FINAL DETERMINATION
File Nos. 0250014-007 & 008-AC (PSD-FL-324)
Rinker Miami Cement Plant

The Department distributed an "Intent to Issue Permit" package on December 14, 2001. The applicant published the "Public Notice of Intent to Issue" in the Miami Daily Review on December 27, 2001. The Department received the proof of publication on January 3, 2002. The applicant has requested an extension of the deadline for filing a petition for an administrative hearing until February 28, 2002.

No comments on the draft permit modification were received from the public or the National Park Service. The FDEP received comments from the applicant, from the U.S. Environmental Protection Agency (EPA) Region 4, and from the Miami-Dade County Department of Environmental Regulation Management (DERM). The following section summarizes the Department's response to the comments and resulting revisions.

COMMENTS/CHANGES

Comments regarding the THC monitor: The EPA supported requiring the THC monitor for purposes of compliance, noting that a monitor is the only practical way of determining compliance with an emission limit that is expressed over a 30-day averaging time. The applicant, however, pointed out that CEMS are not available for non-methane THC and argued that the THC results from the monitor (which include methane) should not be compared directly to the VOC emission limit (because methane is not a VOC). The applicant suggested that the monitor be used for purposes of reasonable assurance, but not for compliance. The DERM suggested using either approach (i.e., compliance or reasonable assurance), but requested an annual Relative Accuracy Test Audit (RATA) for the monitor -- along with an annual VOC compliance test -- if the monitor is required only for purposes of reasonable assurance.

Response: The final permit clarifies that an annual Method 25A test is the compliance method for the VOC emission limit. The permit does, however, specify the calculation and recording of daily average THC emissions and 30-day rolling average THC emissions. Corrective action and DERM notification are required if (1) the 30-day rolling average THC emission rate exceeds 0.12 lb/ton of clinker, or (2) the daily average exceeds 0.12 lb/ton of clinker for 10 consecutive days. When the Department or DERM has good reason (including but not limited to these two criteria) to believe that the VOC emission standard for the kiln is being violated, it has the authority under 62-297.310(7)(b), Florida Administrative Code (F.A.C.), to require the owner or operator to conduct compliance tests which identify the nature and quantity of VOC emissions.

The permit requires that the CEMS be installed, certified, operated and maintained in accordance with 40 CFR part 60, appendix B, performance specification 8A (PS-8A); it also requires CEMS data to be quality assured using the procedures of 40 CFR part 60, appendix F. Appendix F specifies that a "RATA must be conducted at least once every four calendar quarters," and PS-8A provides a specific alternative procedure to use in lieu of a RATA for THC CEMS. For brevity, the conditions and requirements of Appendix F and PS-8A are not included in the construction permit modification. The specific conditions could be explicitly included in the operating permit for clarity and completeness.

The FDEP believes that the THC CEMS, notification requirements, performance specifications, and compliance testing provisions in the final permit provide reasonable assurance that the VOC emission limit is being met.

Comments regarding the 30-day rolling average: Both EPA and DERM suggested that the permit explicitly detail the calculation method for determining the 30-day rolling average THC emission rate. Both commenters recommended that the 30-day rolling average be calculated as the sum of all the valid hourly THC emission rates over the previous 30 operating days divided by the total number of valid operating hours.

Response: The FDEP concurs with these comments and has incorporated the calculation procedure into the final permit.

Comments regarding quarterly testing requirement: Both DERM and the applicant noted that, because of the timing of the final permit, the requirement to conduct a compliance test in the fourth quarter of 2001 should be removed.

Response: The FDEP concurs, and has added language specifying that compliance testing shall be conducted initially, quarterly until the THC monitor is installed and certified, and annually thereafter.

CONCLUSION

The above minor revisions were made. Table 2-1 was updated to reflect the minor revisions, and typographical errors were corrected. The BACT determination was finalized and is enclosed. The final action of the Department is to issue the permit with the changes described above.