reverse side?	SENDER:	I also wish to receive the following services (for an extra fee):
	<ul style="list-style-type: none"> • 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. 	1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.
	3. Article Addressed to	4a. Article Number
	Alan D. Payne - Mgr. Hearney Develop. Co. 8621 N.W. 4th Blvd - E. Tampa, FL 33610	Z 127 633 152
5. Signature (Addressee)	4b. Service Type	7. Date of Delivery
	<input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise	1/22/96
6. Signature (Agent)	8. Addressee's Address (Only if requested and fee is paid)	
PS Form 3811, December 1991 *U.S. GPO: 1993-352-714		DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

Operating Permit Review and Evaluation

Kearney Development Company, Inc.
8621 M. L. King Blvd. E.
Tampa, FL 33610

Portable Soil Cement Plant
Statewide Operation

Permit No.: 7774801-002-AO

Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation

January 11, 1996

Operating Permit Review and Evaluation
Kearney Development Company, Inc.

On December 18, 1995, Kearney Development Company, Inc. applied for a permit to operate an existing portable soil cement plant throughout the state. The permittee has completed the the public notice requirements for this unit in 37 counties in Florida. The permit to operate limits operation to these counties.

The permittee requested that Specific Condition No. 5 of the construction permit be amended. By complying with Specific Condition No. 2 of the permits (visible emission standard in Rule 62-296.414, F.A.C.), this unit is in compliance with the Reasonably Available Control Technology (RACT) for particulate matter (Rule 62-296.700(3), F.A.C.). Therefore, the requirements to be exempt from RACT that were in the construction permit have been removed from this permit to operate. Also, the process weight and operation time limits from the application have been added to Specific Condition No. 1 of this permit.

The construction permit, 0950255-002-AC issued on November 27, 1995, limits visible emissions from the cement silo and diesel engine to 5 percent and 20 percent opacity, respectively. The December 13, 1995 test results, measured using EPA Method 9, were 0 percent opacity for the cement silo baghouse and 3.75 percent opacity for the diesel engine. These results document that the plant is capable of operating in compliance with construction permit No. 0950255-002-AC.



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

PERMITTEE:
Kearney Development Co., Inc.
8621 M. L. King Blvd. E.
Tampa, Florida 33610

Permit Number: 7774801-002-AO
Expiration Date: January 15, 2001
County: Statewide
Project: Portable Soil
Cement Plant

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-210, 62-212, 62-272, 62-275, 62-276, and 62-297, Florida Administrative Code (F.A.C.). The above named permittee is hereby authorized to perform the work or operate the emission unit shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Department of Environmental Protection (Department) and specifically described as follows:

For the operation of a portable soil cement plant. Major components of the Aran continuous mixing plant (Model No. ASR-280D, Serial No. 054) are a 47 ton cement silo equipped with a DCE Volkes Series DLMV 10/10 baghouse, aggregate hopper, water tank, pugmill mixer, conveyers, Cummins diesel engine, and associated equipment.

The plant may operate in Bay, Brevard, Calhoun, Citrus, Desoto, Escambia, Franklin, Gadsden, Gulf, Hamilton, Hardee, Hernando, Highlands, Hillsborough, Holmes, Jackson, Jefferson, Lake, Leon, Levy, Liberty, Madison, Manatee, Marion, Orange, Osceola, Pasco, Pinellas, Polk, Sarasota, Seminole, Sumter, Suwannee, Taylor, Volusia, Wakulla, and Washington Counties.

The plant may be operated in other counties in Florida after the public notice requirements have been met, the permit for the unit amended, and at any construction site that the permittee has listed in the Notification of Intent to Relocate Air Pollutant Emitting Facility.

Completion of construction of this source shall be in accordance with the permit application, plans, documents, amendments and drawings, except as otherwise noted in the General and Specific Conditions.

Attachments are listed below:

1. Application received December 18, 1995.

PERMITTEE:
Kearney Development Co., Inc.

Permit Number: 7774801-002-AO
Expiration Date: January 15, 2001

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), F.S, the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

PERMITTEE:
Kearney Development Co., Inc.

Permit Number: 7774801-002-AO
Expiration Date: January 15, 2001

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:

- a. Have access to and copy any records that must be kept under the conditions of the permit;
- b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
- c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

- a. a description of and cause of non-compliance; and
- b. the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and F.S. after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

PERMITTEE:
Kearney Development Co., Inc.

