

LAW OFFICES

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Facsimile Cover Sheet

DATE: August 20, 2001

CLIENT NO. 2320-1

TO: Al Linero 922-6979

FROM: Segundo J. Fernandez

- 3 pages, including cover sheet are being transmitted for the following reason(s):
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Document Description:

These are the first and last pages of Alachua County's Dismissal which you requested from my office today.

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Linero, Alvaro

From: David Schwartz [Dcs@SMTP.CO.ALACHUA.FL.US]
Sent: Monday, July 16, 2001 10:44 AM
To: Linero, Alvaro; Beason, Doug; sfernandez@ohfc.com
Cc: Chris@dep.state.fl.us; Kirts, Christopher; DWW@dep.state.fl.us; JJM@dep.state.fl.us; Maybin, Leslie; llalwani@dep.state.fl.us; tatkinson@ohfc.com; wzege@waterandair.com; koogler@worldnet.att.net
Subject: RE: Florida Rock draft AC Permit Modification

FlaRockPetDism2.wpd

Attached is the County's proposed dismissal of its petition. Just to confirm, one last time, that no further changes have occurred, and none are contemplated. Doug and Segundo, please look over this draft before I sign and file. Let me know if you have any concerns. Thanks.

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

ALACHUA COUNTY,

Petitioner,

v.

Case No.:

FDEP File Nos. 0010087-003-AC/PSD-FL-228-A
and 0010087-002-AV

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

and

FLORIDA ROCK INDUSTRIES, INC.,

Respondents.

**NOTICE OF VOLUNTARY DISMISSAL
OF ALACHUA COUNTY'S PETITION FOR FORMAL ADMINISTRATIVE HEARING**

Petitioner, Alachua County ("County"), hereby gives notice of voluntarily dismissing, without prejudice, its Petition for Formal Administrative Hearing ("Petition") in the above-styled matter, and states the following:

1. On March 1, 2001, the County timely filed its Petition.
2. By telephone conversation between the undersigned and Douglas Beason, Esquire, on June 12, 2001, the State of Florida Department of Environmental Protection ("Department") informed the County that additional changes to the subject draft permits had been finally agreed upon by the Department and Florida Rock Industries, Inc.
3. By copies of letters dated June 8 and July 2, 2001, from Clair Fancy to John Baker, and June 12 and July 3, 2001, from Christopher Kirts to John Baker, the Department represented

to the County that the final draft permit language agreed upon by the Department and Florida Rock Industries, Inc. is as set forth in the documents attached to such letters. These letters and attachments are attached hereto and incorporated as Exhibit A.

Based upon the foregoing, the County voluntarily dismisses its Petition, without prejudice, conditioned upon the draft permits becoming final and effective in strict accordance with the terms embodied in Exhibit A. Should any further changes be made to the draft permits, or should the draft permits not become final for any reason, the County reserves the right to refile or reinstate its Petition as to any and all issues in order to protect the County's interests regarding the content of the final permits. Furthermore, the County hereby requests the Department to provide the County with written notice of any further changes to the draft permits, and written notice of any further permit modifications, renewals, or new permits concerning the subject cement plant.

Respectfully submitted this _____ day of July, 2001.

ALACHUA COUNTY ATTORNEY'S OFFICE

David C. Schwartz
Assistant County Attorney
Florida Bar No. 749079
Alachua County Attorney's Office
Post Office Box 2877
Gainesville, FL 32602-2877
(352) 374-5218

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. Mail to Douglas Beason, Esquire, State of Florida Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3900 and Segundo Fernandez, Esquire, Oertel, Hoffman, Fernandez & Cole, P.A., 301 South Bronough Street, Suite 500, Tallahassee, Florida 32301 on this _____ day of July, 2001.

David C. Schwartz
Assistant County Attorney

OERTEL, HOFFMAN, FERNANDEZ & COLE, P.A.

