

Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Richard A. Bazinet
Angelo's Recycled Materials, Inc., Plant No. 4
Post Office Box 1493
Largo, Florida 33779

Re: Revision to Permit 7775092-001-AC

Dear Mr. Bazinet:

The Department has received a letter, dated November 24, from the Environmental Protection Commission of Hillsborough County, in response to our issuance of the construction permit for your No. 4 crushing plant. Mr. Dennis Price also received a copy of this letter, which states that the issued construction permit did not correctly impose the allowable visible emissions limitation contained in 1-3.61, Rules of the Environmental Protection Commission of Hillsborough County. Because of this, the Department is revising specific condition III.3. of permit 7775092-001-AC, as follows:

FROM:

EMISSION LIMITATIONS AND PERFORMANCE STANDARDS

3. Visible Emissions: The emission points described in unit 001 are subject to the visible emission limits of 40 CFR 60 Subpart OOO, as outlined below in Table 1.

Table 1: Process Emission Source Visible Emission Limits

Emission Source	VE Limit (% Opacity)
Receiving Hopper/Grizzly Feeder	10
Crusher	15*
Portable Belt Conveyor(s)	10**
Screen(s)	15
Truck Loading/Unloading	<20

* This limit applies since no capture system is used.

** This limit applies to transfer points onto conveyor belts only.

[40 CFR 60.672]

TO:

EMISSION LIMITATIONS AND PERFORMANCE STANDARDS

3. Visible Emissions: The emission points described in unit 001 are subject to the visible emission limits of 40 CFR 60 Subpart OOO, as outlined below in Table 1.

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Crusher	15*
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Screen(s)	15
Truck Loading/Unloading	<20

* This limit applies since no capture system is used.

** This limit applies to transfer points onto conveyor belts only.

† **Note:** When operating in Hillsborough County, the permittee shall not cause, permit, or allow any visible emissions (five percent opacity). This includes, but is not limited to, the receiving hopper, crushers, belt conveyors, screens, and truck loading/unloading.

[40 CFR 60.672; and, 1-3.61, Rules of the Environmental Protection Commission of Hillsborough County.]

A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes 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), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during

the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

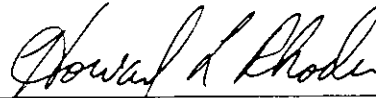
The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this order will not be effective until further order of the Department.

Any party to this permitting decision (order) has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, 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 must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



Howard L. Rhodes, Director
Division of Air Resources
Management

HLR/jh

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this REVISION was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 12/13/99 to the person(s) listed:

- Mr. Richard Bazinet, Angelo's Recycled Materials, Inc. *
- Mr. Dennis Price, Angelo's Recycled Materials, Inc.
- Mr. Bernie Ball, Central Florida Testing Labs, Inc.
- Mr. Rick Kirby, HCEPC

Clerk Stamp


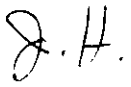
FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Barbara J. Portwell
(Clerk)

12/13/99
(Date)

Florida Department of
Environmental Protection

Memorandum

TO: Howard L. Rhodes
THRU: Clair Fancy 
FROM: Jonathan Holtom 
DATE: December 8, 1999
SUBJECT: Angelo's Recycled Materials, Inc., Plant No. 4
Relocatable Concrete and Asphalt Crusher
Minor Revision to Final Permit No. 7775092-001-AC

Attached is a letter of revision to the Final air construction permit for a portable concrete and asphalt material crusher with a diesel powered generator to be used at industrial and construction sites in Florida.

This revision is being made at the request of the Hillsborough County Environmental Protection Commission. We received a comment letter from them, after the Final permit had been issued, stating that we had not imposed the correct visible emissions standard for particulate sources operating within Hillsborough county. Their letter explained that their county Rules have imposed the PM RACT standards (Rule 62-296.711, F.A.C.) to new, as well as existing, sources. The State Rule only applies to existing sources. HCEPC sent a letter to the permittee stating that a 5% VE standard would be applied to the unit while operating within Hillsborough county, ~~✓~~ regardless of whether the permit is revised. Since the Rules of the Environmental Protection Commission of Hillsborough County are part of our SOA, we felt it best to go ahead and revise the permit to reflect the county VE standard of 5%. A Public Notice of this change is not required since it is a decrease in allowable emissions, rather than an increase.

I recommend your approval and signature of this minor revision.

Enclosures

/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. Dennis Price, Environmental
 Manager
 Angelo's Recycled Materials, Inc.
 Plant No. 4
 1755 20th Avenue S.E.
 Largo, Florida 33771

4a. Article Number
 Z 094 212 815

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

7. Date of Delivery
 2-23-00

5. Received By: (Print Name)
 [Signature]

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

6. Signature: (Addressee or Agent)
 X [Signature]

PS Form 3811, Denver

Thank you for using Return Receipt Service.

Z 094 212 815

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

Sent to Mr. Dennis Price	
Street & Number 1755 20th Avenue S.E.	
Post Office, State, & ZIP Code Largo, Florida 33771	
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 2/17/00	
Revision to Permit 7775092-001-AC	

PS Form 3800, April 1995

Receipt

Z 094 212 730

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to Mr. Richard A. Bazinet	
Street & Number Post Office Box 1493	
Post Office, State, & ZIP Code Largo, Florida 33779	
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 1/19/00	
Revision to Permit 7775092-001-AC	
Angelo's Recycled Materials.	

PS Form 3800, April 1995

Z 094 212 706

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to Mr. Richard A. Bazinet	
Street & Number Post Office Box 1493	
Post Office, State, & ZIP Code Largo, Florida 33779	
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 12/13/99	
Angelo's Recycled Materials	
Revision to Permit 7775092-001-AC	

PS Form 3800, April 1995