Permit Number: 7774801-002-AO
Expiration Date: January 15, 2001

11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-30.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. The permittee shall comply with the following:

- a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
- b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
- c. Records of monitoring information shall include:
 - the date, exact place, and time of sampling or measurements;
 - the person responsible for performing the sampling or measurements;
 - the dates analyses were performed;
 - the person responsible for performing the analyses;
 - the analytical techniques or methods used; and
 - the results of such analyses.

14. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

PERMITTEE:
Kearney Development Co., Inc.

Permit Number: 7774801-002-AO
Expiration Date: January 15, 2001

SPECIFIC CONDITIONS:

MODIFICATION

1. No alterations shall be made to the portable soil cement plant that have the potential to increase air pollutant emissions without prior approval from the Department's Bureau of Air Regulation. The unit shall not operate more than 8,736 hours per year and shall not process more than 314,496 TPY cement.

EMISSIONS STANDARDS, TESTING, AND RECORD REQUIREMENTS

2. Visible emissions from the cement silo, aggregate hopper, aggregate storage area, and plant conveyers shall not exceed 5 percent opacity.

3. Visible emissions from the diesel engine shall not exceed 20 percent opacity pursuant to Rule 62-296.310(2), F.A.C.

4. The silo baghouse and diesel engine shall be tested annually for visible emissions by EPA Method 9 as described in 40 CFR 60, Appendix A (July 1, 1994) while cement is being transferred at a rate of approximately 36 TPH. Minimum test time is 30 minutes. The baghouse shall be inspected and repaired, if needed, prior to erection of the silo at any location. The results of each inspection and any maintenance done on the baghouse shall be recorded in the plant operation log. These records shall be kept for a minimum of two years for inspection by the Department.

5. If there is a good reason to believe the emission standard is not being met, the Department may require that compliance with the standard be demonstrated using EPA Method 9 as described in 40 CFR 60, Appendix A (July 1, 1995), in accordance with Rule 62-297.340(2), F.A.C. A written log of daily cement transfer shall be kept for a minimum of two years and available for inspection to the Department.

6. The Department's District Air Program Administrator and the County Air Program Administrator that have jurisdiction over the site where the plant will be tested, shall be notified in writing at least 15 days in advance of any compliance test scheduled to be conducted on this plant.

7. Reasonable precautions shall be taken to prevent and control generation of unconfined emissions of particulate matter in accordance with the provisions in Rule 62-296.310(3), F.A.C. These provisions are applicable to any source, including but not limited to, vehicular movement, transportation of materials, construction,

PERMITTEE:
Kearney Development Co., Inc.

Permit Number: 7774801-002-AO
Expiration Date: January 15, 2001

alterations, or industrial related activities such as loading, unloading, storing, and handling of materials. Wetting the material with water to minimize dust is considered a reasonable precaution for this plant.

8. Operation of this facility shall not cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor (Rule 62-296.320(2), F.A.C.).

ADMINISTRATIVE REQUIREMENTS

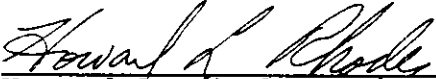
9. At least 7 days prior to relocating the plant, the permittee shall notify the Department's District Air Program Administrator and, if applicable, the County Air Program Administrator of all potential sites that the plant may be operated at in the next 30 days. The notification will be on DEP Form 62-210.900(3). All potential construction sites may be shown on a USGS topographic map. Unless notified otherwise by an environmental agency, the plant may be relocated and operated at any site on the list.

10. Submit to the Bureau of Air Regulation for this plant, each calendar year, on or before March 1, an emission report for the preceding calendar year containing the following information pursuant to Section 403.061(13), Florida Statutes:

- (A) Annual amount of materials and/or fuels utilized.
- (B) List of sites where the unit operated during the year.
- (C) Emissions test report.
- (D) Any changes in the information contained in the permit application.

11. Four applications to renew this operation permit (DEP Form No. 62-210.900(2)) shall be submitted to the Department of Environmental Protection, Bureau of Air Regulation, MS 5505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, 60 to 90 days prior to the expiration of this permit.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Howard L. Rhodes, Director
Division of Air Resources
Management

Florida Department of
Environmental Protection

Memorandum

al

TO: Howard L. Rhodes
THRU: Clair H. Fancy *CHF*
A. A. Linero *as 1/10*
FROM: Willard Hanks
DATE: January 11, 1996
SUBJECT: Operation Permit Issuance
Kearney Development Company, Inc.

