



Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Scrubs  
Secretary

March 27, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Billy Mulliniks, Jr., President  
Mulliniks Construction Company, Inc.  
5937 Soutel Drive  
Jacksonville, Florida 32219

Re: DRAFT Permit No. 7775036-006-AC  
Relocatable Concrete, Asphalt and Construction Debris Crushing Plant PC-1

Dear Mr. Mulliniks:


Enclosed is one copy of the draft Air Construction Permit for a diesel engine powered relocatable concrete, asphalt and construction debris crusher, which will be based at 5937 Soutel Drive, Jacksonville, Duval County. This facility will be allowed to operate at sites in all counties of the state provided that the proper public notice requirements are satisfied. The Technical Evaluation and Preliminary Determination, the Department's Intent to Issue Air Construction Permit, and the "Public Notice of Intent to Issue Air Construction Permit" are also included.

The "Public Notice of Intent to Issue Air Construction Permit" must be published one time only, as soon as possible, in the legal advertisement section of a newspaper of general circulation in the area affected, pursuant to the requirements of Chapter 50, Florida Statutes. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within seven (7) days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit.

Please note the addition of a specific condition prohibiting the crushing of asbestos containing material. Crushing grinding or abrading of asbestos materials is already prohibited by state and federal law.

Please submit any written comments you wish to have considered concerning the Department's proposed action to William Leffler, P.E., at the above letterhead address. If you have any other questions, please contact him at 850/921-9522.

Sincerely,

  
C. H. Facey, P.E.  
Chief  
Bureau of Air Regulation

CHF/wl

Enclosures

"More Protection, Less Process"

Printed on recycled paper.

In the Matter of an  
Application for Permit by:

Mulliniks Construction Company, Inc. Draft Permit No.: 7775036-006-AC

5937 Soutel Drive  
Jacksonville, Florida 32219

Relocatable Concrete, Asphalt and Construction Debris Crushing Plant PC-1  
Statewide Operation

### INTENT TO ISSUE AIR CONSTRUCTION PERMIT

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit (copy of Draft Permit attached) for the proposed project, detailed in the application specified above and the attached Technical Evaluation and Preliminary Determination, for the reasons stated below.

The applicant, Mulliniks Construction Company, Inc. (MCCI), applied to the Department on March 2, 2000, and amended that application on March 7, 2000, for an air construction permit authorizing statewide operation of its Concrete, Asphalt and Construction Debris Crusher. This facility presently has a valid air operating permit authorizing operation in several counties of the state, which will be incorporated with those counties for which operation is requested under this air construction permit. MCCI maintains its primary Florida office at 5937 Soutel Drive, Jacksonville, Duval County. The relocatable facility will begin initial operation under this construction permit at 6210 N US Hwy 1, near Melbourne, Florida, in Brevard County, at UTM coordinates Zone 17; 532.5 km E; and, 3120.6 km North.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-212. The above actions are not exempt from permitting procedures. The Department has determined that an air construction permit is required in order for the concrete, asphalt and construction debris crusher plant to relocate to sites throughout the state.

The Department intends to issue this air construction permit based on the belief that reasonable assurances have been provided to indicate that operation of this facility will not adversely impact air quality, and the facility will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C.

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed "Public Notice of Intent to Issue Air Construction Permit." The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/ 922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in Section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) & (11), F.A.C.

The Department will issue the final permit with the attached conditions 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 concerning the proposed permit issuance action for a period of fourteen days from the date of publication of "Public Notice of Intent to Issue Air Permit." Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under 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 at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. 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 days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department 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 Department'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 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 Department'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 Department'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 Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply 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, 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; (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 EPA 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.

Executed in Tallahassee, Florida.



C. H. Fancy, P.E., Chief  
Bureau of Air Regulation

### CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE AIR CONSTRUCTION PERMIT (including the PUBLIC NOTICE, Technical Evaluation and Preliminary Determination, and the Draft permit) was sent by certified mail (\*) and copies were mailed by U.S. Mail, or electronic mail (as noted) before the close of business on 03-29-00 to the person(s) listed:

Mr. Billy Mulliniks, Jr., President, Mulliniks Construction Company, Inc.\*  
Mr. Frank Darabi, P.E., President, Darabi and Associates, Inc.  
Len Kozlov, DEP, Central District  
Chris Kirts, DEP, Northeast District  
Ed Middleswart, DEP, Northwest District  
Bill Thomas, DEP, Southwest District  
David Knowles, DEP, South District  
Isidore Goldman, DEP, Southeast District  
Daniela Banu, Broward County Department of Natural Resource Protection  
H. Patrick Wong, Dade County Department of Environmental Resources Management  
Steve Pace, Regulatory and Environmental Services Department  
Jerry Campbell, Hillsborough County Environmental Protection Commission  
James E. Stormer, Palm Beach County Health Department  
Peter Hessling, Pinellas County Department of Environmental Management  
Kent Kimes, Sarasota County Natural Resources Department  
Marie Driscoll, Orange County Environmental Protection Department

