



NOTICE OF PERMIT AMENDMENT

CERTIFIED - RETURN RECEIPT

Mr. Mike Favo, Plant Manager
United States Gypsum Company
6825 Evergreen Ave.
Jacksonville, FL 32208-4996

**Re: Duval County - Air Pollution
United States Gypsum Company
Wallboard Production Facility
Final Permit No.: 0310072-015-AC, Project No.: 0310072-016-AC
Permit Amendment**

The City of Jacksonville, Environmental and Compliance Department, Environmental Quality Division (Permitting Authority), hereby amends the referenced permit as follows:

Emission Unit No. 109 - Wallboard Production Line No. 2

From:

5. Additive use in wallboard production on wallboard production line no. 2 shall be limited to a maximum of 1.44×10^6 pounds per year. Glass mat use in wallboard production on wallboard production line no. 2 shall be limited to a maximum of 3.08×10^6 pounds per year as a paper substitute. Year means calendar year.
[Applicant's request, Rule 62-212.400(12), FAC, and Rule 2.401, JEPB]

To:

5. Additive use in wallboard production on wallboard production line nos. 2 and 3 shall be limited to a maximum of 1.44×10^6 pounds per year total. Glass mat use in wallboard production on wallboard production line nos. 2 and 3 shall be limited to a maximum of 3.08×10^6 pounds per year total as a paper substitute. Year means calendar year.
[Applicant's request, Rule 62-212.400(12), FAC, and Rule 2.401, JEPB].

Emission Unit No. 110 - Wallboard Production Line No. 3

From:

Emission Unit Description: Line for the production of wallboard including burners for the production of heat for wallboard drying zones.

To:

Emission Unit Description: Line for the production of wallboard including burners for the production of heat for wallboard drying zones. Additives may be used in the wallboard production process. Glass mats may be substituted for paper in the wallboard production process.

Add:

- 4a. Additive use in wallboard production on wallboard production line nos. 2 and 3 shall be limited to a maximum of 1.44×10^6 pounds per year total. Glass mat use in wallboard production on wallboard production line nos. 2 and 3 shall be limited to a maximum of 3.08×10^6 pounds per year total as a paper substitute. Year means calendar year.
[Applicant's request, Rule 62-212.400(12), FAC, and Rule 2.401, JEPB]

The Permitting Authority amends the referenced permit as authorized by Florida Administrative Code (FAC), Rule 62-4.080, and Section 403.061(14), Florida Statutes (FS). This Notice of Permit Amendment does not modify any other conditions in the referenced permit. All permit conditions are in effect and fully enforceable. Please attach this Notice of Permit Amendment to your copy of the permit.

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 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel, City of Jacksonville, 117 West Duval Street, Suite 480, Jacksonville, FL 32202. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3) of the Florida Statutes, must be filed within fourteen days of receipt of this notice.

Under Section 120.60(3), FS, however, any person who asked the Permitting Authority for notice of agency action may file a petition within fourteen days of receipt of that notice. 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 Section 120.569, and 120.57, FS, 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 of the Florida Administrative Code.

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 the petitioner received notice of the agency decision;
- d. A statement of all disputed issues of material facts. 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 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 petitioner wishes the agency to take with respect to the agency's proposed action.

Permit Amendment
United States Gypsum Company
Permit No. 0310072-015-AC, Project No.: 0310072-016-AC
Permit Amendment
Page 3 of 4

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, FAC.

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 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.

Mediation is not available in this proceeding.

This permit 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. Upon timely filing of a petition or a request for an extension of time, this permit will not be effective until further Order of the Permitting Authority. When the Order (Permit) is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, FS, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate procedure, with the Clerk of the Permitting Authority in the Office of General Counsel, City of Jacksonville, 117 West Duval Street, Suite 480, Jacksonville, FL 32202, and with the Clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, FL 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 30 days from the date the Final Order is filed with the Clerk of the Permitting Authority.

Executed in Jacksonville, Florida.

City of Jacksonville
Environmental and Compliance Department
Environmental Quality Division


Robert Steven Pace, P.E.
Air Quality Branch Manager

RSP/DH

Attachment to be Incorporated:
United States Gypsum Company letter dated and received February 10, 2009

c: Ms. Rita Felton-Smith, FDEP, Northeast District (E-mail)
Mr. Wayne Walker, EQD (E-mail)
Jim Parnell, USG (E-mail)
EQD File 0072 - C
EQD Air Permitting File

CERTIFICATE OF SERVICE

The undersigned duly designated Permitting Authority Clerk hereby certifies that this NOTICE OF PERMIT AMENDMENT and all copies were mailed before the close of business on February 20, 2009 to the listed persons.

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to S.120.52(7), Florida Statutes, with the designated Permitting Authority Clerk, receipt of which is hereby acknowledged.


Clerk

02/20/2009
Date



United States Gypsum Company
P.O. Box 9579
Jacksonville, FL 32208-0579
904.768-2501



February 10, 2009

BB, 2/11/09

Mr. Jerry Woosley
Environmental and Compliance Department
Environmental Quality Division
117 West Duval Street, Suite 225
Jacksonville, FL 32202

Dear Mr. Woosley:

As a result of the drop in housing demand and the recent credit crisis, demand for wallboard has significantly reduced. In an effort to reduce costs and maintain operational viability, USG shut down the No. 2 Board Machine in December of 2008. We are currently only producing product on our No. 3 Board Machine.

Construction Permit No. 0310072-015-AC, issued in October 2008, authorized the use of a mold and moisture resistant additive and glass mat to produce specialty wallboard products on No. 2 Board Machine. With the shut down of No. 2 Board Machine, these products currently cannot be manufactured at the Jacksonville Plant. USG requests that the authorization to use the additives for production of specialty products be transferred to No. 3 Board Machine. Annual usage rates of the additives will remain the same as previously permitted for No. 2 Board Machine.

The ability for USG's Jacksonville Plant to produce these specific mold and moisture resistant products on No. 3 Board Machine is essential to the continued viability of operations and directly affects the plant's positive impact to the local economy.

We understand that this request will result in a modification of the existing Construction Permit No. 0310072-015-AC with no requirement to conduct public notification and that the time required for new construction permits will not apply in this case. The required review fee will be sent in a separate mailing.

Thank you very much for your cooperation and assistance.

Sincerely,

Mike Favo
Plant Manager
United States Gypsum Co. - Jacksonville Plant