Florida Department of Environmental Protection

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

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

Electronically Sent – Received Receipt Requested

Mr. Cary Cohrs, President
American Cement Company, LLC
13250 Eastern Ave.
Palmetto, FL 34221

Re: Project No. 0810053-020-AC
Amends Permit No. 0810053-019-AF
Manatee County Facility, Cement Handling and Storage Facility
Letter of Authorization

Dear Mr. Cohrs:

The Department acknowledges receipt of your request (dated May 6, 2016) to handle fly ash in addition to the currently permitted Portland cement at the referenced facility. In your request, you indicate that there will be no changes to the activities as described in the Permit No. 0810053-019-AF for the handling of Portland cement, and there will be no changes in the permitted throughput rates. In addition, you indicate that because of this, and because of the similar characteristics of fly ash and Portland cement (i.e., both small-particle sized materials and both very dry and therefore subject to dusting), there will not be any change in particular matter emission rates; nor will any air pollutants be emitted to the atmosphere that are not covered by the current air permit. Finally, you state that due to the fact that one (or possibly more) of the existing four permitted silos will receive fly ash instead of Portland cement, there is no potential for increasing the annual throughput of the facility. Based on the given circumstances, the Department approves your request.

Specifically, the Department approves the receipt, handing and storage of fly ash at the facility so long as:

- All existing permit condition with respect to the receipt, handling and storage of cementitious materials are met;
- No emission increases above currently permitted emission limits occur; and
- No throughput increases from currently permitted limits of cementitious materials result.

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.

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

David Lyle Read, P.E.
2016.05.13 09:47:22
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For:

Syed Arif, P.E., Program Administrator
Office of Permitting and Compliance
Division of Air Resource Management

SA/dlr

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 the date indicated below to the following persons.

Mr. Cary O. Cohrs, American Cement Company, LLC: ccohrs@americancementcompany.com
Mr. Charles Robertson, American Cement Company, LLC: crobertson@americancementcompany.com
Dr. John Koogler, P.E., Koogler and Associates, Inc.: jkoogler@kooglerassociates.com
Ms. Danielle Henry, SWD Compliance Assurance Program Manager: Danielle.D.Henry@dep.state.fl.us
Mr. Max Grondahl, SWD Compliance Assurance Program: Max.Grondahl@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.

Lynn Scearce

2016.05.13
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