

PERMITTEE:
Better Roads, Inc.
P.O. Box 9939
Naples, Florida 33941

NOTICE OF AIR CONSTRUCTION PERMIT

Enclosed is the Final Air Construction Permit No. 7775122-001-AC, for a diesel engine powered portable concrete and asphalt material crusher that will be allowed to be assembled at sites in those counties designated in the Appendix-PC to the permit. This permit is issued pursuant to Chapter 403, Florida Statutes.(F.S.)

Any party to this order (permit) has the right to seek judicial review of the permits pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Legal Office; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 (thirty) days from the date this Notice is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

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

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this AIR CONSTRUCTION PERMIT was sent by certified mail (*) and copies were mailed by U.S. Mail, or electronic mail (as noted) before the close of business on 11/29/00 to the person(s) listed:

Joseph Boness, III (*), President, Better Roads, Inc.; P.O. Box 9979, Naples, Florida 33941
William D. Arlington, Arlington Environmental, Inc., P.O. Box 657, Okeechobee, Florida 34973
Stephanie Brooks, P.E., Brooks & Associates, 5068 NW 85th RD, Coral Springs, Florida 33067
Bill Thomas, DEP, Southwest District
Ron Blackburn, DEP, South District
Kent Kimes, Sarasota County Natural Resources Department

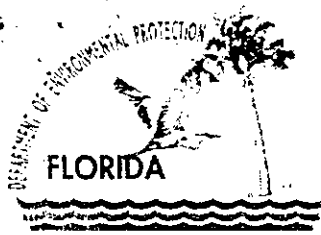
11/29/00 cc - Reading file

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED.
on this date, pursuant to §120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Paulina Sunday 11/29/00

(Clerk) | (Date)



Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

PERMITTEE:
Better Roads, Inc.
P.O. Box 9939
Naples, Florida 33941

FID No.: 7775122
Permit No.: 7775122-001-AC
SIC No.: 1795
Expiration Date: November 21, 2005
Project: Diesel engine powered
relocatable concrete, asphalt, and rock
crushing plant designated Hazmag
Model KR131D2912

AUTHORIZED REPRESENTATIVE

Mr. Joseph B. Boness, III
Better Roads, Inc.
P.O. Box 9979
Naples, Florida 33941

PROJECT

This permit allows the permittee to construct/install a diesel engine powered relocatable concrete, asphalt, and rock crushing plant, designated as Hazmag Model KR131D2912 Crushing Plant, together with associated crusher feeder, classifier screens, conveyors, primary diesel engine and an auxiliary diesel electric generator.

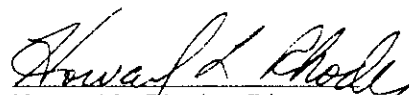
STATEMENT OF BASIS

This air construction permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and the Florida Administrative Code (F.A.C.) Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297. The above named permittee is authorized to construct/install the facility in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department of Environmental Protection (Department).

APPENDICES

The attached appendices are a part of this permit:

Appendix GC - General Permit Conditions
Appendix PC - Permitted Counties


Howard L. Rhodes, Director
Division of Air Resources
Management

"More Protection, Less Process"

Printed on recycled paper.

SECTION II. FACILITY DESCRIPTION AND FACILITY WIDE CONDITIONS
AIR CONSTRUCTION PERMIT NO.: 7775122-001-AC

FACILITY DESCRIPTION

This facility consists of a 400 tons per hour (TPH) Hazmag Model KR131D2912 impact crusher facility with associated crusher feeder, classifier screens and conveyors, all of which are mounted on a transportable chassis and powered by a 450 hp Caterpillar diesel engine mounted on the same transportable chassis. The crusher and auxiliary conveyors, screen shaker and water spray pumps, are electrically driven from the 205 KW Caterpillar diesel generator set. Process unconfined fugitive particulate matter emissions from the crushing operation, specifically the feeders, screen classifiers and conveyor transfer points, shall be controlled by a water-spray suppression system. Non-process unconfined fugitive particulate matter emissions from the roadways, stockpiles and work-yard, shall be controlled by watering and/or by application of some effective dust suppressant(s).

