

# DEPARTMENT OF FINANCIAL SERVICES Division of State Fire Marshal

# Construction Mining INFORMATION PACKET

BUREAU OF FIRE PREVENTION REGULATORY LICENSING SECTION 200 East Gaines Street Tallahassee, Florida 32399-0342 Telephone: 850/413-3171

Fax: 850/410-2467

Fire.Prevention@myfloridacfo.com

# **SECTION 552.30, FLORIDA STATUTES**

## CONSTRUCTION MATERIALS MINING ACTIVITIES

The State Fire Marshal has sole and exclusive authority to promulgate standards, limits, and regulations regarding the use of explosives in conjunction with construction materials mining activities.

Such authority to regulate use includes, directly or indirectly, the operation, handling, licensure, or permitting of explosives and setting standards or limits, including, but not limited to, ground vibration, frequency, intensity, blast pattern, air blast and time, date, occurrence, and notice restrictions.

"Construction materials mining activities" means the extraction of limestone and sand suitable for production of construction aggregates, sand, cement, and road base materials by any person or company primarily engaged in the commercial mining of any such natural resources.

The State Fire Marshal has established statewide ground vibration limits for construction materials mining activities which conform to those limits established in the United States Bureau of Mines, Report of Investigations 8507, Appendix B - Alternative Blasting Level Criteria (Figure B-1). These limits are established in Florida Administrative Code 69A-2.024.

# **FLORIDA ADMINISTRATIVE CODE 69A-2.024**

## **DEFINITIONS**

"Blasting site" is a location within a mining area at which explosive charges are set.

"Independent seismologist" is an individual whose function includes vibration and air overpressure measurement and the analysis and evaluation of their effects upon structures.

A seismologist under Florida Administrative Code 69A-69.024 will not be considered "independent" if the seismologist is an employee of the mining permit holder, blaster, or user; or any entity subject to regulation under Section 552.30, Florida Statutes. A seismologist shall be ineligible to serve as an "independent seismologist" if the seismologist: has within 2 years from the written notice referenced below been retained by or otherwise served as an expert witness. investigator, or consultant for the mining permit holder, blaster, or user or for an aggrieved party in connection with any anticipated or threatened claim, legal action, or other proceedings in which the mining permit holder, blaster, or user is alleged in a written notice to have caused damages or adversely affected personal property allegedly due to the operation or performance of the activities regulated under Florida Administrative Code 69A-2.024; or does not meet the criteria of Section 69A-2.024(4)(c) which states: all measurements shall be made by a seismologist meeting the following criteria: five years continuous experience measuring and evaluating levels of ground vibration and air overpressure produced by blasting; demonstrable expertise in the use, location, and operation of seismographic equipment and analysis of seismographic data; and prior experience in monitoring side effects produced by blasting used in construction materials mining activity.

**"Limestone"** as used in Section 552.30(1), Florida Statutes, means any extracted material composed principally of calcium or magnesium carbonate. Coquina is a form of limestone composed of shell fragments.

"Mining area" as used in this rule section is the area of land in which construction materials mining activity is to occur.

"Urban development" is defined as a residential subdivision containing 25 or more occupied residences within the local urban development boundary.

## **CONSTRUCTION MINING PERMIT**

All construction materials mines must have a blasting permit issued pursuant to Section 552.30, Florida Statutes, and Florida Administrative Code 69A-2.024 prior to commencing blasting activities.

A mining permit shall be issued only after: payment of a fee is made and approval of an application, signed by the applicant showing the applicant's name and address, on Form DFS-K3-1498, Construction Mining Activity Application.

# <u>APPLICATION REQUIREMENTS</u>

Applicant must provide following information in the application:

The name of the mining operation, designating a responsible person with contact information.

Physical location of the mine.

Mailing address if different from the physical location of the mine.

Telephone number and fax number (if available).

Physical description of the construction mining area **AND** attach the legal description of the property.

Evidence of ownership of the property and written consent of the property owner.

Property owner must be designated in the application and evidence of ownership of the property must be attached. The application must include the telephone number and address of the property owner. If the property owner is the applicant written consent to use the property is not required.

Name, company name, license number, telephone and fax number of the licensed User of Explosives.

