

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF PERMIT

In the matter of an
Application for Permit by:

DER File No. AC29-256368(B)
AC29-256369(A)
Statewide


Mr. Vic DiGeranimo
Independence Excavating, Inc.
730 Roosevelt Plaza
Tampa Port Authority
Tampa, Florida 33605

Enclosed are Permit Numbers AC29-256368 and AC29-256369 for after-the-fact construction of two 150 TPH portable concrete crusher plants, issued pursuant to Section(s) 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 the 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 30 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

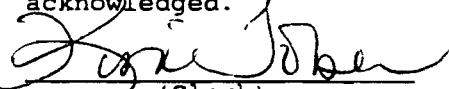

C. H. Fancy, P.E., Chief
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400
904-488-1344

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT and all copies were mailed before the close of business on 4-28-95 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.

 4-28-95
(Clerk) (Date)

Copies furnished to:
B. Thomas, SWD
J. Campbell, EPCHC
G. Sinn, P.E.

Final Determination

Independence Excavating, Inc.

Two Portable 150 Ton/Hour Secondary Asphaltic
Concrete Crushing Units (A & B)

Permit Numbers: AC 29-256368 (Unit B)
AC 29-256369 (Unit A)

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

April 25, 1995

Final Determination

The Revised Technical Evaluation and Preliminary Determination for statewide permits to install two asphaltic concrete crushing units in Hillsborough County, Florida, was distributed on March 16, 1995. The Notice of Intent to Issue was published in the Legal Notice Peninsula on March 30, 1995. Copies of the evaluation were available for public inspection at the Department's Tallahassee and Tampa offices.

Since no comments were submitted, the final action of the Department will be to issue construction permits AC 29-256368 and AC 29-256369 as proposed in the Revised Technical Evaluation and Preliminary Determination.



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

PERMITTEE:
Independence Excavating, Inc.
730 Roosevelt Plaza
Tampa, Florida 33605

Permit Number: AC 29-256368
Expiration Date: Dec. 31, 1995
County: Statewide
Project: Reclaimed Asphalt
Unit A

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-210, 212, 272, 275, 276, and 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 an after-the-fact construction permit for a portable secondary asphaltic concrete crushing unit consisting of a 150 ton/hour Hazmag crushing unit powered by a 320 H.P. diesel engine. Also included is a 270 H.P. diesel generator set to supply electrical power to conveyors and other equipment.

Particulate emissions generated from the crushing, screening and stockpiling operations are controlled by a water spray system. If the water spray system does not meet the requirements specified herein, the Department may require the applicant to install additional particulate control devices or control measures.

The facility is currently located at 730 Roosevelt Plaza, Tampa Port Authority, Tampa, Hillsborough County, Florida. The UTM coordinates are Zone 17, 358.2 km East and 3091.9 km North.

The facility may operate throughout the State of Florida after completing the requirements of Specific Condition No. 6.

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 on August 22, 1994.
2. DEP's letter dated September 12, 1994.
3. Applicant's response received December 13, 1994.

PERMITTEE:
Independence Excavating, Inc.

Permit Number: AC 29-256368
Expiration Date: Dec. 31, 1995

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 acknowledgement 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.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of

PERMITTEE:
Independence Excavating, Inc.

Permit Number: AC 29-256368
Expiration Date: Dec. 31, 1995

GENERAL CONDITIONS:

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:
Independence Excavating, Inc.

Permit Number: AC 29-256368
Expiration Date: Dec. 31, 1995

GENERAL CONDITIONS:

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. This permit also constitutes:

- () Determination of Best Available Control Technology (BACT)
- () Determination of Prevention of Significant Deterioration (PSD)
- (X) Compliance with New Source Performance Standards (NSPS)

14. 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.

PERMITTEE:
Independence Excavating, Inc.

Permit Number: AC 29-256368
Expiration Date: Dec. 31, 1995

GENERAL CONDITIONS:

15. 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.

SPECIFIC CONDITIONS:

1. Pursuant to Rule 62-212.200(56), F.A.C., this source (Unit A) shall be allowed to operate up to 10 hours per day, 6 days per week and 52 weeks per year (2,080 total hrs/yr) at a maximum production rate of 150 tons of crushed material per hour.

2. Pursuant to Rule 62-296.800, F.A.C., and 40 CFR 60, Subpart 000, visible emissions from the crushing, screening, and stockpiling operations shall be less than 5% opacity.

3. Pursuant to Rule 62-296.310(2), F.A.C., visible emissions from the crusher diesel engine and the diesel generator shall be less than 20% opacity and fired with No. 2 fuel oil containing no more than 1.0% sulfur by weight.