REGULATORY CLASSIFICATION

The facility is subject to the regulations of 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants. The generator portion of the facility is regulated under Rule 62-210.300, F.A.C., Permits Required, since there are no unit specific regulatory requirements that apply.

RELEVANT DOCUMENTS

The documents listed below are the basis of the permit. They are specifically related to this permitting action. These documents are on file with the Department.

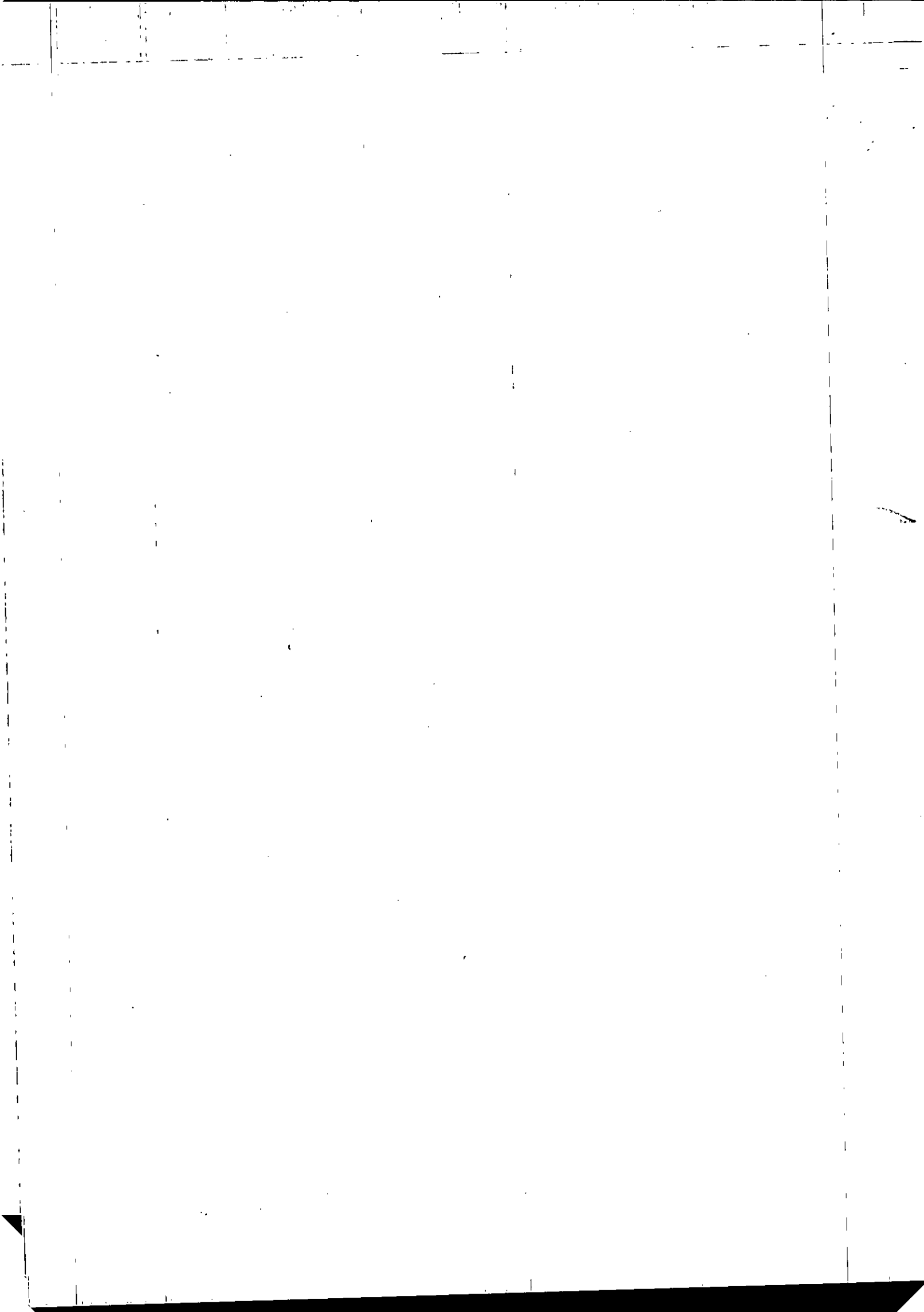
- Application received: July 17, 2000
- Intent to issue an air construction permit signed October 2, 2000
- Proof of publication Sarasota, Charlotte and DeSoto Counties received November 21, 2000.