Seismologist name, firm name, address and contact information must be provided for the seismologist of record for monitoring all blasting that will occur at the mine.

## <u>FEES</u>

The fees established pursuant to Section 552.26, Florida Statutes, shall be as follows:

Initial Construction Mining Permit Fee	\$4000
10 Year Renewal Fee	\$4000
Annual Mining Permit Fee	\$1500
Permit Transfer Fee	\$100
Permit Modification Fee Boundary	\$1500
Permit Modification to other than Boundary Modifications	\$500

# **REQUIRED DOCUMENTS**

The Construction Mining Activity Application must be accompanied by <u>two</u> copies of the following documents with each document labeled with the name of the firm, name of the mine, identifying each attachment to coincide with the requirements listed below:

Accurate scaled aerial photograph of the proposed mining area showing the boundaries of the mining area must be submitted.

A map showing the proposed mining area property lines and land owned or controlled by the applicant including north arrow; scale; identifying streets; utility lines; water courses; rights of way; easements; structures within one mile of the proposed blasting site and proposed blasting site.

A written description of the type mining to be conducted.

A conceptual mining plan.

The zoning classification of all properties within one mile of the proposed mining area.

Note: Upon approval of an application based on the submission of documents described above and in Florida Administrative Code 69A-2.024, a physical inspection of the mine will be conducted to determine the approval of the above listed documents.

# **GENERAL INFORMATION**

The permit holder shall report all complaints to the authority issuing the permit.

# **LICENSE PERIOD**

Each mining permit shall be issued for a period of 10 years from the date of original issue.

# TRANSFER OF PERMITS

Within 60 days after the sale or legal transfer of a mining operation, the permittee shall inform the State Fire Marshal or delegatee in writing of the sale or legal transfer, identify the proposed new permittee, and request transfer of the permit.

At the option of the permittee request for transfer may be made prior to the sale or transfer of the mining operation, with approval being effective upon closing of the sale or transfer of the operation.

A permittee must complete an application for transfer, which shall be accompanied by a fee of \$100.

The State Fire Marshal or delegatee shall approve the transfer of the permit unless it determines that the proposed new permittee does not meet the requirements of this rule. The determination shall be limited solely to the ability of the new permittee to comply with the conditions of the existing permit, and it shall not concern the adequacy of the permit conditions.

The transferee is allowed to continue to operate under the existing permit until the request for transfer has been approved or denied.

# ANNUAL REPORT AND ANNUAL PERMIT FEE PROCEDURE

The mining activity covered by the mining permit will be reviewed on an annual basis for compliance with Chapter 552, Florida Statutes, including but not limited to compliance with the record keeping requirements. The State Fire Marshal on an annual basis will make a determination of compliance through inspection.

The mining firm must complete the mining activity records. It is the intent of the Florida Administrative Code that the mine maintain a record <u>completed by the mine</u> for each blast conducted at the mine. The form must contain the name of the mine, as listed in the Construction Mining Permit, the Permit number and each report shall contain all the required information listed in Florida Administrative Code 69A-2.024.

The mining permit holder shall annually pay a permitting fee of \$1,500.

At least 60 days prior to the expiration of a mining permit issued pursuant to this rule, the permittee wishing to continue activities subject to this rule shall apply for renewal of the permit using Form DFS-K3-1498, Construction Mining Activity Application.

If the request is submitted at least 60 days prior to the expiration of the mining permit, the existing permit shall remain in effect until final agency action, or later as required by Section 120.60, Florida Statutes.

# MODIFICATION OF PERMITS

A permittee may request a modification of the permit by applying to the State Fire Marshal or delegatee. The request shall identify the proposed modification.

The fee of \$1500 shall accompany requests for modification.

Within 30 days of receipt of the request, the State Fire Marshal or delegatee shall request additional information if necessary to evaluate the request.

The State Fire Marshal or delegatee shall inform the permittee by fax or otherwise in writing when the request is complete.

Within 30 days of the completion of the request, the request shall be approved or denied subject to Section 120.60, Florida Statutes.

# **GROUND VIBRATION LIMITS**

Ground vibration shall not exceed the limits of particle velocity and frequencies established by the U.S. Bureau of Mines Report of Investigations, No. 8507 Ground Vibration, Frequency Limits.

