

Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

NOTICE OF PERMIT EXTENSION

Mr. Milton Lane, Director
Environmental, Health, and Safety
APAC - Georgia Paving Company, Inc.
Post Office Box 127
Greenville, South Carolina 29602-0127

**RE: Expiration Date Extension for Construction Permit Nos.
7775018-002-AC, 7775027-001-AC, 7775028-001-AC, 7775033-002-AC & 7775045-001-AC**

Dear Mr. Lane:

The Department received your letter dated May 17, 1999 requesting an extension of time for the above referenced air permits since the units are still in storage. As requested, the Department hereby amends these permits, by revising the expiration date from **May 31, 1999, to December 31, 2000**. In addition, condition A.6. of the referenced permits is changed:

From:

A.6. Expiration: This air construction permit shall expire on May 31, 1999. [Rule 62-210.300(1), F.A.C.] The permittee may, for good cause, request that this construction permit be extended. Such a request shall be submitted to the Bureau of Air Regulation prior to 60 days before the expiration of the permit. However, the permittee shall promptly notify the permitting authority office of any delays in completion of the project which would affect the startup day by more than 90 days. [Rule 62-4.090, F.A.C.]

To:

A.6. Expiration: This air construction permit shall expire on December 31, 2000. [Rule 62-210.300(1), F.A.C.] The permittee may, for good cause, request that this construction permit be extended. Such a request shall be submitted to the Bureau of Air Regulation prior to 60 days before the expiration of the permit. However, the permittee shall promptly notify the permitting authority office of any delays in completion of the project which would affect the startup day by more than 90 days. [Rule 62-4.090, F.A.C.]

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

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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;

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(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.

This amendment must be attached to and becomes a part of the subject permits.

Executed in Tallahassee, Florida.



Howard L. Rhodes
Director
Division of Air Resources Management

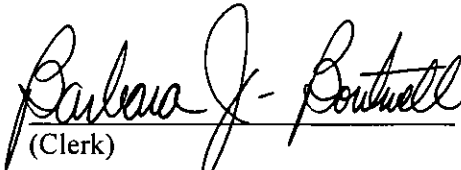
Certificate of Service

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT EXTENSION was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 6/24/99 to the persons listed:

Mr. Milton Lane, APAC - Georgia Paving Company*
District Air Program Administrators
County Air Program Administrators

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.

 6/24/99
(Clerk) (Date)

Florida Department of
Environmental Protection

Memorandum

TO: Howard L. Rhodes

THRU: Clair Fancy *zms*
for

FROM: Jonathan Holtom *J.H.*

DATE: June 23, 1999

SUBJECT: APAC -Georgia, Inc., Ballenger Paving Division
Construction Permit Expiration Date Extension for 5 Relocatable Concrete Batch Plants
AC Permit Nos.: 7775018-002-AC, 7775027-001-AC, 7775028-001-AC, 7775033-002-
AC, 7775045-001-AC

Attached is a "Notice of Permit Extension" for the construction permits for five portable concrete batch plants. The AC permits for these units were issued on November 12, 1997. They were permitted for state-wide operation and the company published notices covering all counties of the state (at a cost of >\$20,000). None of these units have yet had the opportunity to operate and perform compliance testing in order to request operation permits. The original expiration date of December 31, 1998 was previously extended to May 31, 1999. The availability of the Concrete Batch Plant General Permit has been explained to them and appears to meet their needs better than continuing these AC permits. However, since they already suffered the expense of the public notice requirements associated with this permitting action, and because the public notices are valid for 5 years from the date of publication, they are requesting another expiration date extension.

The application for this minor source is being processed by BAR because it is a relocatable unit permitted to operate in different Districts.

I recommend your approval and signature of this Notice of Permit Extension.

Enclosure

CF/jh

BAR

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Milton Lane, Director
Environmental, Health, and
Safety

APAC - Georgia Paving Company, Inc.
Post Office Box 127
Greenville, South Carolina

4a. Article Number

P 263 585 232

4b. Service Type

- Registered Certified
- Express Mail Insured
- Return Receipt for Merchandise COD

4c. Date of Delivery

6/24/99

5. Received By: (Print Name)

William Ayers

6. Signature: (Addressee or Agent)

X *William Ayers*

8. Addressee's Address (Only if requested and fee is paid)

GREENVILLE

PS Form 3811, December 1994

102595-97-8-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

P 263 585 232

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Mr. Milton Lane, Director	
Street & Number	
Post Office Box 127	
Post Office, State, & ZIP Code	
Greenville, South Carolina	
Postage	\$ 29602-0127
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	6/24/99

PS Form 3800, April 1995