PERMITTED COUNTIES

Please see Appendix PC, Permitted Counties, for a list of counties in which the facility will be able to operate once Public Notice has been published, the performance testing has been completed satisfactorily, and the air operation permit has been issued or amended after proper relocation notification. As proof of publication is received by the Department, the publication date shall be inserted into Appendix PC.

OPERATING LOCATION

The facility will be based near SR 31 on Babcock Ranch property 2.5 miles south of Tucker's Corner in Charlotte County, Florida. The UTM coordinates for that site are Zone 17; 410,23 km East; and, 2962.71 km North.



SECTION III. EMISSION UNIT SPECIFIC CONDITIONS
AIR CONSTRUCTION PERMIT NO.: 7775122-001-AC

Subsection A.

The emissions units/activities contained in this subsection and their descriptions are as follows:

EMISSIONS UNIT/ACTIVITY NO.	DESCRIPTION
001	400 TPH Hazmag impactor crusher; Model KR131D2912; S/N: HU-1470; Mfg 1994; with associated feeder, classifier screens, and conveyors.
002	Caterpillar diesel engine, Model 3406C, powering the crusher.
003	265 KW Caterpillar, Model 3306, diesel powered generator set which powers the conveyors, classifier screen shaker and the water-spray pump.

Emissions unit 001 is subject to the requirements of 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants (40 CFR 60.670 - 60.676) and 40 CFR 60, Subpart A. The diesel engines are required to be permitted pursuant to Rule 62-210.300(1), F.A.C., Permits Required, but are not subject to any testing requirements. They will be allowed to burn new No. 2 fuel oil, or better.

The following specific conditions apply to the above referenced emissions units after construction:

ESSENTIAL POTENTIAL TO EMIT (PTE) PARAMETERS

- Hours of Operation: The emissions units/activities are allowed to operate a maximum of 24 hours/day, 364 days per calendar year, but not to exceed 3120 hours per calendar year.
[Rule 62-210.200, F.A.C., Definitions - PTE; and, application received July 17, 2000]
- Permitted Capacity: The maximum crusher operation process throughput of materials is 400 TPH.
[Rule 62-210.200, F.A.C., Definitions - PTE; and, application received July 17, 2000]

EMISSION LIMITATIONS AND PERFORMANCE STANDARDS

- Visible Emissions: The following emission points/activities are subject to the visible emission limits in Table 1.

Table 1

Emission Point/Activity	Visible Emissions Limit (% Opacity) if operating in a PM maintenance area	Visible Emissions Limit (% Opacity) if <u>not</u> operating in a PM maintenance area and subject to 40CFR60, Subpart OOO
Receiving Hopper and Grizzly Feeder	5	10
Crusher	5	15*
Portable Belt Conveyor(s)	5	10**
Screen(s)	5	10
Truck Loading/Unloading	5	<20

- * This limit applies since no capture system is used.
- ** This limit applies to transfer points onto conveyor belts only.

Hillsborough County Particulate Maintenance Area:

The description of the maintenance area and the visible emissions limits are listed below:

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That portion of Hillsborough County which falls within the area of the circle having a centerpoint at the intersection of U. S. 41 South and State Road 60 and a radius of 12 kilometers.