Clerk Stamp

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

Sandra Knight  
(Clerk)

03-29-00  
(date)

**Construction Co., Inc.**

CRUSHING AND RECYCLING DIVISION

OFFICE (904) 764-3844  
FAX (904) 764-39765837 SOUTEL DRIVE  
JACKSONVILLE, FL 32219**FAX COVER SHEET**NUMBER OF PAGES: 3  
(INCLUDING COVER SHEET)DATE: 3-11-00TO: Bill HefflerCOMPANY: FOEP

FAX NUMBER: \_\_\_\_\_

FROM: Tom Sutton**COMMENTS:**


*"Conserving Our Natural Resources By Recycling"**"Serving The Asphalt and Concrete Recycling Needs Throughout The Southeastern States."*

**ENVIRONMENTAL PROTECTION DIVISION****ANNA H. LONG, Manager**

Leeds Commerce Center

800 Mercy Drive, Suite 4

Orlando, Florida 32808-7806

(407) 886-1400 • Fax (407) 886-1499

www.citizens-first.co.orange.fl.us

March 2, 2000

**CERTIFIED MAIL: Z 306 000 376****WARNING LETTER #00-014**

Mr. Billy Mulliniks, Jr., President

Mulliniks Construction Co., Inc.

5937 Soutel Drive

Jacksonville, FL 33219

RE: Orange County – Permit # 7775037-003-AO  
Failure to Provide Relocation Notification

Dear Mr. Mulliniks:

The Orange County Environmental Protection Division has the authority and duty to control and prohibit pollution of air and water in the County in accordance with the law, rules and regulations promulgated by Orange County and the Florida Department of Environmental Protection (FDEP), and so stipulated under the applicable Florida Statutes.

The purpose of this letter is to advise you of possible violations of the law for which you may be responsible and to seek your cooperation in resolving the matter. A review of operating permit conditions for the above-referenced unit indicates that a violation of Florida Statutes and Rules may exist.

**Section 403.161 (1) (b), Florida Statutes**, provides that it shall be a violation of this chapter, and it shall be prohibited for any person to fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the FDEP pursuant to its lawful authority.

**Rule 62-210.300, Florida Administrative Code (F.A.C.)**, requires the owner or operator of any emission unit which emits or can reasonably be expected to emit any air pollution to obtain an appropriate permit from the FDEP prior to beginning construction, modification, or initial or continued operation of the emission unit unless exempted pursuant to FDEP rule or statute.

**Permit #7770179-002-AO**, Facility-Wide Specific Condition #6, pursuant to Rule 62-210.370 (1), F.A.C. and states that at least 7 days prior to relocating the plant to an

March 2, 2000

Mulliniks Construction Co., Inc.

Page 2

approved county where public notice was published within the last 5 years, the permittee shall notify the Air Program Administrator of the Florida Department of Environmental Protection district office and/or, if applicable, the appropriate local program. The notification shall be submitted using DEP Form 62-210.900(6), F.A.C., along with the appropriate processing fee. All potential operation sites shall be shown on a USGS topographic map. A county license, a discretionary public notice, or additional restrictions for the operation at a specific site may be imposed by the district office or local program. If the public notice for a proposed county is more than 5 years old, or if the proposed county was never covered by a public notice, this form shall be submitted at least 30 days in advance of the move and a public notice shall be published prior to operating in the proposed county. Each time that the permittee submits a Notice to Relocate, the operation permit shall be revised to reflect the new location.

The activity described in this letter, and any other activities at your facility that may be contributing to violations of the above-described statutes or rules must be ceased. You are requested to contact Marie Driscoll or Jane Heppner at (407) 836-1400 or at the above address within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss the matter. The Division is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve the matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,

*Anna H. Long*

Anna H. Long  
Manager

*CH*  
(4)CH/MLD/AHL: ges

- c: Bruce McClendon, Director, Growth Management and Environmental Resources Department
- Vivien Monaco, Assistant County Attorney, County Attorney's Office
- Leonard Kozlov, P.E., Air Program Administrator, FDEP
- Marie Driscoll, Program Manager, Environmental Protection Division
- Caroline Shine, Environmental Manager, FDEP
- Dianne Spingler, Environmental Specialist III, FDEP
- File

