

**DARABI
AND
ASSOCIATES, INC.**
Environmental Consultants

Suite A • 730 NE Waldo Road, Gainesville, Florida 32641 • Phone: 352/376-6533 • Fax: 352/377-3166

June 7, 2000

RECEIVED

JUN 09 2000

BUREAU OF AIR REGULATION

Mr. William Leffler
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: Draft Permit No. 7775103-001-AC

Dear Mr. Leffler:

As a follow-up to our recent conversation, this is to advise that Mulliniks Construction intends to move the referenced concrete crusher from Valdosta, GA to 81250 Apopka Blvd., Apopka, Florida 32703. This the site of the Orlando Paving Asphalt Plant #5.

This being the initial site for this crusher, we would like to locate the crusher at this site, conduct the visible emission test and apply for the operation permit.

Given the fact that the entire job at Orlando Paving Plant #5 may only take about 3 weeks, we need to move there, get set up, and conduct the required visible emission test.

We therefore, would like your authorization to move the plant there on June 22nd. We will write a letter to Ms. Driscoll, and set up a test for the week of July 10th, as long as we can start operating on or before June 22nd.

We will be able to accomplish all tasks at the Orlando Paving site.

Sincerely,



Frank A. Darabi, P.E.
President

FAD/lef H:\feller\FAD\Mulliniks7775103-001-ACOrlandoPaving.7062000

xc: Tom Sutton

State of Florida
Department of Environmental Protection

Memorandum

TO: Clair Fancy

THRU: Bruce Mitchell

FROM: William Leffler, PE

DATE: June 8, 2000

SUBJECT Mulliniks 7775103-001-AC and 7775104-001-AC

These two Final AC permits went out yesterday. The permit was signed by Larry George in Howard's absence and the transmittal by Scott Sheplack in Clair's absence.

Several of the public notices were published as early as February 14, 2000. Based on the date of the last of the public notices (March 9, 2000) we were of the perception that the processing was at day 90. **Upon review of the notices and after reestablishing the transmittal letter from Frank Darabi, Dated May 3, 2000, we have determined that the permit was issued, at day 34 after receipt of the proof of publication of the public notices.**

I presume the confusion was created by my separation of documents relating to multiple projects which was all submitted with a common cover letter. I am sure that the receptionist date stamped the cover letter, and that it was received within a couple of days of the cover letter's date. There is no indication of certified mail or other special handling. In the future I propose to date stamp each of the proofs of publication as they are the critical document governing the process timing clock

Unit 7775103 is being relocated to Orange County from Savannah Georgia. I have suggested that Mulliniks give notice to both the Central District and to Orange County and schedule an appointment for his startup testing. I see no rational need for them to conduct the startup testing in Jacksonville just because it is the permitted "home base" for the unit, and we have made similar accommodations in the past

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FAX TRANSMITTAL SHEET

DATE	6/8/2000
PROJECT NUMBER	04100-637-01-0100
NUMBER OF PAGES (including cover sheet)	2
TO	Bill Leffler/DEP, Tallahassee
FAX NUMBER	850/922-6979
FROM	Linda Feller

COMMENTS: Proof of Publication letter for Mulliniks Construction Co., Inc.
Permit No. 775103-001-AC & 775104-001-AC

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the return address listed above via the U.S. Postal Service. Thank you.

If you do not receive all pages, please contact Linda Feller at (352) 376-6533, ext. _____.

Original to Follow by Mail: _____

Fax Copy Only:

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 28-Jan-2000 11:35am

From: Carolyn Salmon PEN
850)595-83 (

SALMON_C@a1.deppns.dep.state.fl.us

Dept:
Tel No:

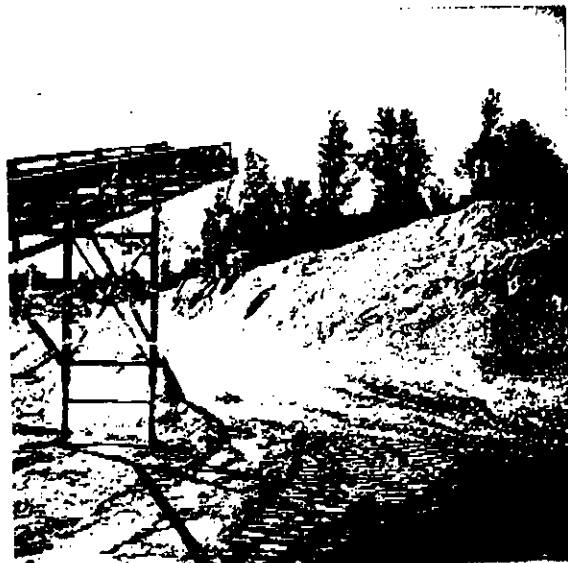
To: Bruce Mitchell TAL (MITCHELL_B@A1)
To: William Leffler TAL (LEFFLER_W@A1)

