



Jeb Bush  
Governor

# Department of Environmental Protection

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Colleen M. Castille  
Secretary

April 6, 2005

CERTIFIED MAIL – Return Receipt Requested

Mr. Gary Sauer  
President, Cement and Calcium Group  
Florida Rock Industries  
155 East 21<sup>st</sup> Street  
Jacksonville, Florida 32202

RE: **Draft** Permit for construction of a new dry process, preheater/precalciner kiln system at the Thompson S. Baker Cement Plant. Air Construction Permit 0010087-013-AC; PSD-FL-350: REVISED PUBLIC NOTICE

Dear Mr. Sauer:

Attached please find the corrected notice as we discussed with Dr. John B. Koogler, P.E. and Steve Cullen, P.E. on April 1, 2005. Attached is the Revised "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT". Please replace the original with this version, and publish the notice as soon as possible. Proof of publication, i.e., newspaper affidavit, must be provided to the permitting authority's office within 7 (seven) days of publication pursuant to Rule 62-110.106(5), F.A.C. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

Please submit any additional written comments you wish to have considered concerning the permitting authority's proposed action to James K. Pennington, P.E., at the above letterhead address. If you have any other questions, please contact Bobby Bull at 850/921-9585.

Sincerely,

Trina L. Vielhauer  
Chief  
Bureau of Air Regulation

TLV/jkp/rlb

Enclosures

"More Protection, Less Process"

Printed on recycled paper.

In the Matter of an  
Application for Permit by:

Florida Rock Industries  
4000 NW CR 235  
Newberry, Florida 32669

Air Construction Permit No.: 0010087-013-AC; PSD-FL-350  
Thompson S. Baker Plant  
Alachua County

### INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue an air construction permit [copy of the draft permit enclosed] for the facility detailed in the application specified above, to authorize Florida Rock Industries to construct a new dry process, preheater/precalciner kiln system at Florida Rock Industries' Thompson S. Baker Cement Manufacturing Facility, which is located near Newberry, Alachua County.

The permittee, Florida Rock Industries, applied on November 5, 2004, to construct a new dry process, preheater/precalciner kiln system at the Florida Rock Industries' Thompson S. Baker Cement Manufacturing Facility, which is located near Newberry, Alachua County. The existing facility consists of a Portland cement plant and associated quarry, and raw material and cement handling operations. The project is for a new cement manufacturing line (line 2) at the existing facility. New emissions units for the project will include a raw mill system, a dry process preheater/precalciner kiln system, clinker handling system, finish grinding operations, two cement loadout silos, and coal handling and grinding operations. The plant combines raw materials and utilizes a preheater/precalciner kiln with in-line raw mill to produce clinker. The clinker will be milled and combined with gypsum to produce Portland cement, which will be stored in silos and shipped in bags or in bulk by truck. Raw materials other than limestone and overburden, and all fuels will be brought to the site by truck.

The permitting authority has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-210, and 62.212, F.A.C. This source is not exempt from permitting procedures. The permitting authority has determined that an Air Construction Permit is required for the proposed activity.

The permitting authority intends to issue this Air Construction Permit based on the belief that reasonable assurances have been provided to indicate that operation of the source will not adversely impact air quality, and the source will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C.

Pursuant to Sections 403.815 and 403.0872, F.S., and Rules 62-110.106 and 62-210.350(3), F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT." The notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the permitting authority at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax: 850/922-6979), within 7 (seven) days of publication pursuant to Rule 62-110.106(5), F.A.C. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

The permitting authority will issue the Final Air Construction Permit in accordance with the conditions of the enclosed Draft Air Construction Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT." Written comments should be provided to the permitting authority office. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this Draft Air Construction Permit, the permitting authority shall issue a Revised Draft Air Construction Permit and require, if applicable, another Public Notice.

The permitting authority will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. Mediation under Section 120.573, F.S., will not be available for this proposed action.

The Permitting Authority will accept written comments concerning the DRAFT Permit for a period of thirty (30) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL." Written comments must be post-marked and all facsimile comments must be received by the close of business (5:00 pm), on or before the end of this 30-day period, by the Permitting Authority at the above address or facsimile. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the Department's official web site for notices at <http://tlhora6.dep.state.fl.us/onw> and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the DRAFT Permit, the Permitting Authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

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 (received) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241; Fax: 850/245-2303). Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 (fourteen) days of receipt of this notice of intent. Petitions filed by any other person must be filed within 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of this notice of intent, whichever occurs first. 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 28-5.207, F.A.C.