The permittee shall not cause, permit, or allow any visible emissions (five percent opacity).
[Rule 62-204.340, F.A.C.; and, Rule 1-3.61, Rules of the Environmental Protection Commission of Hillsborough County]

4. No Visible Emissions - Saturated Materials: No owner or operator shall cause to be discharged into the atmosphere any visible emissions from:

- a. Wet screening operations and subsequent screening operations, bucket elevators, and belt conveyors that process saturated material in the production line up to the next crusher, grinding mill or storage bin.
- b. Screening operations, bucket elevators, and belt conveyors in the production line downstream of wet mining operations, where such screening operations, bucket elevators, and belt conveyors process saturated materials up to the first crusher, grinding mill, or storage bin in the production line.

[40 CFR 60.672(h)(1) & (2)]

5. Excess Emissions: The following excess emissions provisions cannot be used to vary any NSPS requirements from any subpart of 40 CFR 60:

- a. Excess emissions resulting from start-up, shutdown or malfunction of any emissions units shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized, but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration.
[Rule 62-210.700(1), F.A.C.]
- b. Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during start-up, shutdown, or malfunction shall be prohibited.
[Rule 62-210.700(4), F.A.C.]

COMPLIANCE MONITORING AND TESTING REQUIREMENTS

6. Test Frequency:
- a. Prior to obtaining an operation permit for this facility, the owner or operator shall conduct a visible emissions compliance test to demonstrate compliance with the standards of this permit.
[Rule 62-297.310(7)(a)1., F.A.C.]
 - b. The owner or operator of the facility shall conduct visible emissions tests annually for all emission points/activities subject to a visible emission standard.
[Rule 62-297.310(7)(a)4.a., F.A.C.]
7. Operating Rate During Testing: Unless otherwise stated in the applicable emission limiting standard rule, testing of emissions shall be conducted with the emissions unit operating at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted capacity (i.e., at less than 90 percent of the maximum operation rate allowed by the permit); in this case, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted provided however, operations do not exceed 100 percent of the maximum operation rate allowed by the permit. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity.
[Rule 62-297.310(2), F.A.C.]
8. Test procedures shall meet all applicable requirements of Rule 62-297.310(4), F.A.C.

SECTION III. EMISSION UNIT SPECIFIC CONDITIONS
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[Rule 62-297.310(4), F.A.C.]

9. Determination of Process Variables:

a. Required Equipment. The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.

b. Accuracy of Equipment. Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.

[Rule 62-297.310(5), F.A.C.]

10. Test Notification: The owner or operator shall notify the Department's district office and/or, if applicable, appropriate local program, at least 15 days prior to the date on which each formal compliance test is to begin. Notification shall include the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator. [Rule 62-297.310(7)(a)9., F.A.C.; and, 40 CFR 60.8]

[Permitting note: The federal requirements of 40 CFR 60.8 require 30 days notice of the initial test and any tests required under section 114 of the Clean Air Act, but the Department rules require 15 days notice for the annual compliance tests. Unless otherwise advised by the Department, provide 15 days notice prior to conducting annual tests, except for the initial test when 30 days notice is required.]

11. Visible Emissions Test Method: In determining compliance with the standards in 40 CFR 60.672(b) and (c), the owner or operator shall use EPA Method 9 and the procedures in 40 CFR 60.11, with the following additions:

a. The minimum distance between the observer and the emissions source shall be 4.57 meters (15 feet).

b. The observer shall, when possible, select a position that minimizes interference from other fugitive emissions units (e.g., road dust). The required observer position relative to the sun (Method 9, Section 2.1) must be followed.

c. For affected emissions units using wet dust suppression for particulate matter control, a visible mist is sometimes generated by the spray. The water mist must not be confused with particulate matter emissions and is not to be considered a visible emission. When a water mist of this nature is present, the observation of emissions is to be made at a point in the plume where the mist is no longer visible.

[40 CFR 60.675(c)(1)(i), (ii) & (iii)]

12. When determining compliance with the fugitive emissions standard for any affected facility described under 40 CFR 60.672(b), the duration of the EPA Method 9 observations may be reduced from 3 hours (thirty 6-minute averages) to 1 hour (ten 6-minute averages) only if the following conditions apply:

a. There are no individual readings greater than 10 percent opacity; and

b. There are no more than 3 readings of 10 percent for the 1-hour period.