RECEIVED

JAN 17 1996

BUREAU OF
AIR REGULATION

Attached for your approval and signature is a permit to operate the permittee's second portable soil cement plant in any county in Florida.

Permits for mobile units used throughout the state are processed by the Bureau of Air Regulation. The Bureau issued a construction permit for this portable soil cement plant on November 27, 1995. The application for permit to operate was submitted to the Bureau on December 18, 1995. Test results showed compliance with the air regulations.

I recommend your approval and signature of the operation permit.

CHF/wh/t

attachment

KEARNEY

DEVELOPMENT CO., INC. 8621 M.L. KING BLVD. E. • TAMPA, FLORIDA 33610

TAMPA (813) 621-0855
PINELLAS (813) 443-3609
ORLANDO (407) 856-4076
FAX (813) 620-0001

Underground Utilities • Site Development • Since 1956

December 13, 1996

via Fax. No. 813-272-5605

Mr. Jerry Campbell
Environmental Protection Commission
of Hillsborough County
1900 9th Avenue
Tampa, FL 33605

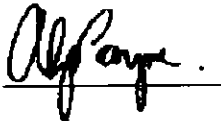
RE: KEARNEY DEVELOPMENT CO., INC. - FACILITY NO: 7774801

Dear Mr. Campbell:

Please accept this letter as notification that we are scheduling the yearly EPA Method 9 compliance test for the above referenced facility for Friday 13th of December, 1996. The testing will commence at 9:00 am at 41150 Yonkers Boulevard, Zephyrhills, FL.

Should you have any questions, please do not hesitate to call me.

Respectfully,



Alan G. Payne

Vice President

AGP/agp

CC: Mr. A.A. Linero, Department of Environmental Protection
(via Fax. No. 904-922-6979)
Thomas Ellison, Jr., Department of Environmental Protection.
(via Fax. No. 813-744-6458)
Bing Kearney, Kearney Development Co., Inc.
Bryan Kearney, Kearney Development Co., Inc.
Steve Farah, Kearney Development Co., Inc.

KEARNEY
Development Co., Inc.

8621 M.L. King Blvd. E., Tampa, FL 33610

TAMPA: (813) 621-0855
ALONZO RD: (813) 623-1994
PINELLAS: (813) 443-3609*Underground Utilities*

*

Site Development

*

Since 1956

FAX TRANSMITTAL

To: D.E.P. - Bureau Of Air Regulation		From : Alan G. Payne
Attention : A.A. Linero		Fax Number : 813-628-4529
Fax Number : 1-904-922-6979		Project :
No. of Pages : 3		Subject : Microsoft Word - DEC_1.DOC
Date : 12/12/96	Time : 15:17:16	For Information Call : 813-623-1994

NOTES:**CONFIDENTIALITY NOTE:**

The information contained in this facsimile message is legally privileged and confidential information intended only for the exclusive use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the above address via the United States Postal Service.

Kearney Development Company, Inc.

Permit No. 0950255-002-AC

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this NOTICE OF PERMIT and all copies were mailed by certified mail before the close of business on 11-27-95 to the listed persons.

Clerk Stamp

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to §120.52(11), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

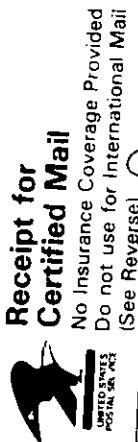
Keri J. Baker
Clerk

11-27-95
Date

Copies furnished to:

District Air Program Administrators
County Air Program Administrators
Joseph Kowalski, K² Eng., Inc.

no green card 7/8/98
Z 127 632 540



Sender	Alan H. Payne
Recipient No.	Kearney Dev. Co
City, State, and ZIP Code	Dunwoody, GA
Postage	\$
Certified Fee	\$
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	11-27-95
	0950255-002-AC
	Mobile Unit

FINAL DETERMINATION

Kearney Development Company, Inc.
8621 Martin Luther King Blvd. E.
Tampa, Florida 33610