The maximum, Appendix B-Alternative Blasting Level Criteria (Figure B-1). A blasting operation shall use a seismograph as defined in Florida Administrative Code 69A-2.024 to monitor each blast to ensure compliance with the ground vibration limits established in Section 552.30, Florida Statutes.

Ground vibration shall be measured for <u>every</u> blast at the location of the nearest building that is not owned, leased, or contracted by the blasting or mining operation, or on property for which the owner has not provided a written waiver to the blasting operations, up to a maximum of one mile.

If there are no such buildings within one mile, measurement shall be made at one mile in the direction of the nearest such building.

If there is a building that is not owned, leased, or contracted by the blasting or mining operation, or on property for which the owner has not provided a written waiver to the blasting operations in a direction 90 to 270 degrees from the direction of the nearest building specified above, and that building is no more than 500 feet farther than the nearest building, measurement shall also be made at the nearest of those buildings.

If a measurement location determined pursuant to the provisions detailed above is not practicable, such as in a wet swamp, measurement shall be made at a point nearer to but in the same direction from the blast site.

A seismologist meeting requirements of Section 69A-2.024 shall make all measurements.

Measurements shall be taken and equipment shall meet specifications of and be installed in accordance with the International Society of Explosives Engineers Blaster's Handbook, 17th Edition, Copyright 1998.

When the use of explosives occurs within 2 miles of an urban development, measurements shall be collected and reported by an *independent seismologist* as defined in Florida Administrative Code 69A-2.024.

All seismographic equipment used within the boundaries of the State of Florida shall be calibrated according to the manufacturer's specifications and shall be certified as accurate by the manufacturer on an annual basis or as needed.

Calibration records shall be made available to the Division upon request.

# **SEISMOLOGIST**

#### A seismologist meeting the following criteria shall make all measurements:

Must possess five years continuous experience measuring and evaluating levels of ground vibration and air overpressure produced by blasting.

Must possess demonstrable expertise in the use, location, and operation of seismographic equipment and analysis of seismographic data; and

Must possess prior experience in monitoring side effects produced by blasting used in construction materials mining activity.

The State Fire Marshal has not found that the seismologist has engaged in dishonest practices relating to the collection or analysis of data or information regarding the use of explosives in construction materials mining. Such a finding will be subject to Section 120.57, Florida Statutes.

The seismologist shall not be an employee of the mining permit holder, blaster, or user.

Failure of a mine permit holder to comply with this requirement can result in suspension or revocation of the construction mining permit.

### **AIRBLAST**

Airblast limits shall conform with the limits established in Section 8-2 of National Fire Protection Association Standard Number 495, 1996 Edition.

The codes and standards published by the National Fire Protection Association may be obtained by writing to the:

National Fire Protection Association 1 Batterymarch Park Quincy, Massachusetts 02269-9101

All standards adopted and incorporated by reference in Florida Administrative Code 69A-2.024 are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal,

Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

Measurements made by a seismologist and any measurements made by an independent seismologist shall be made using seismographic equipment meeting the specifications of the International Society of Explosives Engineers Blasters' Handbook, 17<sup>th</sup> Edition, Copyright 1998.

Measurements shall be taken and equipment shall be installed in accordance with the International Society of Explosives Engineers Blasters' Handbook, 17th Edition, Copyright 1998.

# TIME AND DATE OF EXPLOSIVES USE

The use of explosives shall be conducted during daylight hours between 8:00 a.m. and 5:00 p.m. local time, Monday through Friday.

No explosive blasting shall occur on Saturdays, Sundays, official holidays recognized by the State of Florida pursuant to Section 110.117, Florida Statutes, or hours other than specified in the prior sentence unless consent is granted by the State Fire Marshal. Such consent shall be granted if the consent is in the interest of public safety.

# PAID HOLIDAYS

The following holidays shall be paid holidays observed by all state branches and agencies:

New Year's Day Memorial Day Independence Day Veterans' Day, Friday after Thanksgiving Birthday of Martin Luther King, Jr., third Monday in January Labor Day Thanksgiving Day Christmas Day

If any of these holidays falls on Saturday, the preceding Friday shall be observed as a holiday. If any of these holidays falls on Sunday, the following Monday shall be observed as a holiday.