Subject: Mulliniks

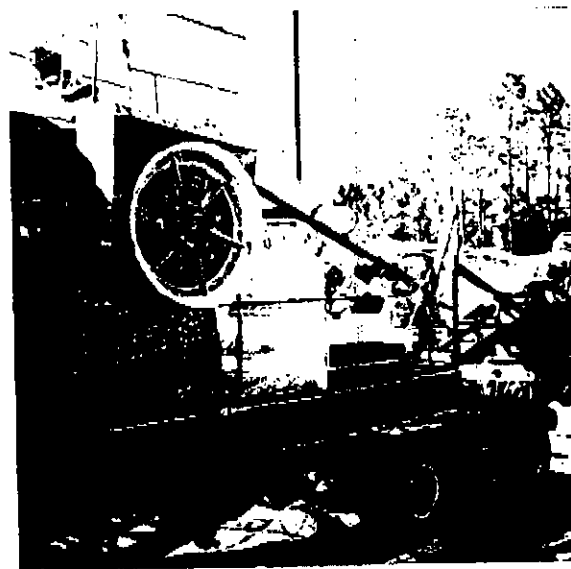
We have a signed consent order with Mulliniks. The concensus of our team (Ed, Tim, Greg and I) is that Billy Mulliniks has been badly served by his consultant. Ed, Tim and Greg met with Frank in private and told him directly that he needs to clean up his act.

Bill- Frank said he did get the message but I reviewed your request with him again so I think it is clear what you want. They know you have a deadline date. -Carolyn

*Bill,
Place in file.
Jinks,
Bruce*



Mullinix Rock Crusher at AC Campment 11/7/00
Crushed concrete - view off the
End of the conveyor belt 12:30pm



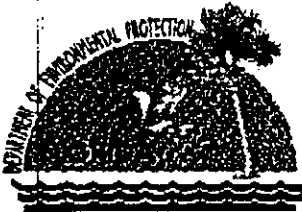
Mullinix Rock Crusher at AC Campment 11/7/00
View of diesel powered roller
500 lbs. roller 12:30pm



Mullinix Rock Crusher at AC Campment 11/7/00
Jaw crusher near
shaker deck 12:30pm

Photos of Mullinix Crusher
located at Parkhandle Road
and Timber in Escambia
County.

Taken Jan 7, 2000 by
Tim Rosewell



Department of Environmental Protection

FILE COPY

Jeb Bush
Governor

Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794

David B. Struhs
Secretary

January 28, 2000

HAND DELIVERED

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

SUBJECT: Proposed Settlement of Mulliniks Construction Company, Inc.
OGC File No.: 00-0367-17-AS

Dear Mr. Mulliniks:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated January 18, 2000, a copy of which is enclosed. The corrective actions required to bring your facility into compliance have been completed. In order to resolve the matters identified in the enclosed Warning Letter, you are assessed civil penalties in the amount of \$1,920 along with \$150 to reimburse the Department costs, for a total of \$2,070. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystem Management Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 160 Governmental Center, Pensacola, Florida 32501-5794. An initial payment of \$1,070 shall be sent to the above address within 30 days of signing this agreement. A second payment of \$1,000 shall be sent to the above address within 60 days of signing this agreement.

Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department which shall be enforceable pursuant to Section 120.69 and 403.121, Florida Statutes.

If you do not sign and return this letter to the Department at the District address by February 4, 2000, the Department will assume that you are not interested in settling this

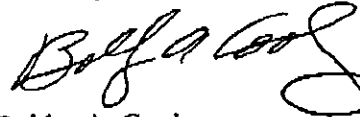
"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

Mulliniks Construction Company
PAGE TWO

matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

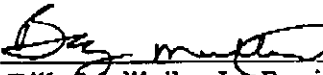
Sincerely,



Bobby A. Cooley
Director of District Management

I, Billy Mulliniks Jr ON BEHALF OF Mulliniks Construction
HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

For Mulliniks Constuction Company, Inc.

By: 
Billy Mulliniks, Jr. President

For the Department:


Director of District Management

Entered into this 28th day of JANUARY 2000, in Pensacola, Florida.

Post-It* Fax Note	7671	Date	2/1/00	# of pages	2
To	Bill Lettler	From	Casalyn Salmon		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	292-6979	Fax #			

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 28-Jan-2000 11:35am
From: Carolyn Salmon PEN
850)595-83 (

SALMON_C@a1.deppns.dep.state.fl.us

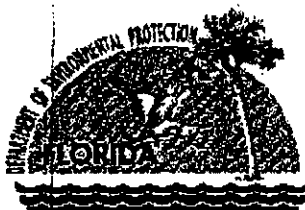
Dept:
Tel No:

To: Bruce Mitchell TAL (MITCHELL_B@a1)
To: William Leffler TAL (LEFFLER_W@a1)

Subject: Mulliniks

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Department of Environmental Protection

Jeb Bush
Governor

Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794

David B. Struhs
Secretary

January 18, 2000

CERTIFIED RECEIPT #Z 106 533 569

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

Subject: Warning Letter # NWAP 033-1421

Dear Mr. Mulliniks :

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A Department inspector verified that a Pioneer concrete and asphalt crusher and associated equipment owned or controlled by your company was constructed and operated at the Panhandle Land and Timber, Inc., facility at 110 Stone Boulevard in Escambia County. The Department has no record that this crusher has been issued an air construction or operating permit. The inspection indicates that a violation of Florida Statutes and Rules may exist at the above described facility. Frank Darabi, P.E., representing your company, subsequently notified the Department that this crusher has not been issued a construction or operating permit by the Department.