4. Compliance with Specific Conditions Nos. ² and ³ shall be demonstrated using EPA Reference Method 9. Pursuant to 40 CFR 60.11, visible emissions tests shall be conducted for a minimum total time of three hours (30 six-minute averages). Such tests shall be conducted within 45 days of completion of construction and initial operation at this site and annually thereafter, provided the unit operates at this site for a year or more. Each time this plant moves to another site, a visible emissions test shall be conducted within 15 days of any such move and annually thereafter, provided the unit operates at the new site for a year or more. Test results shall be submitted to the Department's district office having jurisdiction over the site. A written report of the test results shall be submitted to that office within 45 days of test completion. The minimum requirements for stack sampling facilities, source sampling and reporting shall be in accordance with the requirements of Rule 62-297, F.A.C., and 40 CFR 60, Subpart 000. The water spray flow rate at which compliance with the 5% visible emission standard is demonstrated shall be incorporated into the operation permit.

5. Prior to any compliance testing, the permittee shall notify the appropriate state and local agencies (Southwest District, Environmental Protection Commission of Hillsborough County, Sarasota County Natural Resources Department, etc.), in accordance with Rule 62-297.340, F.A.C.

PERMITTEE:
Independence Excavating, Inc.

Permit Number: AC 29-256368
Expiration Date: Dec. 31, 1995

SPECIFIC CONDITIONS:

6. This unit shall be allowed to operate throughout the State of Florida provided:

- (a) The permittee obtains a "Notice of Intent to Issue" for each new location (other than the current site), from the Department's Bureau of Air Regulation for publication in the legal ad section of a newspaper of general circulation in the area affected, in accordance with Rule 62-210.350. The permittee shall provide a certified copy of proof of publication to the applicable Department district office and local air program and to the Department's Bureau of Air Regulation within seven days of publication.
- (b) After the 14 day comment period has expired and if an administrative hearing has not been requested, the permittee shall obtain an amendment to the operating permit identifying the new location and the duration of operation prior to beginning operation at the new location.
- (c) The unit is operated in a location or in a manner that does not create a nuisance, as defined in Chapter 84-446, Section 3(12), F.S.

7. Pursuant to Rule 62-296.320, F.A.C., no objectionable odor from this facility shall be allowed.

8. Pursuant to Rule 62-296.310(3), F.A.C., the unconfined emissions of particulate matter shall comply with the following:

- (a) Keep unpaved roads, parking areas and yards moist at all times by applying water/dust suppressant as necessary.
- (b) Remove particulate matter from paved roads and maintain as necessary.
- (c) Maintain emission points as enclosed as possible and vent through an appropriate air pollution control device, if necessary, to meet the applicable emission standards.
- (d) Maintain material drop points as low as possible, primarily during windy conditions. Stop operation if necessary.
- (e) Maintain vehicular speed at a maximum of 10 mph. Post signs, where applicable.
- (f) Plant vegetation or landscape on nontrafficked areas, where applicable.

9. Minimize emissions at all times in a manner consistent with good air pollution control practice as referenced in 40 CFR 60.11(d), including periods of startup, shut down, and malfunction.

10. Pursuant to Rule 62-4.090, F.A.C., the permittee, for good cause, may 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.

PERMITTEE:
Independence Excavating, Inc.

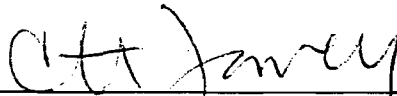
Permit Number: AC 29-256368
Expiration Date: Dec. 31, 1995

SPECIFIC CONDITIONS:

11. Pursuant to Rules 62-4.055 and 62-4.220, F.A.C., an application for an operation permit must be submitted to the Bureau of Air Regulation office at least 90 days prior to the expiration date of this construction permit. To properly apply for an operation permit, the applicant 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.

Issued this 27 day
of April, 1995

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

for 

Howard L. Rhodes, Director
Division of Air Resources
Management

PERMITTEE:
Independence Excavating, Inc.

Permit Number: AC 29-256369
Expiration Date: Dec. 31, 1995

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 acknowledgement 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.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of

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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.

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

13. This permit also constitutes:

- () Determination of Best Available Control Technology (BACT)
- () Determination of Prevention of Significant Deterioration (PSD)
- (X) Compliance with New Source Performance Standards (NSPS)

14. 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.

PERMITTEE:
Independence Excavating, Inc.