Permit #:7775036-001-AC PATS: Issue:14-OCT-1997 Expire:31-MAY-1998

Project #/Name	Owner/Company	Type/Sub	Receive
001/PORTABLE CRUSHER NO. 1	MULLINIKS CONSTRUCTION CO.,	AC /1E	20-MAY-1997
002/PORTABLE CRUSHER #1	MULLINIKS CONSTRUCTION CO.,	AC /1E	07-OCT-1997
003/PORTABLE CRUSHER	MULLINIKS CONSTRUCTION CO.,	AO /2B	15-JUL-1998
004/PORTABLE C&A CRUSHING PLA	MULLINIKS CONSTRUCTION CO.,	AO /MM	21-JAN-2000
005/PORTABLE CRUSHING PLANT	MULLINIKS CONSTRUCTION CO.,	AC /M1	31-JAN-2000
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Your query has retrieved 5 records.  
 Count: \*5

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Processor: SELVENDRAN_S
Permitting Office: SEPB
Facility Office: SEPB
County: 50 PALM BEACH
AIRS ID: 7775036
Owner/Company: MULLINIKS CONSTRUCTION CO., INC.
AIR Permit No:
* Project #/Name: 005 PORTABLE CRUSHING PLANT
Agency Action: Pending
Agency Action Date: From: To:
* Type/Subtype: AC M1
Amount Reqd: 50
Issued Date: From: To:
Expiration Date: From: To:
Received Date: 31-JAN-2000 From: To:
Complete Date: 02-FEB-2000 From: To:
Remaining Days: 90
* PATS ID: * PATS Data may be queried using these fields
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Enter value for Processor  
Count: \*0

<List><Replace>

Processor: EDWARDS\_W  
 Permitting Office: CD  
 Facility Office: SEPB  
 County: 50 PALM BEACH  
 AIRS ID: 7775036  
 Owner/Company: MULLINIKS CONSTRUCTION CO., INC.  
 AIR Permit No:  
 \* Project #/Name: 004 PORTABLE C&A CRUSHING PLANT  
 Agency Action: Pending  
 Agency Action Date:  
 \* Type/Subtype: A0 MM  
 Amount Req'd: 250  
 Issued Date:  
 Expiration Date:  
 Received Date: 21-JAN-2000  
 Complete Date: 21-JAN-2000  
 Remaining Days: 90  
 \* PATS ID:

This project is actually  
 pending in the Central  
 District office, Palm  
 Beach is probably the  
 current location of the  
 facility and that's why  
 To: this is showing up  
 this way. ~~Two~~ pro  
 It looks like  
 To: two projects were  
 To: submitted to two  
 To: different districts  
 To: within 10 days of  
 each other.  
 \* PATS Data may be queried using these fields

Enter value for Processor  
 Count: \*0

<List><Replace>

one to Southeast  
 and one to Central

Compliance test

No A0  
 Grant operation A0

Details	Emis unit	perMit	Compl assr	Pollutant	reLated party
ARMS Facility					

ARMINV01

POINT Office SEPB SE: PALM BEACH

Cty PALM BEACH

AIRS ID 7775036

Owner/Comp MULLINIKS CONSTRUCTION CO., INC.

Site MULLINIKS CONSTRUCTION

Directions RELOCATABLE

Street 5937 Soutel Drive

City JACKSONVILLE

Zip 32219-

UTM Zone 17 East

North

Latitude : :00 Longitude : :

Status A ACTIVE

Maj Group SIC 14 MINING AND QUARRYING OF NONM

Reloc Y Shtdwn Dt

Strt Dt

Final Shtdwn Dt

Gov Fac 0 NOT OWNED OR OPERATED BY A FED HAZ Waste Generator ID: FLD

AOR Req N Ozone SIP Facility N Type 25 OTHER MINERAL PROCESSING

Compliance Tracking B ACTUAL AND POTENTIAL EMISSIO One Time Title V Credit N

Title V NON TITLE V

non-HAP Class MINOR

HAP Class

# of Emis Units

C

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A

2

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Generator Rating

MW

Comment

Enter the Type of this FACILITY. (POINT or AREA)

Count: \*1

&lt;Replace&gt;

Date User Name	ARMS ID AIRS ID	Site Owner/Comp	Fac Status	Relo Shut Relo Strt	Office Com Track	T V
CURRENT						
01-FEB-2000 OPS\$SELVEND	5598 7775036	MULLINIKS CONSTRUCTION MULLINIKS CONSTRUCTION	ACTIVE		SEPB B	N
HISTORY						
01-FEB-2000 SELVENDRAN_	5598 7775036	MULLINIKS CONSTRUCTION MULLINIKS CONSTRUCTION	ACTIVE		CD B	N
12-OCT-1998 KAHN_J	5598 7775036	PORTABLE CRUSHER NO. 1 MULLINIKS CONSTRUCTION	CONSTRUCT		NEDV B	N
24-NOV-1997 CUMMINGS_C	5598 7775036	PORTABLE CRUSHER NO. 1 MULLINIKS CONSTRUCTION	CONSTRUCT		NEDV	N
Reason Have applied to move to Palm Beach						

Date the Facility was changed  
Count: \*3

<Replace>