Section 403.161(b), Florida Statutes, provides that it is a violation to construct or operate a source of air pollution without a permit issued by the Department. Activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of the above-described statutes or rules should be ceased.

You are requested to contact Carolyn Salmon at the address above or by telephone at (850) 595-8364, extension 1226, within 15 days of receipt of this Warning Letter to schedule a meeting to discuss this matter. The Department is interested in reviewing any facts you and your consulting engineer may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,

Bobby A. Cooley
Director of District Management

CWS:csc

cc: Frank Darabi, P.E., Darabi & Associates, Inc.

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



Department of Environmental Protection

RECEIVED

JAN 21 2000

BUREAU OF AIR REGULATION

Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794

FAX TRANSMITTAL FORM

TO: Bill Leffler

LOCATION: DARM

FAX NUMBER: 292-6979

DATE: 1/20/00

FROM: Greg Landry

FAX NUMBER: _____

PHONE NUMBER: _____

COMMENTS: Per Carolyn Johnson's request

*15 days is Feb 3
do not want to request
stop clock man*

NO. PAGES INCLUDING COVER SHEET: 2

FAXED BY: _____

If there is any problem with this facsimile transmission, please call (850) 595-8364.

Bobby,

Per your request:

SUMMARY OF MULLINIKS ROCK CRUSHER LOCATED AT PANHANDLE LAND AND TIMBER
(ANDERSON COLUMBIA ASPHALT PLANT SITE) 110 STONE BLVD., CANTONEMENT

- January 3, 2000 Received application to relocate crusher from Duval to Escambia
- January 7, 2000 Site visit revealed that the equipment was in place and had been operated. Operators reported that they had been told to stop operating
- January 7, 2000 Frank Darabi, Mulliniks consultant, called and withdrew the request to relocate and reported that they would submit an application to relocate the plant 38 in Quincy To the Cantonement site.
- January 10, 2000 Frank Darabi call and reported the Cantonement rock crusher was from out of state and unpermitted.
- January 11, 2000 Frank Darabi called and shared that he is going to meet with Howard Rhodes concerning rock crusher permitting. Some of his points of concern are as follows:
1. Most crusher should be considered de minimus
 2. Existing permitted crushers should not require modification, nor fee for relocating.
 3. Current rules allow de minimus exemption if the location is used less than 30 days.
- Darabi was advised that there is public concern with crushers, and the industry needs to meet the current regulatory requirements of a relocation to be a "permit modification" requiring a \$250 fee and permit tracking accountability.
- January 11, 2000 2:14PM Received a fax withdrawing the application to relocate the crusher under permit 7775037-003-AO. The unit is being moved to Atlanta and will come back to Florida when the Florida permit is issued. The unit in Quincy permitted under 7775038-003-AO will be relocated in about one week after completing the current job.

Let me know if you need more details. We are working with Carolyn regarding Mulliniks operating an unpermitted crusher. We are reviewing the details with Darrel Brown and Tallahassee permitting to consider if there has been any intentional action to circumvent the permitting process. Tallahassee permitting is in the process of reviewing a State Wide Relocatable Rock Crusher for Mulliniks.

Scott Cleveland with Anderson Columbia called regarding status of the Panhandle Land and Timber Operating Permit application status. I told him that I was trying to determine if he owed us another Fee and a new application or if OGC was going to release the clock on the old application. I asked him about the Mulliniks crusher at his facility. He said that he had just been informed that the crusher was there but had no involvement and the issue was with Mulliniks Construction Co. Inc.

Andy

**DARABI
AND
ASSOCIATES, INC.**
Environmental Consultants

Suite A • 730 NE Waldo Road, Gainesville, Florida 32641 • Phone: 352/376-6533 • Fax: 352/377-3166

January 6, 2000

Mr. Ross Pollock
Florida Department of Environmental Protection
Division of Air
2600 Blair Stone Road
Mail Station 5500
Tallahassee, Florida 32399-2400

RE: Mulliniks Construction Co., Inc.

Dear Mr. Pollock:

Please be advised of the initial location of the two concrete crushers:

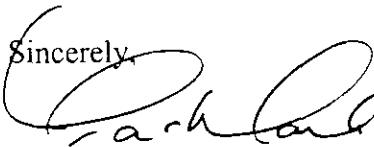
CPO1 - Will be located at the company headquarters on Soutel Road in Jacksonville, FL

CPO2 - This plant will be located at the following location:

110 Stone Blvd.
Cantonment, Florida 32533

Latitude 30 36 44N Longitude 87 18 54W

Please feel free to call me should you have any questions.

Sincerely,

Frank A. Darabi, P.E.
President

FAD/lef H:\feller\FAD\MulliniksCantonment.1062000

Enclosure

RECEIVED

JAN 07 2000

BUREAU OF AIR REGULATION