



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

October 10, 2007

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Jon Koepke
Environmental Manager
Florida Crushed Stone Company
11430 Camp Mine Road
Brooksville, Florida 34605-0668

RE: Florida Crushed Stone Company
DEP Case Number PA 82-17N
Post-Certification Amendment dated September 4, 2007, and
Modification to Conditions of Certification
OGC Case Number 07-1803

NOTICE OF INTENT TO MODIFY CONDITIONS OF CERTIFICATION

Dear Mr. Koepke:

On September 5, 2007, the Department of Environmental Protection (Department) received a request for a post certification amendment to the Site Certification Application for the Florida Crushed Stone Company for the addition of a tire wash system to the existing truck wash facility.

Based on the September 5, 2007 submittal and additional information received (via email) on October 5, 2007 it is the Department's understanding that water for the truck/tire wash system is supplied by cooling ponds and settling ponds on the site, and that both certified and uncertified facilities withdraw water from these ponds. Make-up water to the cooling ponds is supplied by wells associated with both certified and uncertified facilities of the site. Further, there is no direct well-water connection to the tire/truck wash facility. Florida Crushed Stone is not requesting an increase in water usage for the facility or an increase in the pumping limit for a single well or the wells collectively.

Pursuant to Section 62-17.205(c), F.A.C., the Department has determined that this request is an amendment to the application and will not require modification to the Conditions of Certification for the facility. Florida Crushed Stone must submit and implement a revision to the Best Management Practices Plan including the Site Water Management Plan, and the Supplemental Environmental Management Plan, as required by Condition of Certification II.N., for "any change at the facility which involves changes with operations, maintenance, process, or management".

The Department has no objection to the addition of the tire wash system to the existing truck wash facility, however during the review for this request, it was determined that minor modifications to the Conditions of Certification (COC) not directly related to your request are necessary. The Department is initiating these modifications to the existing COC in accordance with 403.516(1)(c), Florida Statutes ("F.S.").

- 1) The condition in section II.N (Environmental Control and Best Management Practices) regarding revision of the Best Management Practices Plan, Site Water Management Plan, and the Supplemental Environmental Management Plan is being updated to ensure proper notification to the Siting Office.
- 2) The Section I. (Air) condition is being modified to include air permits as attachments to the COC.

The above actions have been categorized as 'Post-Certification Amendment' and 'Modification' and are separately addressed below.

Post-Certification Amendment

As indicated above, the Department has no objection to the addition of a tire wash system to the existing truck wash referred to by the Florida Crushed Stone Company in the September 4, 2007 letter. The Department's acceptance of this amendment shall become final unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57, Florida Statutes ("F.S."), within **21** days of receipt of this Order. The procedures for petitioning for a hearing are set forth below.

Persons affected by this Order have the following options:

If you choose to accept the above decision by the Department concerning the post-certification amendment you do not have to do anything. This Order is final and effective as of the date on the top of the first page of this Order.

If you disagree with the decision, you may do one of the following:

1. File a petition for administrative hearing with the Department's Office of General Counsel within **21** days of receipt of this Order; or
2. File a request for an extension of time to file a petition for hearing with the Department's Office of General Counsel within **21** days of receipt of this Order. Such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for hearing.

Please be advised that mediation of this decision pursuant to section 120.573, Florida Statutes ("F.S."), is not available.

How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to rule 62-110.106(4), Florida Administrative Code ("F.A.C."), the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this Order. Petitioner, if different from the addressee, shall mail a copy of the request to the addressee at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order 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, MS 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this Order. Petitioner, if different from the addressee, shall mail a copy of the petition to the addressee at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under sections 120.569 and 120.57, F.S.

Pursuant to subsections 120.54(5)(b)4 and 120.569(2), F.S. and rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

- a) The name, address, and telephone number of each petitioner, the name, address, and telephone number of the petitioner's representative, if any, the site owner's name and address, if different from the petitioner, the DEP facility number, and the name and address of the facility;
- b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- d) A statement of the material facts disputed by the petitioner, or a statement that there are no disputed facts;
- e) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- f) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the Department's action or proposed action; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

This Order is final and effective as of the date on the top of the first page of this Order. Timely filing a petition for administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative hearing or an Order Responding to Supplemental Information provided to the Department pursuant to meetings with the Department.

Judicial Review

Any party to this Order has the right to seek judicial review of it under section 120.68, F.S., by filing a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department 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 of appeal must be filed within thirty days after this order is filed with the clerk of the Department (see below).

Questions

Any questions regarding the Department's review of your post-certification amendments should be directed to Michael P. Halpin, P.E. at (850) 245-8002. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2293. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

Modification

The Conditions of Certification are being modified to include a requirement to copy the Siting Office on all changes to site-wide management plans. This modification has been placed in the attached draft Final Order. Pursuant to Section 403.516, Florida Statutes ("F.S."), and Rule 62-17.211, Florida Administrative Code ("F.A.C."), all parties to the certification proceeding have 45 days from the issuance of this notice by mail to such party's last address of record in which to file a written objection to the modification. A public notice will also be published in the Florida Administrative Weekly ("FAW") regarding this Intent to Modify the Conditions of Certification. Any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the requested modification

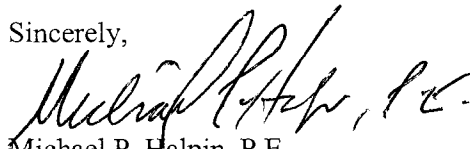
has 30 days from the date of publication of the public notice in the FAW to object in writing. Failure to act within the time frame constitutes a waiver of the right to become a party.

Written objections must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000. If the Department does not receive any written objections, then an Order Modifying the Conditions of Certification shall be issued by the Department. If written objections are timely filed which address only a portion of the modification, then pursuant to Rule 62-17.211(1)(b)5., F.A.C., the Department shall issue an Order approving that portion of the modification to which no objections were filed, unless that portion of the modification is substantially related to or necessary to implement the portion to which written objections are filed. If written objections are raised, then pursuant to Section 403.516(1)(c), F.S., the applicant may file a petition for modification with the Department and the Division of Administrative Hearings seeking approval for those portions of the modification to which written objections were timely filed.

Mediation is not available in this proceeding.

Any questions regarding this Intent to Modify Conditions of Certification should be directed to Michael P. Halpin at (850) 245-8002. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2242. Such contact with any of the above does not constitute an objection to the modification.

Sincerely,



Michael P. Halpin, P.E.
Administrator,
Siting Coordination Office

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52
Florida Statutes, with the designated
Department Clerk, receipt of which is
hereby acknowledged.

 10/10/07
Clerk Date

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