# **BLASTING ACTIVITIES REPORTING**

Each mining permit holder engaged in construction materials mining activity shall submit to the Division, upon request, the results of ground vibration and airblast measurements.

This blast report shall be maintained in accordance with Section 552.112, Florida Statutes.

#### The blast report shall contain, at a minimum, for each blast:

Mine Name (as indicated on the Construction Mining Permit); the Construction Mining Permit Number; Date and time of blast; Number of holes; Depth; Number of wet holes, water depth; Hole diameter; Spacing; Amount of explosives; Number of primers; Type of caps (i.e. electric or nonelectric); Number of caps; Stemming feet; Maximum pounds delay; Maximum hole delay; Weather; Wind direction; Type and make of blasting machine; Global positioning system direction and distance in feet to the nearest building; Decking feet; Location of each seismograph; Peak particle velocity inches per second; Sound decibels; Name, address, and license number of user of explosives; and Name, address, and permit number of blaster.

It is the mining permit holder's responsibility to prepare and maintain a blast report for each blast conducted.

### **LOCAL GOVERNMENT NOTICE**

Each person engaged in construction materials mining activity shall submit written notification to the county and or municipality in which construction materials mining activity is to be conducted at least 20 days prior to the initial blast for any blasting.

As soon as practical, but no later than one hour prior to the time when a blast is scheduled to take place, the person or firm engaged in construction materials mining activity shall, if requested, notify the county or municipality of any revisions to the notice.

### **VIOLATIONS - PENALTIES**

The State Fire Marshal shall investigate any alleged violation of Chapter 552, Florida Statutes, or Florida Administrative Code 69A-2.

The following acts constitute cause for disciplinary action:

Violation of any provision of Chapter 552, Florida Statutes, or any rule adopted pursuant thereto.

Violation of the ground vibration, frequency limits set forth in Section 552.30, Florida Statutes.

Failing to obtain, retain or maintain one or more of the qualifications for a mining permit as specified in this chapter.

Making a material misstatement, misrepresentation, or committing fraud in obtaining or attempting to obtain a mining permit.

Failing to maintain any record required pursuant to Chapter 552, Florida Statutes, and any rule or code adopted pursuant thereto.

Falsifying any record required to be maintained by Chapter 552, Florida Statutes, or rules adopted pursuant thereto.

The lapse or suspension of a mining permit by operation of law or by order of the State Fire Marshal or a court or its voluntary surrender by a mining permit holder does not deprive the State Fire Marshal of jurisdiction to investigate or act in disciplinary proceedings against the mining permit holder.

In addition, the State Fire Marshal shall not issue a new mining permit if it finds that the circumstance or circumstances for which the mining permit was previously revoked or suspended still exist or are likely to recur.

Nothing in Florida Administrative Code 69A-2.024 shall impact a county's or municipality's authority to exercise whatever powers are not prohibited by Section 552.30, Florida Statutes.

# **RESTRICTIONS**

The Division shall, pursuant to Section 552.211(3), Florida Statutes, restrict the quantity and use of explosives at any location within the state when the Division determines, subject to protections provided by Chapter 120, Florida Statutes, the use of such explosives is likely to cause injury to life or property.

Such restrictions shall be to the extent necessary to render the use of such explosives unlikely to cause injury to life or property.

In determining that the use of explosives is likely to cause injury to life or property in a given location, the Division shall consider the following factors:

Distance of blasting activity to structures;

Use and occupancy of structures near blasting activity;

Geology of area near blasting activity; and

Type of construction use in structures near blasting activity.

Any credible evidence relevant to the risk of injury to life or property, not excluding evidence that existing damage resulted from causes other than the use of explosives.

Based upon the safe level of blasting vibrations for houses as shown in Figure B-1, United States Bureau of Mines Report of Investigations 8507, notwithstanding the limits in Section 69A-2.024(4), the use of explosives within two miles of an urban development, as defined in 69A-2.024(2)(e), shall not exceed a peak particle velocity of more than 0.5 inches per second due to the potential existence of plaster on lath construction.