Permit Number: AC 29-256369
Expiration Date: Dec. 31, 1995

GENERAL CONDITIONS:

15. 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.

SPECIFIC CONDITIONS:

1. Pursuant to Rule 62-212.200(56), F.A.C., this source (Unit B) shall be allowed to operate up to 10 hours per day, 6 days per week and 52 weeks per year (2,080 total hrs/yr) at a maximum production rate of 150 tons of crushed material per hour.

2. Pursuant to Rule 62-296.800, F.A.C., and 40 CFR 60, Subpart 000, visible emissions from the crushing, screening, and stockpiling operations shall be less than 5% opacity.

3. Pursuant to Rule 62-296.310(2), F.A.C., visible emissions from the crusher diesel engine and the diesel generator shall be less than 20% opacity and fired with No. 2 fuel oil containing no more than 1.0% sulfur by weight.

4. Compliance with Specific Conditions Nos. 3 and 4 shall be demonstrated using EPA Reference Method 9. Pursuant to 40 CFR 60.11, visible emissions tests shall be conducted for a minimum total time of three hours (30 six-minute averages). Such tests shall be conducted within 45 days of completion of construction and initial operation at this site and annually thereafter, provided the unit operates at this site for a year or more. Each time this plant moves to another site, a visible emissions test shall be conducted within 15 days of any such move and annually thereafter, provided the unit operates at the new site for a year or more. Test results shall be submitted to the Department's district office having jurisdiction over the site. A written report of the test results shall be submitted to that office within 45 days of test completion. The minimum requirements for stack sampling facilities, source sampling and reporting shall be in accordance with the requirements of Rule 62-297, F.A.C., and 40 CFR 60, Subpart 000. The water spray flow rate at which compliance with the 5% visible emission standard is demonstrated shall be incorporated into the operation permit.

5. Prior to any compliance testing, the permittee shall notify the appropriate state and local agencies (Southwest District, Environmental Protection Commission of Hillsborough County, Sarasota County Natural Resources Department, etc.), in accordance with Rule 62-297.340, F.A.C.

PERMITTEE:
Independence Excavating, Inc.

Permit Number: AC 29-256369
Expiration Date: Dec. 31, 1995

SPECIFIC CONDITIONS:

6. This unit shall be allowed to operate throughout the State of Florida provided:

- (a) The permittee obtains a "Notice of Intent to Issue" for each new location (other than the current site), from the Department's Bureau of Air Regulation for publication in the legal ad section of a newspaper of general circulation in the area affected, in accordance with Rule 62-210.350. The permittee shall provide a certified copy of proof of publication to the applicable Department district office and local air program and to the Department's Bureau of Air Regulation within seven days of publication.
- (b) After the 14 day comment period has expired and if an administrative hearing has not been requested, the permittee shall obtain an amendment to the operating permit identifying the new location and the duration of operation prior to beginning operation at the new location.
- (c) The unit is operated in a location or in a manner that does not create a nuisance, as defined in Chapter 84-446, Section 3(12), F.S.

7. Pursuant to Rule 62-296.320, F.A.C., no objectionable odor from this facility shall be allowed.

8. Pursuant to Rule 62-296.310(3), F.A.C., the unconfined emissions of particulate matter shall comply with the following:

- (a) Keep unpaved roads, parking areas and yards moist at all times by applying water/dust suppressant as necessary.
- (b) Remove particulate matter from paved roads and maintain as necessary.
- (c) Maintain emission points as enclosed as possible and vent through an appropriate air pollution control device, if necessary, to meet the applicable emission standards.
- (d) Maintain material drop points as low as possible, primarily during windy conditions. Stop operation if necessary.
- (e) Maintain vehicular speed at a maximum of 10 mph. Post signs, where applicable.
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9. Minimize emissions at all times in a manner consistent with good air pollution control practice as referenced in 40 CFR 60.11(d), including periods of startup, shut down, and malfunction.

10. Pursuant to Rule 62-4.090, F.A.C., the permittee, for good cause, may 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.

PERMITTEE:
Independence Excavating, Inc.

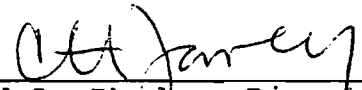
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SPECIFIC CONDITIONS:

11. Pursuant to Rules 62-4.055 and 62-4.220, F.A.C., an application for an operation permit must be submitted to the Bureau of Air Regulation office at least 90 days prior to the expiration date of this construction permit. To properly apply for an operation permit, the applicant 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.

Issued this 77 day
of April, 1995

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

for 

Howard L. Rhodes, Director
Division of Air Resources
Management