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

Sent by Electronic Mail - Received Receipt Requested

Mr. Tom Messer, Plant Manager
Branford Cement Plant
Suwannee American Cement, LLC
5117 U.S. Highway 27
Branford, Florida 32008-2463

Re: Branford Cement Plant
Project No. 1210465-025-AC
Disposal of Expired Medications or Confiscated Drugs from a Community Collection Event in Cement Kiln No. 1 (Project)
Exemption from Requirement to Obtain an Air Construction (AC) Permit and Authorization

Dear Mr. Messer:

This is a response to your letter dated October 2, 2012, regarding the disposal of approximately 100 pounds of expired medications or confiscated drugs from a community collection event in Cement Kiln No. 1 (project) at the Branford Cement Plant located in Suwannee County at 5117 U.S. Highway 27 in Branford, Florida.

The community collection event is scheduled for October 6, 2012. The collection event is a civic community program called "Operation Medicine Cabinet." The event is sponsored by the following groups: Florida Department of Environmental Protection (FDEP); Leon County Sheriff's Office; Southern Waste Information Exchange Inc. (SWIX); Florida Department of Health (FDOH); Leon County Public Works Department; Florida Pharmacy Association; Florida Society of Health Systems Pharmacists; Florida State University; and, others. This program encourages Florida residents to voluntarily dispose of unused or expired medicines. The main goal of this drive is to prevent contamination of Florida waters by these medicines.

Determination: The permittee requested a case-by-case permitting exemption from an air construction (AC) permit for the one-time disposal of expired medications or confiscated drugs from a community collection event in the Cement Kiln No. 1 (project).

Pursuant to Rule 62-4.040(1)(b) , F.A.C. and for the reasons stated in the Technical Evaluation, the Office of Permitting and Compliance hereby determines that the proposed activity (project) will not emit air pollutants "*... in sufficient quantity, with respect to its character, quality or content, and the circumstances surrounding its location, use and operation, as to contribute significantly to the pollution problems within the State, so that the regulation thereof is not reasonably justified.*" Therefore, the project is exempt from the requirement to obtain an AC permit. The permittee is authorized to conduct this one-time activity.

If the disposal of medicine from community collection events in October in the Cement Kiln No. 1 is to continue on a frequent basis the permittee needs to request this method of operation to be added to the permit on a permanent basis through an AC permit request.

This determination may be revoked if the proposed activity is substantially modified or the basis for the exemption is determined to be materially incorrect. A copy of this letter shall be maintained at the site of the proposed activity. This permitting decision is made pursuant to Chapter 403, Florida Statutes.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212, F.A.C. The Permitting Authority responsible for making a permit determination for this project is the Office of

Permitting and Compliance in the Department of Environmental Protection's Division of Air Resource Management. The Permitting Authority's physical and mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/717-9000.

Petitions: A person whose substantial interests are affected by the proposed permitting 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 with (received by) the agency clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions must be filed within 21 days of receipt of this exemption from air permitting requirements. 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 (in a proceeding initiated by another party) 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 Permitting Authority'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 when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (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 including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 Permitting Authority's final action may be different from the position taken by it in this action. 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.

Mediation: Mediation is not available in this proceeding.

Effective Date: This permitting decision is final and effective on the date filed with the clerk of the Permitting Authority unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition of a request for extension of time, this action will not be effective until further order of the Permitting Authority.

Judicial Review: Any party to this permitting decision (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 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 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida

for Jeffery F. Koerner, Program Administrator
Office of Permitting and Compliance
Division of Air Resource Management

JFK/sa/sms

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this **Exemption from Air Construction Permit/Authorization** and the **Technical Evaluation** were 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 the date indicated below to the persons listed below.

Mr. Tom Messer, Suwannee American Cement, LLC: tomm@suwanneecement.com
Mr. Krishna C. Cole, Suwannee American Cement, LLC: krishnac@suwanneecement.com
Mr. Khalid AlNahdy, DEP Northeast District: khalid.alnahdy@dep.state.fl.us
Ms. Barbara Friday, DEP OPC: barbara.friday@dep.state.fl.us
Ms. Lynn Scearce, DEP OPC: lynn.scearce@dep.state.fl.us

Clerk Stamp

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