Measurement of such ground vibration levels shall be made consistent with Section 69A-2.024(4)(c)2 at the nearest occupied residential structure within the urban development, which structure is not owned, leased, or contracted with the blasting or mining operation.



# CONSTRUCTION MINING ACTIVITY APPLICATION BUREAU OF FIRE PREVENTION REGULATORY LICENSING SECTION

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Revenue Processing Section

P.O. Box 6100

Tallahassee, FL 32314-6100

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07	<b>%</b>	08	Construction	n Mining Permi	it		\$4,000	
Sect	iön 1	APPLICANT INFORMA	TION			•		-
l,	ì	AFFEICANT INFORMA		•		**.		
2.	Physical Address:				•	•		
<b>3</b> .	Mailing Address:							
١.	Telephone Numbe		· · · · · · · · · · · · · · · · · · ·	Fax Number:		• • •	in Park types	
j.	Responsible/Conta	· <del></del> -					V	
i.	Contact Informatio	n:						
	·	ny, firm or corporation, a response		d with contact inform	nation must be	designated)		
	ion 2	MINE INFORMATION:			• ;	•.	1.+	
1.	Mine Name:			•	<u> </u>			
2.	Mine Location:	<u> </u>	· · · · · · · · · · · · · · · · · · ·	· · · ·			\$ ,	
3.	County:	· <u> </u>						
Sect	ion 3	CONSTRUCTION MINI	NG AREA					
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Desc	cribe the construction m	nining areà and the legal desc	ription of the pro	osed mining area <u>m</u>	ust be attach	<u>=d</u> )		<del></del> _
Sect	ion 4	*PROPERTY OWNER:						
	Name:					_		
١.								

		Phone Number:	
<b>2</b> .	Address:	Fax Number:	
3.	*State Of Florida User of Explosives License;	1	
		License No.	Exp. Date
4.	*State Of Florida Explosives Blaster's Permit:	License No.	Exp. Date
(*Atta	ach additional pages if more than one licensed user or blast	•	
Sect	tion 6 SEISMOLOGIST OF RECOR	rD:	
1.			•
1. 2.			
3.	Firm: Address:		
4.	Telephone Number.	·	:
Sect	tion 7 APPLICATION MUST BE A	CCOMPANIED BY <u>TWO</u> COPIES OF	THE FOLLOWING:
1. 2.	Accurate scaled aerial photograph of the propose Map showing the proposed mining area property include: north arrow, date, scale, streets, utility lines.	lines and land owned or controlled by es, watercourses, rights of way, ease	the applicant. Which shall
2. 3.	Map showing the proposed mining area property include: north arrow, date, scale, streets, utility lin of the proposed blasting site; and proposed blasting conducted.  Description of the type of mining to be conducted.	lines and land owned or controlled by es, watercourses, rights of way, ease ng sites.	the applicant. Which shall
2. 3. 4.	Map showing the proposed mining area property include: north arrow, date, scale, streets, utility lin of the proposed blasting site; and proposed blasting content of the type of mining to be conducted.  Provide conceptual mining plan.	lines and land owned or controlled by es, watercourses, rights of way, ease ng sites.	the applicant. Which shall ments, structures within one mile
2. 3.	Map showing the proposed mining area property include: north arrow, date, scale, streets, utility lin of the proposed blasting site; and proposed blasting conducted.  Description of the type of mining to be conducted.	lines and land owned or controlled by es, watercourses, rights of way, ease ng sites.	the applicant. Which shall ments, structures within one mile
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Section 5

**BLASTING FIRM:** 



# Division of State Fire Marshal Regulatory Licensing Section

# Construction Mining Activity Permit Boundary Modification Request

Return to: Revenue Processing Section P. O. Box 6100 Tallahassee, FL 32314-6100

Application is hereby made for modification of construction mining activity permit number:

(\* Must attach evidence of ownership and written consent of the owner if the applicant is not the owner)

