

Florida Department of  
Environmental Protection

Memorandum

10/8/99

TO: Howard L. Rhodes  
THRU: Clair Fancy *CF*  
FROM: Jonathan Holtom *J.H.*  
DATE: September 29, 1999  
SUBJECT: White Rock Quarries, Inc.  
Change of Location For Initial Operation  
AC Permit No.: 7775081-001-AC

BAR

Attached is a "Notice of Permit Change" for the construction permit for a relocatable aggregate processing and crushing unit. The AC permit for this unit was issued on July 16, 1999. Before completion of the permitting process, the initial intended job was canceled. As a result, White Rock submitted a request, on September 17, to change the location of initial operation in order to perform the required compliance test and apply for an operation permit. The new proposed location in Lee county has been covered by the public notices published pursuant to the initial issuance of this permit.

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 Change.

Enclosure

CF/jh

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. Jim Hurley, Executive Vice  
 President  
 White Rock Quarries  
 P.O. Box 15065  
 West Palm Beach, Florida 33416

4a. Article Number  
 P 263 585 257

4b. Service Type  
 Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery

5. Received By: (Print Name)  
*Rich E...*

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

6. Signature: (Addressee or Agent)  
 X

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

102595-97-B-0179

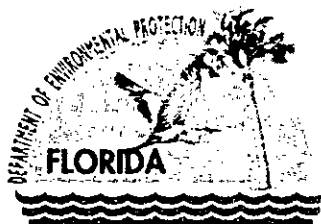
Domestic Return Receipt

P 263 585 257

US Postal Service  
**Receipt for Certified Mail**  
 No Insurance Coverage Provided.  
 Do not use for International Mail (See reverse)

Sent to	
Mr. Jim Hurley	
Street & Number	
P.O. Box 15065	
Post Office, State, & ZIP Code	
West Palm Beach, FL 33416	
Postage	\$
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	10/8/99
Construction Permit No.:	
7775081-001-AC	

PS Form 3800, April 1995



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 CHANGE

Mr. Jim Hurley, Executive Vice President  
White Rock Quarries  
P.O. Box 15065  
West Palm Beach, Florida 33416

**RE: Change of Initial Location for Construction Permit No. 7775081-001-AC**

Dear Mr. Hurley:

The Department received a letter dated September 17, 1999, from Central Florida Testing Laboratories, Inc., requesting a change in the initial operating location for the above referenced facility. As requested, the Department hereby amends this permit by changing the location of initial operation:

**From:**

The facility will begin initial operation at 1401 Reed Canal Road Port Orange, Volusia County, Florida, 32119. The UTM coordinates of this location are Zone 17; 499.7 km E; 3225.5 km N.

**To:**

The facility will begin initial operation at 12030 Alico Road, Ft. Meyers, Lee County, Florida 33913. The UTM coordinates of this location are Zone 17; 425.7km E; 2930.3 km N.

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 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;

*"Protect, Conserve and Manage Florida's Environment and Natural Resources"*

(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;

(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.

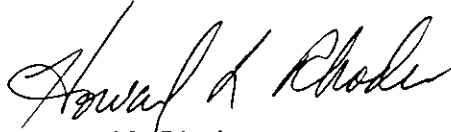
Mr. Jim Hurley  
October 1, 1999

White Rock Quarries, Inc.  
7775081-001-AC

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

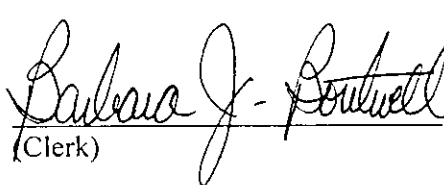
The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT EXTENSION was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 10/8/99 to the persons listed:

- Mr. Jim Hurley, White Rock Quarries\*
- Bernard A. Ball Jr., Central Florida Testing Laboratories, Inc.
- Len Kozlov, DEP, Central District
- Phil Barbaccia, DEP, South District

10/8/99 cc: Reading File  
Ross Pollock

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.

 10/8/99  
(Clerk) (Date)