



John's

Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

March 16, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

Dear Mr. DiGeranimo:

Attached is one copy of the Revised Technical Evaluation and Preliminary Determination and proposed statewide permits to Independence Excavating, Inc. for two portable secondary asphaltic concrete crushing units as indicated below:

UNIT A - East Sligh Avenue/Tampa Site
UNIT B - Tampa Port Authority Site

Please publish the attached "Notice of Intent to Issue" in the legal ad section of a newspaper of general circulation in the areas affected and submit the proofs of publication to the Department within seven days of publication, along with any written comments you wish to have considered concerning the Department's proposed action, to Mr. A. A. Linero of the Bureau of Air Regulation.

If you have any questions regarding this matter, please contact Mr. John Reynolds at (904) 488-1344.

Sincerely,

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

CHF/JR/bjb

Attachments

cc: B. Thomas, SWD
J. Campbell, EPCHC
G. Sinn, P.E.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CERTIFIED MAIL

In the Matter of an
Application for Permit by:

DEP File No. AC 29-256368
Hillsborough County

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

INTENT TO ISSUE

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

The applicant, Independence Excavating, Inc., submitted a complete application on December 13, 1994, to the Department of Environmental Protection for an after-the-fact construction permit for a portable 150 tons/hour secondary asphaltic concrete crushing unit powered by a 320 H.P. diesel engine along with a 270 H.P. diesel engine generator set, located at 730 Roosevelt Plaza, Tampa Port Authority, Tampa, Hillsborough County, Florida.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-212 and 62-4. The project is not exempt from permitting procedures. The Department has determined that a construction permit is required for the proposed work.

Pursuant to Section 403.815, F.S., and Rule 62-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit. The notice shall be published one time only within 30 days in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "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. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

The Department will issue the permit with the attached conditions unless a petition for an administrative proceeding (hearing) is filed pursuant to the provisions of Section 120.57, F.S.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Petitions filed by the permit applicant and the parties listed below must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of their receipt of this intent, whichever first occurs. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information;

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by Petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and,
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this intent. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this intent in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a

waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this INTENT TO ISSUE and all copies were mailed by certified mail before the close of business on 3-22-95 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.

Hani Johnson 3-22-95
Clerk Date

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

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO ISSUE PERMIT

AC 29-256368

The Department of Environmental Protection gives notice of its intent to issue a construction permit to Independence Excavating, Inc., 730 Roosevelt Plaza, Tampa, Florida 33605, for a 150 tons/hour secondary asphaltic concrete crushing unit equipped with a 320 H.P. diesel engine and a 270 H.P. diesel generator set, located at 730 Roosevelt Plaza, Tampa Port Authority, Tampa, Hillsborough County, Florida. A determination of Best Available Control Technology (BACT) was not required. The Department is issuing this Intent to Issue for the reasons stated in the Technical Evaluation and Preliminary Determination.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 14 days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information; (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by Petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and, (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, Florida Administrative Code.

The application 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:

Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Park Courtyard, MS 5505
Tallahassee, Florida 32301

Department of Environmental Protection
Southwest District
8407 Laurel Fair Circle
Tampa, Florida 33619

Environmental Protection Commission
of Hillsborough County
1900 Ninth Avenue
Tampa, Florida 33605

Any person may send written comments on the proposed action to Mr. Al Linero at the Department's Tallahassee address. All comments received within 14 days of the publication of this notice will be considered in the Department's final determination.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CERTIFIED MAIL

In the Matter of an
Application for Permit by:

DEP File No. AC 29-256369
Hillsborough County

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

INTENT TO ISSUE

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

The applicant, Independence Excavating, Inc., submitted a complete application on December 13, 1994, to the Department of Environmental Protection for an after-the-fact construction permit for a portable 150 tons/hour secondary asphaltic concrete crushing unit powered by a 320 H.P. diesel engine along with a 270 H.P. diesel engine generator set, located at 6311 East Sligh Avenue, Hillsborough County, Florida.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-212 and 62-4. The project is not exempt from permitting procedures. The Department has determined that a construction permit is required for the proposed work.

Pursuant to Section 403.815, F.S., and Rule 62-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit. The notice shall be published one time only within 30 days in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "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. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

The Department will issue the permit with the attached conditions unless a petition for an administrative proceeding (hearing) is filed pursuant to the provisions of Section 120.57, F.S.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Petitions filed by the permit applicant and the parties listed below must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of their receipt of this intent, whichever first occurs. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information;

(a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;

(b) A statement of how and when each petitioner received notice of the Department's action or proposed action;

(c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;

(d) A statement of the material facts disputed by Petitioner, if any;

(e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and,

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

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Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

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

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this INTENT TO ISSUE and all copies were mailed by certified mail before the close of business on 3-22-95 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.

Kimi Joken 3-22-95
Clerk Date

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

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO ISSUE PERMIT

AC 29-256369

The Department of Environmental Protection gives notice of its intent to issue a construction permit to Independence Excavating, Inc., 730 Roosevelt Plaza, Tampa, Florida 33605, for a 150 tons/hour secondary asphaltic concrete crushing unit equipped with a 320 H.P. diesel engine and a 270 H.P. diesel generator set, located at 6311 East Sligh Avenue, Tampa, Hillsborough County, Florida. A determination of Best Available Control Technology (BACT) was not required. The Department is issuing this Intent to Issue for the reasons stated in the Technical Evaluation and Preliminary Determination.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 14 days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information; (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by Petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and, (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

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The application 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:

Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Park Courtyard, MS 5505
Tallahassee, Florida 32301

Department of Environmental Protection
Southwest District
8407 Laurel Fair Circle
Tampa, Florida 33619

Environmental Protection Commission
of Hillsborough County
1900 Ninth Avenue
Tampa, Florida 33605

Any person may send written comments on the proposed action to Mr. Al Linero at the Department's Tallahassee address. All comments received within 14 days of the publication of this notice will be considered in the Department's final determination.