[40 CFR 60.675(c)(3)(i) & (ii)]

13. When determining compliance with the fugitive emissions standard for any crusher at which a capture system is not used as described under 40 CFR 60.672(c), the duration of the Method 9 observations may be reduced from 3 hours (thirty 6-minute averages) to 1 hour (ten 6-minute averages) only if the following conditions apply:

a. There are no individual readings greater than 15 percent opacity; and

b. There are no more than 3 readings of 15 percent for the 1-hour period.

[40 CFR 60.675(c)(4)(i) & (ii)]

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14. Visible Emissions Test - Emissions Interference: For the method and procedure of 40 CFR 60.675(c), if emissions from two or more emissions units continuously interfere so that the opacity of fugitive emissions from an individual affected emissions unit cannot be read, either of the following procedures may be used:
- a. Use for the combined emission stream the highest fugitive opacity standard applicable to any of the individual affected emissions units contributing to the emissions stream; or,
 - b. Separate the emissions so that the opacity of emissions from each affected emissions unit can be read.
- [40 CFR 60.675(c)(1)(i) & (ii)]
15. No Tests Required - Saturated Materials: Method 9 performance tests under 40 CFR 60.11 and 40 CFR 60.675 are not required for:
- a. Wet screening operations and subsequent screening operations, bucket elevators, and belt conveyors that process saturated material in the production line up to, but not including the next crusher, grinding mill or storage bin.
 - b. Screening operations, bucket elevators, and belt conveyors in the production line downstream of wet mining operations, that process saturated materials up to the first crusher, grinding mill, or storage bin in the production line.
- [40 CFR 60.675(h)(1) & (2)]
16. Special Compliance Tests: When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the facility to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions units and to provide a report on the results of said tests to the Department.
- [Rule 62-297.310(7)(b), F.A.C.]

REPORTING AND RECORDKEEPING REQUIREMENTS

17. Log: The permittee shall maintain a daily log showing at a minimum, the following information:
- (a) The location and production rate.
 - (b) The hours of operation of the crusher system.
 - (c) Maintenance and repair logs for any work performed on the permitted emissions units.
 - (d) The use of wetting agents to control unconfined fugitive dust.
 - (e) Fuel consumption.
- This data shall be made available to the Department or its designee upon request.
- [Rule 62-4.070(3), F.A.C.]
18. Operation and Maintenance (O&M) Plan and Log: The permittee shall keep an O&M plan and a daily log for the air pollution control equipment with the facility. The log shall include the list of the parameters being monitored, the frequency of the check/maintenance, observations, and comments.
- [Rule 62-4.070(3), F.A.C.]
19. Test Reports: The owner or operator shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in 40 CFR 60.672, including reports of opacity observations made using Method 9 to demonstrate compliance with 40 CFR 60.672(b) and 40 CFR 60.672(c).
- (b) The required test report shall be filed with the Department as soon as practical but no later than 45 days after the last sampling run of each test is completed.
 - (c) The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the test was properly conducted and the test results properly

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computed. As a minimum, the test report, other than for an EPA Method 9 test, shall provide the following information:

1. The type, location, and designation of the emissions unit tested.
2. The facility at which the emissions unit is located.
3. The owner or operator of the emissions unit.
4. The normal type and amount of fuels used and materials processed, and the types and amounts of fuels used and material processed during each test run.
5. The method, raw data and computations used to determine the amount of fuels used and materials processed, if necessary to determine compliance with an applicable emission limiting standard.
6. The type of air pollution control devices installed on the emissions unit, its general condition, their normal operating parameters (pressure drops, total operating current and GPM scrubber water), and their operating parameters during each test run.

[40 CFR 60.676(f); and, Rules 62-297.310(8)(b) and (c)1. - 6., F.A.C.]

