

## MEMORANDUM

**DATE:** October 29, 2013

**TO:** Jerry R. Campbell, P.E.

**FROM:** Lora Webb                      **THRU:** Diana M. Lee, P.E.  
Sterlin K. Woodard, P.E.

**SUBJECT: Permit Amendment – Gaetano Cacciatore, Inc.  
Time Extension, Permit No. 0571314-010-AC**

On October 4, 2013, Gerald Kissel, P.E., on behalf of Gaetano Cacciatore, Inc., submitted a request to extend the expiration date of Permit No. 0571314-001-AC. The current expiration date of the permit is December 5, 2013. The facility is requesting a time extension because the facility does not expect to start construction of phases two and three until the Fall of 2015, which are described below, due to the continued slowdown in the economy. Gaetano Cacciatore, Inc., a synthetic non-Title V source of PM emissions, is located at 3920 Pendola Point Rd, Tampa, FL 33619.

Permit No. 0571314-001-AC, which was issued on December 29, 2005, authorized the construction of a pneumatic cement materials handling terminal, which consists of ship unloading, three identical cement materials storage domes, three identical truck loading stations, and two identical railcar loading stations. The cement materials are pneumatically transferred from a ship, to a storage dome, and then to a truck and/or railcar loading station using fully enclosed conveyor belts. On July 25, 2007, Initial Operating Permit No. 0571314-002-AO was issued for the ship unloading operation, one storage dome, and one truck/railcar loading station. However, according to the facility, due to market conditions, the low demand for cement materials has delayed the planned construction of the second and third storage domes along with the corresponding conveyors and loading stations.

This construction permit has been extended twice. According to Rule 62-210.300(1)(a), F.A.C. “the construction permit shall be issued for a period of time sufficient to allow for construction, reconstruction or modification of the facility or emissions unit or addition of air pollution control equipment; and operation while the owner or operator of the new, reconstructed or modified facility or emissions unit or the new pollution control equipment is conducting tests or otherwise

demonstrating initial compliance with the conditions of the construction equipment”. The original construction permit was issued on December 29, 2005 and allowed for a sufficient time period to complete construction, and operation while conducting testing and demonstrating initial compliance with the construction permit. However, Rule 62-4.080(3), F.A.C. states, “for construction permits, an extension shall be granted if the applicant can demonstrate reasonable assurances that, upon completion, the extended permit will comply with the standards and conditions applicable required by applicable regulation”. The facility is a synthetic minor source for PM and is primarily subject to Rule 62-296.711, F.A.C. for Materials Handling, Sizing, Screening, Crushing and Grinding Operations. This Rule limits particulate matter and visible emissions to 0.03 gr/dscf and 5% opacity. The facility is required by the permit to use fully enclosed conveying systems and baghouses to control particulate matter emissions in order to comply with the opacity and grain loading limits specified in Rule 62-296.711, F.A.C.

In accordance with Rule 62-4.080(3), F.A.C., based on the information provided in permit application received on September 8, 2005 and the conditions of the construction permit, there is a reasonable expectation that the facility will be able to comply with Rule 62-296.711, F.A.C. and the conditions of the construction permit upon completion of construction.

Gaetano Cacciatore, Inc. requested that the permit be extended to December 5, 2016. Because construction of the second dome is not expected to begin until Fall of 2015, EPC staff believes that the requested date will allow sufficient time to complete construction, conduct the required compliance testing, submit an operating permit application, and allow time to process the operating permit application. Therefore, we recommend that the permit expiration date be extended to December 5, 2016 as requested.

Based upon our review, we recommend approval of the time extension as drafted.

LAW: 0571314-010-AC

ENVIRONMENTAL PROTECTION COMMISSION OF  
HILLSBOROUGH COUNTY, as Delegated by

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF PERMIT AMENDMENT

October 29, 2013

CERTIFIED MAIL

Mr. Bob Turner  
Plant Manager  
Gaetano Cacciatore, Inc.  
3920 Pendola Point Rd.  
Tampa, FL 33619

Re: Hillsborough County Air Permitting  
Permit No. 0571314-010-AC

Dear Mr. Turner:

On October 4, 2013, the Environmental Protection Commission of Hillsborough County (EPC) received a time extension request for Permit No. 0571314-001-AC. As requested, Permit No. 0571314-010-AC extends the expiration date as follows.

CHANGE FROM: December 5, 2013

CHANGE TO: December 5, 2016

NEDS NO.: 1314

Emission Unit Nos.: 007 - Dome No. 2  
008 - Transfer System No. 2  
009 - Outload Silo No. 2

- 010 - Outload Truck Spout No. 2
- 011 - Outload Railcar Spout No. 2
- 012 - Dome No.3
- 013 - Transfer System No. 3
- 014 - Outload Silo No. 3
- 015 - Outload Truck Spout No. 3

The EPC will issue the final permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Section 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 Legal Department of the EPC at 3629 Queen Palm Dr., Tampa, Florida 33619, Phone 813-627-2600, Fax 813-627-2602. Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 (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 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), however, any person who asked the EPC for notice of agency action may file a petition within 14 (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.

A petition that disputes the material facts on which the EPC'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 and the name, address, and telephone number of each petitioner's representative, if any, which shall be the address for service purposes during the course of the proceedings; and an explanation of how the petitioner's substantial interests will be affected by the EPC's determination;
- (c) A statement of how and when the petitioner received notice of the EPC 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 EPC's proposed action;
- (f) A statement of specific rules or statutes the petitioner contends requires reversal or modification of the EPC's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner

wishes the EPC to take with respect to the EPC's proposed action.

A petition that does not dispute the material facts upon which the EPC'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 EPC's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the EPC on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under section 120.573, F.S. is not available in this proceeding.

This action is final and effective on the date filed with the Clerk of the EPC unless a petition is filed in accordance with above. Upon the timely filing of a petition, this order will not be effective until further order of the EPC.

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 EPC that are relevant to the permit decision. Interested persons may contact Diana M. Lee, P.E., at the above address or call (813) 627-2600, for additional information.

Any party to this order has the right to seek judicial review of it under Section 120.68 of the Florida Statutes, by filing a notice of appeal under rule 9.110 of the Florida rules of Appellate Procedure with the EPC's Legal Office at 3629 Queen Palm Dr., Tampa, Florida 33619 and with the clerk of the Department of Environmental Protection 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 must be filed within thirty days after this order is filed with the clerk of the Department.

This letter must be attached to and becomes a part of permit number 0571314-001-AC. If you have any questions, please call Lora Webb of my staff at (813) 627-2600 ext. 1287.

Sincerely,

Jerry R. Campbell, P.E.  
Director  
Air Management Division

JRC/LAW/law



CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT AMENDMENT and all copies were mailed before the close of business on \_\_\_\_\_ to the listed persons.

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

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date