A petition must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number, and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the permitting authority's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the permitting authority's action or proposed action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of the facts that the petitioner contends warrant reversal or modification of the permitting authority's action or proposed action;
- (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the permitting authority's action or proposed action; and,
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the permitting authority to take with respect to the action or proposed action addressed in this notice of intent.

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 of intent. 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.

In addition to the above, a person subject to regulation has a right to apply to the Department of Environmental Protection for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542, F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information:

- (a) The name, address, and telephone number of the petitioner;

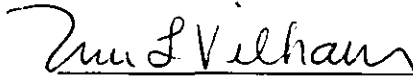
- (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any;
- (c) Each rule or portion of a rule from which a variance or waiver is requested;
- (d) The citation to the statute underlying (implemented by) the rule identified in (c) above;
- (e) The type of action requested;
- (f) The specific facts that would justify a variance or waiver for the petitioner;
- (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and,
- (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2), F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the United States Environmental Protection Agency and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Executed in Tallahassee, Florida.

**STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION**



Trina L. Vielhauer  
Chief  
Bureau of Air Regulation

### CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT (including the PUBLIC NOTICE and the Draft Permit and all copies were sent by certified mail before the close of business on 4/6/05 to the person(s) listed:

**Gary Sauer, President, Cement and Calcium Group, Florida Rock Industries, 155 East 21<sup>st</sup> Street, Jacksonville, FL 32202.**

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT (including the PUBLIC NOTICE and the Draft Permit were sent by U.S. mail on the same date to the person(s) listed:

Mr. Chris Horner, Plant Manager, FRI  
Mr. Henry Gotsch, FRI  
John B. Koogler, Ph.D., P.E., Koogler and Associates  
Steve Cullen, P.E., Koogler and Associates  
John Glanzer, Mayor, City of Newberry  
Lowell Garrett, City of Newberry  
Chris Kirts, DEP – NED  
Rick Banks, DEP – NED  
Rita Felton-Smith, DEP – NED  
Chair, Alachua Co. BCC  
Chris Bird, Alachua County EPD  
John Bunyak, NPS  
Jim Little, EPA

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.

  
(Clerk)

4/6/05  
(Date)

**PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT**

Florida Department of Environmental Protection  
Florida Rock Industries, Inc.  
Thompson S. Baker Cement Plant - Newberry  
Alachua County

Draft Air Construction Permit No.: 0010087-013-AC; PSD-FL-350

The Florida Department of Environmental Protection (Department) gives notice of its intent to issue an Air Construction Permit to Florida Rock Industries, Inc. (FRI) to authorize Florida Rock Industries to construct a new dry process, preheater/precalciner kiln system at the Thompson S. Baker Cement Plant located 2.5 miles Northeast of Newberry on County Road 235 in Alachua County. The applicant's name and address are: Florida Rock Industries, Inc., 4000 NW CR 235, Newberry, Florida 32669.

The existing facility consists of a Portland cement plant and associated quarry, and raw material and cement handling operations. The project is for a new cement manufacturing line (line 2) at the existing facility. New emissions units for the project will include a raw mill system, a dry process preheater/ precalciner kiln system, clinker handling system, finish grinding operations, two cement loadout silos, and coal handling and grinding operations. This project is subject to Prevention of Significant Deterioration (PSD) Review and a Best Available Control Technology (BACT) determination. The plant will be installing Selective Non-catalytic Reduction (SNCR) technology to control NO<sub>x</sub> emissions from the new line. NO<sub>x</sub> emissions limit from the kiln will be 1.95 lbs of NO<sub>x</sub> per ton of clinker (243.75 lb/hour). Emissions limits for PM, PM<sub>10</sub>, SO<sub>2</sub>, CO, and VOC are 28.8 lb/hr, 25.0 lb/hr, 35 lb/hr, 450 lb/hr, and 15 lb/hr, respectively. Mercury emissions will be limited to 122 lbs per year from the new line, and visible emissions from the line will be limited to 10% opacity. The plant combines raw materials and utilizes a preheater/precalciner kiln with in-line raw mill to produce clinker. The clinker will be milled and combined with gypsum to produce Portland cement, which will be stored in silos and shipped in bags or in bulk by truck. Raw materials other than limestone and overburden, and all fuels will be brought to the site by truck. The proposed testing evaluation will result in emissions increases and a new evaluation under the rules for the Prevention of Significant Deterioration (PSD) is required.