Revised Technical Evaluation
and
Preliminary 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

March 16, 1995

I. General Information

A. Applicant

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

B. Project and Location

The applicant submitted two complete after-the-fact construction permit applications on December 13, 1994, for two portable 150 ton/hour secondary asphaltic concrete crushing units; one to be located at a repaving site on East Sligh Avenue in Tampa and the other at the existing Tampa Port Authority site. Since these are portable plants, the applicant is applying to operate anywhere within the State of Florida.

C. Facility Category

Although the applicant's portable units are minor in accordance with Rule 62-296.200 of the Florida Administrative Code (F.A.C.), the construction permit applications are being processed by the Bureau of Air Regulation (BAR) office in Tallahassee since the applicant would like to operate this plant statewide. The crushing and stockpiling of reclaimed asphalt and concrete material is a multiple source of fugitive particulate emissions.

The Standard Industrial Classification (SIC) Code is Industry No. 1611, Highway and Street Construction, except elevated highways. The NEDs Source Classification Code (SCC) is 3-05-010-10, Material Handling and Crushing.

II. Project Description

The applicant's operations involve screening, crushing and stockpiling of reclaimed asphalt and concrete material that has been scalped from highways. This material is brought to the site and stockpiled for crushing. This stockpiled material is then crushed, sized in a vibrating feeder, screened, and conveyed for stockpiling. Each unit is designed for a maximum process input rate of 150 tons/hour of asphalt/concrete material. Power for the operation is provided by a 270 H.P. generator set fired on No. 2 fuel oil with a maximum of 1.0% sulfur by weight. The crusher motor is powered by a 320 H.P. diesel engine fired on the same fuel.

The expected emissions from this source will be fugitive particulates (dust) generated from the crushing, screening, transferring and storage operations. Fugitive emissions as well as emissions of particulates from the diesel engines, including SO₂, CO, HC, and NO_x will be less than the Prevention of Significant Deterioration (PSD) levels.

Fugitive emissions from the screening and crushing equipment will be controlled by a water spray system while those from the traffic areas and stockpiles will be controlled by a water sprinkler system.

III. Rule Applicability

The application is subject to preconstruction review under the provisions of Chapter 403, Florida Statutes, and Chapters 62-210, 212, 272, 275, 296, and 297, Florida Administrative Code (F.A.C.). The applicant's facilities are currently located in Hillsborough County. Hillsborough County is designated as unclassifiable for PM₁₀ and SO₂; nonattainment for ozone; and attainment for other criteria air pollutants. These facilities may also be operated in other areas within the State of Florida, provided that the specific conditions of the proposed permit are complied with.

These facilities are minor sources because emissions of any single pollutant is less than 100 TPY (Rule 62-210, F.A.C.). The proposed facility is not subject to the preconstruction review requirements of Rule 62-212.400 or Rule 62-212.500, F.A.C., because permit restrictions will prohibit these units from emitting 100 TPY of any pollutant. These sources are subject to Rule 62-212.300, F.A.C., Sources Not Subject to PSD or Nonattainment Requirements; Rule 62-296.310(2), F.A.C., General V.E. Standards; Rule 62-296.711, F.A.C., Materials Handling, Sizing, Screening, Crushing and Grinding, Operations; Rule 62-296.310(3), F.A.C., Reasonable Precautions; and 40 CFR 60, Subpart OOO, Nonmetallic Mineral Processing (federal New Source Performance Standard).

The applicant proposes to meet a particulate standard of less than 5% opacity for the crushing, screening and stockpiling operation and less than 20% opacity for the diesel engine exhausts. The proposed 5% opacity standard is more stringent than the new source performance standard specified in 40 CFR 60.672 (15% opacity).

IV. Source Impact Analysis

A. Emission Limitations

For emission inventory purposes, the maximum emissions from each unit shall not exceed the following:

<u>Pollutant</u>	<u>lbs/hr</u>	<u>tons/yr</u>
Particulates	6.21	9.69
SO ₂	0.12	0.19
CO	3.19	6.13
HC	1.48	2.31
NO _x	18.21	28.41

Visible emissions from these units shall be less than 5% opacity, except that the No. 2 fuel oil-fired diesel engine emissions shall not exceed 20% opacity.

If either unit is not able to achieve the 5% opacity limit, the Department may require that additional particulate control devices be installed.

B. Air Quality Impacts

Based on the technical review of the application, the Department has determined that the after-the-fact construction and operation of these units will not have a detrimental impact on Florida's ambient air quality.

V. Conclusion

Based on the information provided by Independence Excavating, Inc., the Department has reasonable assurance that the after-the-fact construction permits described in this evaluation, and subject to the conditions proposed herein, will not cause or contribute to a violation of any air quality standard, PSD increment, or any other technical provision of the applicable rules under the Florida Administrative Code.

CAF

3/22



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 B

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.
4. Applicant's letter dated February 27, 1995.

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. 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. 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.

COPY
OF TEST
REPORT
TO DISTRICT
& TALL.

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 _____ day
of _____, 1995

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**

Howard L. Rhodes, Director
Division of Air Resources
Management



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 29-256369
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 6311 East Sligh Avenue, Tampa, Hillsborough County, Florida.

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.
4. Applicant's letter dated February 27, 1995.

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

PERMITTEE:
Independence Excavating, Inc.

Permit Number: AC 29-256369
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 29-256369
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 29-256369
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 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. 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. 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.
- (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 29-256369
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 _____ day
of _____, 1995

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**

Howard L. Rhodes, Director
Division of Air Resources
Management