20. Change From Saturated to Unsaturated Material: The owner or operator of any screening operation, bucket elevator, or belt conveyor that processes saturated material and is subject to 40 CFR 60.672(h) and subsequently processes unsaturated materials, shall submit a report of this change within 30 days following such change. This screening operation, bucket elevator, or belt conveyor is then subject to the 10 percent opacity limit in 40 CFR 60.672(b) and the emission test requirements of 40 CFR 60.11 and 40 CFR 60. Subpart OOO. Likewise a screening operation, bucket elevator, or belt conveyor that processes unsaturated material but subsequently processes saturated material shall submit a report of this change within 30 days following such change. This screening operation, bucket elevator, or belt conveyor is then subject to the no visible emission limit in 40 CFR 60.672(h).

[40 CFR 60.676(g)]

21. Records Retention: This facility shall maintain a central file containing all measurements, records, and other data that are required to be collected pursuant to the various specific conditions of this permit.

[Rule 62-4.160(14)(a), F.A.C.]

22. Duration of Recordkeeping: 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. 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 records shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

[Rule 62-4.160(14)(b), F.A.C.]

23. Excess Emissions Report: If excess emissions occur, the owner or operator shall notify the Department within one working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. In addition, the Department may request a written summary report of the incident. Pursuant to the Standards of Performance for New Stationary Sources, excess emissions shall also be reported in accordance with 40 CFR 60.7.

[Rule 62-4.130, F.A.C.; and, 40 CFR 60.7]

24. Excess Emissions Report - Malfunctions: In case of excess emissions resulting from malfunctions, each owner or operator shall notify the Department or the appropriate local program in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report if requested by the Department.

[Rule 62-210.700(6), F.A.C.]

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NSPS GENERAL PROVISIONS

[**Note:** The numbering of the original rules in the following conditions has been preserved for ease of reference. In cases where the state requirements are more restrictive than the NSPS general requirements, the state requirements shall prevail.]

25. Notification and Recordkeeping:

(a) Any owner or operator subject to the provisions of 40 CFR 60 shall furnish the Administrator written notification as follows:

(4) A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in 40 CFR 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.

(b) The owner or operator subject to the provisions of 40 CFR 60 shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

(f) The owner or operator subject to the provisions of 40 CFR 60 shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by 40 CFR 60 recorded in a permanent form suitable for inspection. The file shall be retained for at least three years following the date of such measurements, maintenance, reports, and records.

[40 CFR 60.7]

26. Performance Tests:

(a) Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).

(b) Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Administrator (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard, or (5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in this paragraph shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.

(c) Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level

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of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

(d) The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present.

[40 CFR 60.8]

27. Compliance with Standards and Maintenance Requirements:

(a) Compliance with standards in 40 CFR 60, other than opacity standards, shall be determined only by performance tests established by 40 CFR 60.8, unless otherwise specified in the applicable standard.

(b) Compliance with opacity standards in 40 CFR 60.11 shall be determined by conducting observations in accordance with Reference Method 9 in appendix A of 40 CFR 60.11, any alternative method that is approved by the Administrator, or as provided in 40 CFR 60.11(e)(5). [Under certain conditions (40 CFR 60.675(c)(3)&(4)), Method 9 observation time may be reduced from 3 hours to 1 hour. Some affected facilities are exempted from Method 9 tests (40 CFR 60.675 (h)).]

(c) The opacity standards set forth in 40 CFR 60.11 shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

(d) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(g) For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in this part, nothing in this part shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[40 CFR 60.11]

28. Circumvention: No owner or operator subject to the provisions of 40 CFR 60.12 shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

[40 CFR 60.12]

29. General Notification and Reporting Requirements:

(a) For the purposes of this part, time periods specified in days shall be measured in calendar days, even if the word "calendar" is absent, unless otherwise specified in an applicable requirement.