An air quality impact analysis for PM<sub>10</sub>, SO<sub>2</sub>, NO<sub>x</sub>, CO and VOC was conducted. Emissions from the facility will not significantly contribute to or cause a violation of any state or federal ambient air quality standards. The maximum predicted SO<sub>2</sub> and NO<sub>2</sub> impacts were insignificant in both the PSD Class I and II areas so no PSD Class I or II increment consumption analyses were required for SO<sub>2</sub> and NO<sub>2</sub>. The maximum predicted PM<sub>10</sub> impacts were insignificant in the PSD Class I areas so no PSD Class I increment consumption analyses were required for PM<sub>10</sub>. The maximum predicted PM<sub>10</sub> PSD Class II increments in the vicinity of the project consumed by all sources in the area, including this project, will be as follows:

	<u>Increment Consumed</u> ( $\mu\text{g}/\text{m}^3$ )	<u>Allowable Increment</u> ( $\mu\text{g}/\text{m}^3$ )	<u>Increment Consumed</u> (Percent)
24-hour	29.0	30	97
Annual	4.8	17	28

The Department will issue the Final Permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions. The Department will accept written comments concerning the proposed permit issuance action for a period of thirty (30) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding.

The Permitting Authority will accept written comments concerning the DRAFT Permit for a period of thirty (30) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL." Written comments must be post-marked and all facsimile comments must be received by the close of business (5:00 pm), on or before the end of this 30-day period, by the Permitting Authority at the above address or facsimile. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the Department's official web site for notices at <http://tlhora6.dep.state.fl.us/onw> and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the DRAFT Permit, the Permitting Authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

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, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions must be filed within fourteen (14) days of publication of this Public Notice of Intent to Issue Air Construction Permit. Under Section 120.60(3), F.S., however, petitions submitted by person(s) who asked the Department for notice of agency action must be filed within fourteen (14) days of receipt of that notice or the date of publication of the public notice whichever occurs first. 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 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 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, 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; 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 Department'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 Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Protection  
Bureau of Air Regulation  
111 S. Magnolia Drive, Suite 4  
Tallahassee, Florida, 32301  
Telephone: (850) 488-0114  
Fax: (850) 922-6979

Department of Environmental Protection  
Northeast District Office  
7825 Baymeadows Way, Suite 200B  
Jacksonville, Florida 32256-7590  
Telephone: (904) 807-3233  
Fax: (904) 448-4363

The complete project file includes the technical evaluation, Draft Air Construction Permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, North Permitting Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information. The technical evaluation and draft permit can be viewed at [www.dep.state.fl.us/air/permitting/construct.htm](http://www.dep.state.fl.us/air/permitting/construct.htm) in the Florida Rock Newberry link.



**PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT**

Florida Department of Environmental Protection

Florida Rock Industries, Inc.  
Thompson S. Baker Cement Plant - Newberry  
Alachua County

Draft Air Construction Permit No.: 0010087-013-AC; PSD-FL-350

The Florida Department of Environmental Protection (Department) gives notice of its intent to issue an Air Construction Permit to Florida Rock Industries, Inc. (FRI) to authorize Florida Rock Industries to construct a new dry process, preheater/precalciner kiln system at the Thompson S. Baker Cement Plant located 2.5 miles Northeast of Newberry on County Road 235 in Alachua County. The applicant's name and address are: Florida Rock Industries, Inc., 4000 NW CR 235, Newberry, Florida 32669.

The existing facility consists of a Portland cement plant and associated quarry, and raw material and cement handling operations. The project is for a new cement manufacturing line (line 2) at the existing facility. New emissions units for the project will include a raw mill system, a dry process preheater/ precalciner kiln system, clinker handling system, finish grinding operations, two cement loadout silos, and coal handling and grinding operations. This project is subject to Prevention of Significant Deterioration (PSD) Review and a Best Available Control Technology (BACT) determination. The plant will be installing Selective Non-catalytic Reduction (SNCR) technology to control NO<sub>x</sub> emissions from the new line. NO<sub>x</sub> emissions limit from the kiln will be 1.95 lbs of NO<sub>x</sub> per ton of clinker (243.75 lb/hour). Emissions limits for PM, PM<sub>10</sub>, SO<sub>2</sub>, CO, and VOC are 28.75 lb/hr, 25.0 lb/hr, 35 lb/hr, 450 lb/hr, and 15 lb/hr, respectively. Mercury emissions will be limited to 122 lbs per year from the new line, and visible emissions from the line will be limited to 10% opacity. The plant combines raw materials and utilizes a preheater/precalciner kiln with in-line raw mill to produce clinker. The clinker will be milled and combined with gypsum to produce Portland cement, which will be stored in silos and shipped in bags or in bulk by truck. Raw materials other than limestone and overburden, and all fuels will be brought to the site by truck. The proposed testing evaluation will result in emissions increases and a new evaluation under the rules for the Prevention of Significant Deterioration (PSD) is required.