Date:				
Type		Class	Description	Fee_
14		04	Permit Boundary Modification	\$1,500
Section	n 1:	Applicant Inf	ormation:	
1.	*Appi	icant Name:		47-74-4-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-
2.	Physi	cal Address:		
3.	Mailin	ng Address:		
4.	Telep	hone Number:	Fax Number:	_
5.	Resp	onsible/Contact Pe	erson:	
6. (*If the	Conta applican	act Information: t is a company, firr	n or corporation, a responsible person and with contact information	must be designated)
Section	n 2:	Mine Informa	ition:	
1.	Mine	Name:		
2.			·	
3.	Coun	ty:		
Section	n 3.	Construction i	flining Area :	
1.				
				· · · · · · · · · · · · · · · · · · ·
(Descri	ibe the c	onstruction mining	area and the legal description of the proposed mining area <u>must be</u>	attached)
Sectio	n 4:	PROPERTY O	WNER*:	
1. Na	me:			
2. Add	lress			
3. Tel	ephone	Number:	Fax Number:	W-101

Section 5: BLASTING FIRM:		•
1. Firm Name	Phone No.	
2. Address	Fax No	
State Of Florida User of Explosives License*:     State Of Florida Explosives Blaster's Permit*:	License No.	Exp. Date  Exp. Date
(*Attach additional pages if more than one licensed		·
Section 6: SEISMOLOGIST OF RECORD:  1. Name:		
2. Firm:		
3. Address:		·
4. Telephone Number:	Fax Number:	<del></del>
2. Map showing the proposed mining area property	sed mining area showing the boundary of the proposed mining lines and land owned or controlled by the applicant. Which sights of way, easements, structures within one mile of the proper.	hall include: north arrow,
l,and suitable for the production of construction	_, hereby attest (affirm) the firm named herein is primarily eng n aggregates, sand, cement, and road base materials at the m	
	a false statement in writing with the intent to mislead a public ond Degree, pursuant to Section 837.06, Florida Statutes.	servant in the performance of his or he
Signature of Applicant:		
Print Name:		
State of Florida County of		
Date		•



# Division of State Fire Marshal Regulatory Licensing Section

## Construction Mining Activity Permit Transfer Request

Return to:

**Revenue Processing Section** 

P. O. Box 6100

Tallahassee, FL 32314-6100

Date:			
Гуре	Class	Description	Fee
14	15	Permit Transfer Request	\$100
Section 1:	Applicant Inf	ormation:	
. <b>*A</b>	oplicant Name:		
2. Ph	ysical Address:		
3. Ma	iling Address:		
I. Te	lephone Number:	Fax Number:	
5. Re	sponsible/Contact Pe	rson:	
	ntact Information: ant is a company, fir	n or corporation, a responsible person and with contact informa	tion must be designated)
Section 2:	Mine Informa	······································	
. Mi	ne Name:		· 
2. <b>M</b> i	ne Location:		
. <b>C</b> c	unty:		
Section 3.	Construction N	lining Area :	
1		· · · · · · · · · · · · · · · · · · ·	
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Describe the	e construction mining	area and the legal description of the proposed mining area mus	st be attached)
	PROPERTY C	WNER*:	
Section 4:			
			•
1. Name: _			

(\* Must attach evidence of ownership and written consent of the owner if the applicant is not the owner)

Section 5:	BLASTING FIRM:			
1. Firm Name_	Name Phone No			
2. Address		Fax No		
	ida User of Explosives License*:	License No.	Exp. Date	
4. State Of Flori	ida Explosives Blaster's Permit*:	Permit No.	Exp. Date	
(*Attach additio	nal pages if more than one licensed us	er or blaster will be involved in the project.)		
Section 6:	SEISMOLOGIST OF RECORD:			
1. Name:				
2. Firm:	The state of the s	·····		
3. Address:		4444		
4. Telephone N	umber:	Fax Number:		
Map showing date, scale, s blasting sites     Description c     Provide conc	the proposed mining area property line streets, utility lines, watercourses, rights	mining area showing the boundary of the proposed mining es and land owned or controlled by the applicant. Which is of way, easements, structures within one mile of the proper emile of the proper emile of the proposed mining area.	hall include: north arrow,	
I further unders official duties is Signature of Ap	ole for the production of construction ag stand that whoever knowingly makes a t guilty of a Misdemeanor of the Second oplicant:	nereby attest (affirm) the firm named herein is primarily engage ates, sand, cement, and road base materials at the materials	ining area designated in this application	
		<del></del>		
State of Florida County of	<u> </u>			
Date:				