(b) For the purposes of this part, if an explicit postmark deadline is not specified in an applicable requirement for the submittal of a notification, application, report, or other written communication to the Administrator, the owner or operator shall postmark the submittal on or before the number of days specified in the applicable requirement. For example, if a notification must be submitted 15 days before a particular event is scheduled to take place, the notification shall be postmarked on or before 15 days preceding the event; likewise, if a notification must be submitted 15 days after a particular event takes place, the notification shall be delivered or postmarked on or before 15 days following the end of the event. The use of reliable non-Government mail carriers that provide indications of verifiable delivery of information required to be submitted to the Administrator, similar to the postmark provided by the U.S. Postal Service, or alternative means of delivery agreed to by the permitting authority, is acceptable.

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(c) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.

(d) If an owner or operator of an affected facility in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such facility under this part, the owner or operator may change the dates by which periodic reports under this part shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. The allowance in the previous sentence applies in each State beginning 1 year after the affected facility is required to be in compliance with the applicable subpart in this part. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.

(f)(1)(i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (f)(2) and (f)(3) of this section, the owner or operator of an affected facility remains strictly subject to the requirements of this part.

(ii) An owner or operator shall request the adjustment provided for in paragraphs (f)(2) and (f)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.

(2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.

(3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.

(4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

[40 CFR 60.19]

30. **Prohibited Operations: Asbestos Containing Materials, 40 CFR 61, Subpart M:** This facility shall **not** process Asbestos Containing Materials (ACM), whether regulated asbestos containing material (RACM), category I or category II, and whether friable or nonfriable when received at the facility.

(1) "Asbestos" means the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite and includes trade acronyms products such as amosite.

(2) "Asbestos-containing materials". ACM, means any materials which contain more than one percent asbestos as determined by Polarized Light Microscopy. Based on a representative composite sample.

(3) "Asbestos removal project" means renovation or demolition operation in a facility that involves the removal of a threshold amount of regulated asbestos-containing material.

(4) "Category I Nonfriable Asbestos-Containing Material (ACM)" means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1

BETTER ROADS, INC.

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HAZMAG MODEL KR131D2912

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SECTION III. EMISSION UNIT SPECIFIC CONDITIONS
AIR CONSTRUCTION PERMIT NO.: 7775122-001-AC

percent asbestos as determined using the method specified in Appendix A. Subpart F. 40 CFR Part 763. Section 1, Polarized Light Microscopy.

(5) "Category II Nonfriable ACM" means any material, excluding Category I Nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in Appendix A. Subpart F, 40 CFR Part 763. Section 1, Polarized Light Microscopy, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

[40 CFR 61, Subpart M; Chapter 62-257, F.A.C.; and, Rules 62-730.300 and 62-701.520, F.A.C.]

31. Restricted/Prohibited Activities: Co-location at Existing Stationary Source Facilities: This relocatable crusher facility is not authorized to operate on the premises of, or adjacent to, any other permitted air pollution facility, unless the permit for such stationary source includes this crushing unit as an emission unit within such facility's air construction and air operation permits.

MISCELLANEOUS

32. The diesel engines are allowed to fire new No. 2 fuel oil, or better.

[Rules 62-4.070(3) and 62-210.200, Definitions - PTE, F.A.C.]

APPENDIX GC - GENERAL CONDITIONS
AIR CONSTRUCTION PERMIT NO.: 7775122-001-AC

The following general conditions apply to all permits pursuant to Rule 62-4.160, F.A.C.:

- G.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.
- G.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 or exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
- G.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 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.
- G.4 This permit conveys no title to land or water, does not constitute State recognition or acknowledgment 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.
- G.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.
- G.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.
- G.7 The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of 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 and 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.

APPENDIX GC – GENERAL CONDITIONS

AIR CONSTRUCTION PERMIT NO.: 7775122-001-AC

- G.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.
- G.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.
- G.10 The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
- G.11 This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, 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.
- G.12 This permit or a copy thereof shall be kept at the work site of the permitted activity.
- G.13 This permit also constitutes:
- (a) Determination of Best Available Control Technology ()
 - (b) Determination of Prevention of Significant Deterioration (); and
 - (c) Compliance with New Source Performance Standards (X).

