



Florida Department of Environmental Protection

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

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

April 13, 2011

Electronically Sent – Received Receipt Requested

Mr. Tom Messer, Plant Manager
Suwannee American Cement, LLC
Post Office Box 410
Branford, Florida 32008

Re: Project No. 1210465-021-AC
Amends Permit No. 1210465-020-AC
Suwannee American Cement, Branford Cement Plant, Kiln 1
Extension of Trial Period for Agricultural Plastics
Letter of Authorization

Dear Mr. Messer:

The Department acknowledges receipt of your request (dated April 13, 2011) for an additional 30 days to complete the trial burn of non-chlorinated agricultural plastics, which is authorized in air construction permit No. 1210465-020-AC for the existing Branford Cement Plant located in Suwannee County at 5117 U.S. Highway 27 in Branford, Florida. The non-chlorinated agricultural plastics have been fired for 25 operating days out of the 30 days allowed by the permit; however, only 812 short tons of the material have been fired so far out of the 1,250 tons allowed by the permit. The bales of non-chlorinated agricultural plastics have had a high soil content, which caused initial delays in processing and feeding the material. Therefore, Suwannee American Cement requests an additional 30 days to complete the trial burn of the remaining 438 tons of non-chlorinated agricultural plastics. Based on the given circumstances, the Department approves your request. Specifically, the Department extends from 30 to 60 total operational days to complete the trial burn for the remaining amount of non-chlorinated agricultural plastics.

The Department will consider this action final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, of the Florida Statutes (F.S.). Mediation under Section 120.573, F.S., will not be available for this proposed action.

A person whose substantial interests are affected by the proposed decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, MS #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this notice. Petitions filed by any other person must be filed within 14 days of receipt of this proposed action. A petitioner must 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.

Letter of Authorization

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 each 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, as well as the rules and statutes which entitle the petitioner to relief; (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 permitting authority'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 notice. Persons whose substantial interests will be affected by any such final decision of the permitting authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by the filing of 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, 3900 Commonwealth Boulevard, Mail Station #35, 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 from the date this notice is filed with the Clerk of the permitting authority.

Executed in Tallahassee, Florida.



Trina L. Vielhauer, Deputy Director
Division of Air Resource Management

For

TLV/jfk/scd

Letter of Authorization

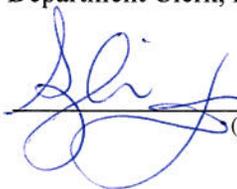
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this authorization was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on 4/13/11 to the persons listed below.

Mr. Tom Messer, Suwannee American Cement, LLC (tomm@vcsmc.com)
Mr. Celso Martini, VCSMC (celsom@vcsmc.com)
Mr. Joe Horton, Suwannee American Cement, LLC (JBHorton@vcnainc.com)
Mr. Krishna Cole, Suwannee American Cement, LLC (krishnac@vcsmc.com)
Mr. Max Lee, Ph.D., P.E., K&A (mlee@kooglerassociates.com)
Mr. Chris Bird, Director of Alachua County Department of Environmental Regulation (chris@alachuacounty.us)
Ms. December McSherry (lmshe2001@aol.com)
Ms. Annette Long, Save Our Suwannee, Inc. (long5892@bellsouth.net)
Mr. Thomas Ellison (dmot51@aol.com)
Chair, Suwannee County Board of County Commissioners (commissioners@suwcounty.org)
Chair, Alachua County Board of County Commissioners (bocc@alachuacounty.us)
Mr. Greg Strong, DEP Northeast District (greg.strong@dep.state.fl.us)
Mr. Chris Kirts, DEP Northeast District (christopher.kirts@dep.state.fl.us)
Ms. Kathleen Forney, EPA Region 4 (forney.kathleen@epa.gov)
Ms. Heather Abrams, EPA Region 4 (abrams.heather@epa.gov)
Ms. Vickie Gibson, DEP BAR Reading File (victoria.gibson@dep.state.fl.us)

Clerk Stamp

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



(Clerk)

4/13/11

(Date)