



Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

CERTIFIED MAIL

In the Matter of an Application
for Permit by:

DEP File No.: 7775176-001-AC
District: Southwest

Mr. Charles W. Roberts
President
C.W. Roberts Contracting, Inc.
Hwy 20 East
Hosford, FL 32334

INTENT TO ISSUE AIR CONSTRUCTION PERMIT EXTENSION

The Department of Environmental Protection gives notice of its intent to issue an air construction permit extension (copy of draft permit extension attached) for the proposed project as detailed in the application specified above, for the reasons stated below.

The applicant, C.W. Roberts Contracting, Inc., applied on June 30, 2003, to the Department of Environmental Protection for an air construction permit extension for its relocatable asphalt concrete plant at Wildwood, Sumter County, Florida.

The Department has permitting jurisdiction under Section 403.087, Florida Statutes (F.S.). The project is not exempt from permitting procedures. The Department has determined that a construction permit is required for the proposed work.

The Department intends to issue this permit extension based on the belief reasonable assurances have been provided to indicate the proposed project will comply with the appropriate provisions of Florida Administrative Code (F.A.C.) Chapters 62-204 through 62-297 & 62-4.

Pursuant to Section 403.815, F.S., and Rule 62-110.106, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to issue permit extension. The notice will be published one time only within 30 days of receipt of this Intent to Issue, in the legal ad section of a newspaper of general circulation in the area affected. For the purposes of this rule "publication in a newspaper of general circulation in the affected area" 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. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed above. The applicant shall provide proof of publication to the

Permittee:
C.W. Roberts Contracting, Inc.

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Department, at 3804 Coconut Palm Drive, Tampa Florida 33619 within 7 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 response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

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;

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- (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.

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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 EPA and by the person under the Clean Air Act unless and until Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.


Any person listed below may request to obtain additional information, a copy of the application (except for information entitled to confidential treatment pursuant to Section 403.111, F.S.), all relevant supporting materials, and all other materials available to the Department that are relevant to the permit decision.

The Department will accept written comments concerning the proposed permit extension issuance action for a period of 14 (fourteen) days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE CONSTRUCTION PERMIT EXTENSION."

Written comments should be provided to the **Southwest District** office of the Department at 3804 Coconut Palm Drive, Tampa Florida 33619 to the attention of Mr. Eric Peterson (phone no. 813-744-6100 ext. 107) referencing Permit File No. 7775176-001-AC. All comments received within 14 days of receipt of this Intent to Issue will be considered in the Department's final determination. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit extension and require, if applicable, another Public Notice.

Executed in Tampa, Florida.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



Gerald J. Kissel
District Air Program Administrator
Southwest District

GJK\qn
Attachment

Permittee:
C.W. Roberts Contracting, Inc.

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Copies to:
Max Lee, Ph.D., P.E., Koogler and Associates
Ms. Jane E. Miller, 4833 CR 114, Wildwood, FL 34785
Ms. Linda Holden, 4766 CR 114, Wildwood, FL 34785

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this INTENT TO ISSUE CONSTRUCTION PERMIT EXTENSION was sent to the addressee by certified mail and all copies were sent by regular mail before the close of business on JUL 30 2003 to the listed persons, unless otherwise noted.

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


Clerk

JUL 30 2003
Date

7002 2410 0003 3962 8375

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

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$

Mr. Charles W. Roberts, President
C.W. Roberts Contracting, Inc
(En) Hwy 20 East
(En) Hosford, FL 32334

Ti 7775176-001-AC 07/30/2003

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Sr
or I

City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT EXTENSION

The Department of Environmental Protection gives notice of its intent to issue an air construction permit extension (Permit File No. 7775176-001-AC) to C.W. Roberts Contracting, Inc., for the construction of a relocatable asphalt concrete plant. The plant will be initially constructed at County Road 114, 0.2 miles east of State Road 35, Wildwood, Sumter County, FL 34785. The applicant's name and address are: C.W. Roberts Contracting, Inc. Hwy 20 East, Hosford, FL 32334, Attention: Mr. Charles W. Roberts, President.

The Department will issue the permit extension unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

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, 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 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), F.S., 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), F.S., 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, F.A.C.

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- (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 action; and
- (f) A statement of 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, F.A.C.

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 permit extension. 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.

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 8407 Laurel Fair Circle, Tampa, Florida.

Any person may request to obtain additional information, a copy of the application (except for information entitled to confidential treatment pursuant to Section 403.111, F.S.), all relevant supporting materials, a copy of the draft permit extension, and all other materials available to the Department that are relevant to the permit decision. Additionally, the Department will accept written comments concerning the proposed permit extension issuance action for a period of 14 (fourteen) days from the date of publication of "Public Notice of Intent to Issue Permit Extension." Requests and written comments filed should be provided to the Florida Department of Environmental Protection at 3804 Coconut Palm Drive, Tampa, FL 33619 to the attention of Mr. Eric Peterson (phone no. 813-744-6100 ext. 107) referencing Permit File No. 7775176-001-AC. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the draft permit extension and require, if applicable, another Public Notice.



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Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

DRAFT PERMIT EXTENSION ISSUANCE

Mr. Charles W. Roberts, President
C.W. Roberts Contracting, Inc.
Hwy 20 East
Hosford, FL 32334

Dear Mr. Roberts:

Re: Permit application dated June 21, 2003
Reference Construction Permit No. 7775176-001-AC
Wildwood Asphalt Plant

On June 30, 2003, the Department received your request to extend the expiration date of permit 7775176-001-AC. As requested, the expiration date for permit 7775176-001-AC is hereby changed as follows:

FROM: **12/31/2003**

TO: **6/30/2004**

This letter must be attached to and becomes a part of the permit 7775176-001-AC. If you have any questions, please call Mr. Quaid Noor of my staff at (813) 744-6100, extension 112.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Gerald J. Kissel, P.E.
District Air Program Administrator
Southwest District

GJK/qn