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RELOCATABLE CONCRETE, ASPHALT, AND ROCK CRUSHING PLANT

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APPENDIX GC – GENERAL CONDITIONS
AIR CONSTRUCTION PERMIT NO.: 7775122-001-AC

G.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.
- (c) 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 or 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.
- (d) Records of monitoring information shall include:
 - 1. The date, exact place, and time of sampling or measurements;
 - 2. The person responsible for performing the sampling or measurements;
 - 3. The dates analyses were performed;
 - 4. The person responsible for performing the analyses;
 - 5. The analytical techniques or methods used; and
 - 6. The results of such analyses.

G.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.

APPENDIX PC – PERMITTED COUNTIES

AIR CONSTRUCTION PERMIT NO.: 7775122-001-AC

The permittee is authorized to operate in the following counties where public notice has been published:

Permitted Counties:	Date of Publication:	Permitted Counties:	Date of Publication:	Permitted Counties:	Date of Publication:
Alachua		Hamilton		Okeechobee	
Baker		Hardee		Orange	
Bay		Hendry		Osceola	
Bradford		Hernando		Palm Beach	
Brevard		Highlands		Pasco	
Broward		Hillsborough		Pinellas	
Calhoun		Holmes		Polk	
Charlotte	Oct 28, 2000	Indian River		Putnam	
Citrus		Jackson		St. Johns	
Clay		Jefferson		St. Lucie	
Collier		Lafayette		Santa Rosa	
Columbia		Lake		Sarasota	Oct 28, 2000
Dade		Lee		Seminole	
DeSoto	Oct 28, 2000	Leon		Sumter	
Dixie		Levy		Suwannee	
Duval		Liberty		Taylor	
Escambia		Madison		Union	
Flagler		Manatee		Volusia	
Franklin		Marion		Wakulla	
Gasden		Martin		Walton	
Gilchrist		Monroe		Washington	
Glades		Nassau			
Gulf		Okaloosa			

BAR

State of Florida
Department of Environmental Protection

Memo

TO	Howard Rhodes
THRU	Clair Fancy Bruce Mitchell
FROM	William Leffler, P.E.
DATE	November 21, 2000
SUBJECT	Air Construction Permit No.: 7775122-001-AC Better Roads, Inc. Relocatable Concrete, Asphalt, and Rock Crushing Facility Hazmag Model KR131D2912
Day 90	December 17, 2000

This air construction permit is for the construction/installation of a diesel engine powered relocatable concrete, asphalt, and rock crushing facility. The air construction permit will allow the permittee to assemble or install the machinery, conduct performance testing and apply for an air operating permit or subsequent air operating permit amendments when relocating notification is received.

The application history is as follows:

- Application for air construction permit received on July 17, 2000
- Intent to issue an air construction permit clerked on October 2, 2000
- Proof of publication for Sarasota, Charlotte and DeSoto Counties received November 21, 2000

The relocatable concrete, asphalt, and rock crusher is a minor facility. Unconfined fugitive particulate matter emissions from the process will be controlled by a water suppression system, and unconfined fugitive non-process particulate emissions from roadways, stockpiles and work-yard, will be controlled by watering and/or application of some effective dust suppressant(s).

The applicant contemplates use of this facility at sites co-located with asphalt batch plants to prepare recycled asphalt pavement for incorporation as aggregate in new paving mixtures. Modification of stationary source permits for these asphalt batch plants is pending in the South District. Applicant wishes to obtain the right to operate independently of stationary source permits by this application for a relocatable facility permit.

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7099 3400 0000 1449 6441 2648

Article Sent To:

Mr. Joseph B. Boness, III

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Name (Please Print Clearly) (to be completed by mailer)

Mr. Joseph B. Boness, III

Street, Apt. No., or PO Box No.

P.O. Box 9979

City, State, ZIP+4

Naples, Florida 33941

PS Form 3800, July 1999

See Reverse for Instructions