An air quality impact analysis for PM<sub>10</sub>, SO<sub>2</sub>, NO<sub>x</sub>, CO and VOC was conducted. Emissions from the facility will not significantly contribute to or cause a violation of any state or federal ambient air quality standards. The maximum predicted SO<sub>2</sub> and NO<sub>2</sub> impacts were insignificant in both the PSD Class I and II areas so no PSD Class I or II increment consumption analyses were required for SO<sub>2</sub> and NO<sub>2</sub>. The maximum predicted PM<sub>10</sub> impacts were insignificant in the PSD Class I areas so no PSD Class I increment consumption analyses were required for PM<sub>10</sub>. The maximum predicted PM<sub>10</sub> PSD Class II increments in the vicinity of the project consumed by all sources in the area, including this project, will be as follows:

	<u>Increment Consumed</u> ( $\mu\text{g}/\text{m}^3$ )	<u>Allowable Increment</u> ( $\mu\text{g}/\text{m}^3$ )	<u>Increment Consumed</u> (Percent)
24-hour	29.0	30	97
Annual	4.8	17	28

The Department will issue the Final Permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions. The Department will accept written comments concerning the proposed permit issuance action for a period of thirty (30) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding.

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, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions must be filed within fourteen (14) days of publication of this Public Notice of Intent to Issue Air Construction Permit. Under Section 120.60(3), F.S., however, petitions submitted by person(s) who asked the Department for notice of agency action must be filed within fourteen (14) days of receipt of that notice or the date of publication of the public notice whichever occurs first. 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 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 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, 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; 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 Department'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 Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Protection  
Bureau of Air Regulation  
111 S. Magnolia Drive, Suite 4  
Tallahassee, Florida, 32301  
Telephone: (850) 488-0114  
Fax: (850) 922-6979

Department of Environmental Protection  
Northeast District Office  
7825 Baymeadows Way, Suite 200B  
Jacksonville, Florida 32256-7590  
Telephone: (904) 807-3233  
Fax: (904) 448-4363

The complete project file includes the technical evaluation, Draft Air Construction Permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, North Permitting Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information. The technical evaluation and draft permit can be viewed at [www.dep.state.fl.us/air/permitting/construct.htm](http://www.dep.state.fl.us/air/permitting/construct.htm) in the Florida Rock Newberry link.

5472 269E 7000 02E0 7002

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

Mr. Gary Sauer  
 President of Cement and Calcium Group  
 Florida Rock Industries, Inc.  
 155 East 21<sup>st</sup> St.  
 Post Office Box 4667  
 Jacksonville, Florida 32201

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *[Handwritten Signature]*  Agent  Addressee

B. Received by (Printed Name) *L. ACUSA* C. Date of Delivery *1-05*

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**2. Article Number**

(Transfer from service label)

*7601 0320 0001 3692 2145*

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

7001 0320 0001 3692 2145

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark Here

Mr. Gary Sauer  
 President of Cement and Calcium Group  
 Florida Rock Industries, Inc.  
 155 East 21<sup>st</sup> St.  
 Post Office Box 4667  
 Jacksonville, Florida 32201

PS Form 3800, January 2001

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Gary Sauer  
 President of Cement and Calcium Group  
 Florida Rock Industries, Inc.  
 155 East 21<sup>st</sup> St.  
 Post Office Box 4667  
 Jacksonville, Florida 32201

2. Article Number  
 (Transfer from service label)

7001 0330 0001 3692 8152

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*[Handwritten Signature]*

- Agent  
 Addressee

B. Received by (Printed Name)

L. ACUSA

C. Date of Delivery

4-11-05

- D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**U.S. Postal Service  
 CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

7001 0330 0001 3692 8152

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark  
 Here

Total

Sent

Street  
 or P.O.

City

Mr. Gary Sauer  
 President of Cement and Calcium Group  
 Florida Rock Industries, Inc.  
 155 East 21<sup>st</sup> St.  
 Post Office Box 4667  
 Jacksonville, Florida 32201

PS Form 3800, January 2001

See Reverse for Instructions