Portable Soil Cement Plant
Statewide Operation

Permit No. 0950255-002-AC

Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation

November 20, 1995

FINAL DETERMINATION

Kearney Development Company, Inc.
Permit No. 0950255-002-AC

The Technical Evaluation and Preliminary Determination and proposed construction permit for Kearney Development Company, Inc.'s second portable soil cement plant was distributed on September 29, 1995. The proposed permit authorizes this existing plant to operate in additional counties in Florida. The Notice of Intent to Issue was published in the Tampa Tribune on October 26, 1995, and the Tallahassee Democrat on November 4, 1995. These notices, along with the August 18 and 19, 1995, public notice in the Orlando Sentinel and the August 20, 1995, public notice in the Ocala Star-Banner, met the public notice requirements for the following counties: Bay, Brevard, Calhoun, Citrus, Desoto, Escambia, Franklin, Gadsden, Gulf, Hamilton, Hardee, Hernando, Highlands, Hillsborough, Holmes, Jackson, Jefferson, Lake, Leon, Levy, Liberty, Madison, Manatee, Marion, Orange, Osceola, Pasco, Pinellas, Polk, Sarasoto, Seminole, Sumter, Suwannee, Taylor, Volusia, Wakulla, and Washington Counties.

Comments were submitted by the applicant and the Palm Beach County air program. The applicant asked that they be allowed to operate in other counties after completion of the public notice requirements for those counties and that the allowable particulate matter emissions for the unit be those specified in the application. These requests are acceptable to the Department. The first page of the permit is revised to list the counties the unit is authorized to operate in and to note that the permit can be amended to allow for operation in other parts of the state. Specific condition No. 5 is revised to list the estimated emissions as the allowable emissions.

Palm Beach County asked if the cement conveyer of the plant is enclosed and gave their current address for the air program's office. Both the cement and aggregate conveyers for the plant are enclosed. A list of the Districts and counties with air programs will be attached to the permit.

The final action of the Department will be to issue the construction permit as proposed except for the changes noted above.



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

PERMITTEE:

**Kearney Development Company, Inc.
8621 Martin Luther King Blvd. East
Tampa, Florida 33610**

**Permit Number: 0950255-002-AC
Expiration Date: July 1, 1996
County: Statewide
Project: Portable Soil
Cement Plant**

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-210, 62-212, 62-272, 62-275, 62-276, and 62-297, Florida Administrative Code (F.A.C.). The above named permittee is hereby authorized to perform the work or operate the emission unit shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Department of Environmental Protection (Department) and specifically described as follows:

For the modification of the operation of an existing portable soil cement plant. Major components of the Aran continuous mixing plant (Model No. ASR-280) are a 47 ton cement silo equipped with a DCE Volkes Series DLMV 10/10 baghouse, aggregate hopper, water tank, pugmill mixer, conveyers, diesel engine, and associated equipment.

The plant may operate in Bay, Brevard, Calhoun, Citrus, Desoto, Escambia, Franklin, Gadsden, Gulf, Hamilton, Hardee, Hernando, Highlands, Hillsborough, Holmes, Jackson, Jefferson, Lake, Levy, Liberty, Madison, Manatee, Marion, Orange, Osceola, Pasco, Pinellas, Polk, Sarasota, Seminole, Sumter, Suwannee, Taylor, Volusia, Wakulla, and Washington Counties.

The plant may be operated in other counties in Florida after the public notice requirements have been met, the permit for the unit amended, and at any construction site that the permittee has listed in the Notification of Intent to Relocate Air Pollutant Emitting Facility.

Completion of construction of this source shall be in accordance with the permit application, plans, documents, amendments and drawings, except as otherwise noted in the General and Specific Conditions.

Attachments are listed below:

1. Application received September 6, 1995.
2. List District/County Air Programs

PERMITTEE: Permit Number: 0950255-002-AC
Kearney Development Company, Inc. Expiration Date: July 1, 1996

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in Subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of F.S. and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a

PERMITTEE: Permit Number: 0950255-002-AC
Kearney Development Company, Inc. Expiration Date: July 1, 1996

GENERAL CONDITIONS:

reasonable time, access to the premises, where the permitted activity is located or conducted to:

- a. Have access to and copy any records that must be kept under the conditions of the permit;
- b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and,
- c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

- a. a description of and cause of non-compliance; and,
- b. the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the F.S. or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and F.S. after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by F.S. or Department rules.

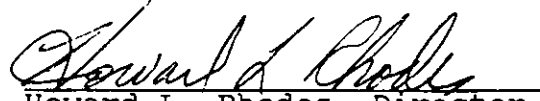
11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-30.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance

PERMITTEE: Permit Number: 0950255-002-AC
Kearney Development Company, Inc. Expiration Date: July 1, 1996

SPECIFIC CONDITIONS:

12. An application for an operation permit must be submitted to the Department's Bureau of Air Regulation at least 90 days prior to the expiration date of this construction permit or within 45 days after completion of compliance testing, whichever occurs first. To properly apply for an operation permit, the permittee shall submit the appropriate application form, fee, certification that construction was completed noting any deviations from the conditions in the construction permit, and compliance test reports as required by this permit. (Rule 62-4.220, F.A.C.)

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Howard L. Rhodes, Director
Division of Air Resources
Management

Florida Department of
Environmental Protection

Memorandum

To: Howard L. Rhodes
Thru: Clair Fancy
Al Linero *Al Linero 11/21*
From: Willard Hanks *WHR*
Date: November 20, 1995
Subject: Approval of Construction Permit No. 0950255-002-AC
Kearney Development Company, Inc.

Attached for your approval and signature is a permit to construct (modify the permit for an existing unit) a mobile soil cement plant. The modification authorizes operation of this unit in other counties in Florida.

The plant blends soil and cement to prepare foundations at construction sites. A regulated source at this facility is the pneumatically loaded cement silo, controlled with a baghouse, which has a potential emission of less than 1 TPY particulate matter. The plant also has a diesel engine for power.

Comments were submitted by the Palm Beach County's air program office and the applicant. These comments, discussed in the Final Determination, were the basis for minor changes to the proposed permit. The unit is virtually identical to their other one which is already permitted to operate Statewide under similar permit conditions.

I recommend your approval and signature of the attached construction permit.

Attachment.

CF/wh/h

KEARNEY
Development Co., Inc.

8621 M.L. King Blvd. E., Tampa, FL 33610

TAMPA: (813) 621-0866
ALONZO RD: (813) 623-1994
PINELLAS: (813) 443-3609*Underground Utilities*

*

Site Development

*

Since 1956

FAX TRANSMITTAL

To: D.E.P. - Bureau Of Air Regulation		From : Alan G. Payne
Attention : A.A. Linero		Fax Number : 813-628-4529
Fax Number : 1-904-922-6979		Project :
No. of Pages : 3		Subject : Microsoft Word - DEC_01.DOC
Date : 12/12/96	Time : 14:00:34	For Information Call : 813-623-1994

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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: 0950255	2. Permit Number: 0950255-002-AC
3. Facility Owner or Operator: KEARNEY Development Company, Inc.	
4. Facility Name: ARAN Portable Soil Cement Plant	
5. Facility Street Address or Location Description: Stoneybrook Boulevard	
6. City: Sarasota	7. County: Sarasota
7. Shutdown Date at This Location: 12/10/96	
8. Facility Comment:	

Proposed New Facility Location

1. Facility Street Address or Location Description: 41150 Yonkers Boulevard			
2. City: Zephyrhills	3. County: Pasco	4. Zip Code: 33540	
5. Facility Coordinates:			
UTM Zone	UTM East or Latitude: 28° 09.776'	UTM North or Longitude: 82° 30.937'	
6. Startup Date at New Location: 12/10/96			
7. Facility Comment:			

1


Owner/Authorized Representative or Responsible Official

Name and Title of Owner/Authorized Representative or Responsible Official: Mr. Alan G. Payne; Vice President		
Organization/Firm: KEARNEY Development Company, Inc.		
Street Address or P. O. Box: 9625 Alonzo Road		
City: Riverview	State: Florida	Zip: 33569
Telephone: (813) 623-1994 Fax: (813) 628-4529		

Facility Contact

Name and Title of Facility Contact: Alan G. Payne; Vice President		
Organization/Firm: KEARNEY Development Company, Inc.		
Street Address or P. O. Box: 9625 Alonzo Road		
City: Riverview	State: Florida	Zip: 33569
Telephone: (813) 623-1994 Fax: (813) 628-4529		

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>	
	
Alan G. Payne Vice President	12 / 12 / 96 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.

KEARNEY
Development Co., Inc.

8621 M.L. King Blvd. E., Tampa, FL 33610

TAMPA: (813) 621-0855
ALONZO RD: (813) 623-1994
PINELLAS: (813) 443-3609*Underground Utilities*

*

Site Development

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Since 1956

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Attention : A.A. Linero		Fax Number : 813-628-4529
Fax Number : 1-904-922-6979		Project :
No. of Pages : 2		Subject : Microsoft Word - NOTIFY2.DOC
Date : 12/12/96	Time : 14:21:56	For Information Call : 813-623-1994

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