301 SOUTH BRONOUGH STREET
SUITE 500
TALLAHASSEE, FLORIDA 32301

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PAUL A. LEHRMAN
OF COUNSEL

RECEIVED
(850) 521-0700
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AUG 01 2001

BUREAU OF AIR REGULATION

July 30, 2001

<http://www.ohfc.com>

RECEIVED

AUG 01 2001

BUREAU OF AIR REGULATION

VIA FACSIMILE AND U.S. MAIL

Douglas W. Beason, Assistant General Counsel
Office of General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, FL 32399-3000

Re: Withdrawal of Request for Extension of Time to File Petition for
Administrative Hearing; Thompson S. Baker Cement Plant, Newberry,
Alachua County, Florida
Draft Modified Air Construction Permit Modification: FDEP File No.:
0010087-003-AC/PSD-FL-228-A
Draft Title V Permit No.: 0010087-002-AV

Dear Doug:

As you know, we represent Florida Rock Industries, Inc. with respect to the Air Construction Permit and Title V Permit for the above-referenced facility. The company received on January 30, 2001, the Department's Intent to Issue the draft Air Construction Permit Modification and the draft Title V Permit, both dated January 26, 2001.

On February 8, 2001, and again on March 1, 2001, we requested, pursuant to Rule 28-106.111, Florida Administrative Code, extensions of time to file a petition for administrative hearing on the draft air construction permit and the draft Title V permit. The Department has not acted on any of Florida Rock's previous extension requests regarding these draft permits. As such, the extensions have remained effective.

Since that time, Florida Rock has continued to exchange information with the Department concerning the draft Modified Air Construction Permit and draft Title V Permit, and appreciates the cooperative nature of such discussions. It now appears that such discussions are concluded and that the permits are revised and completed. The draft Modified Air Construction Permit, FDEP File No. 0010087-003-AC/PSD-FL-228-A, dated January 26, 2001, was revised by the Department on June 15, 2001, and was further

Douglas W. Beason, Assistant General Counsel
July 30, 2001
Page 2

revised on July 2, 2001. See attached copies. The draft Title V Permit, FDEP File No. 0010087-002-AV, dated January 26, 2001, was revised by the Department on June 12, 2001, and was further revised on July 3, 2001. See attached copies.

Consequently, on behalf of Florida Rock Industries, Inc., and in reliance on the revisions to the draft permits referenced above, we hereby withdraw the previous requests for an extension to file a petition for administrative hearing pursuant to Rule 28-106.111, Florida Administrative Code, with respect to the draft Air Construction Permit Modification and with respect to the draft Title V Permit, both referenced above.

Thank you for your consideration. If you have any questions, please do not hesitate to call me.

Sincerely,



Segundo J. Fernandez

c: Howard Rhodes
C. H. Fancy, P.E.
Al Linero, P.E.
Chris Kirts
John D. Baker, II
Fred W. Cohrs
John Koogler, Ph.D., P.E.

BERYLLIUM
EMISSION MEASUREMENTS

Kiln/Raw Mill

FLORIDA ROCK INDUSTRIES
THOMPSON S. BAKER CEMENT PLANT
Newberry, Florida

Permit No. AC01-267311/PSD-FL-228

Test Date: ^{JUNE} July 28, 2001
Report Date: July 26, 2001

*Koogler & Associates
Environmental Services
4014 N.W. 13th Street
Gainesville, Florida
352-377-5822*

RECEIVED

JUL 27 2001

STATE OF FLORIDA
DEPT. OF ENV. PROTECTION
NORTHEAST DISTRICT-JAX

187-00-09



1.0 INTRODUCTION

Florida Rock Industries owns and operates a 2300 ton per day (clinker) dry process precalciner Portland cement plant on CR 235, two miles north of the city center of Newberry, Florida. This report presents beryllium emission test data collected on June 28, 2001 on the kiln/raw mill stack.

On June 28, 2001, Koogler & Associates Environmental Services of Gainesville, Florida, conducted a third set of beryllium emission measurements on the kiln/raw mill stack in accordance with EPA Test Method 104 (40 CFR 61, Appendix B). The purpose of the testing was to develop additional data to be used for establishing a beryllium emission limit for the plant, as required by Permit AC01-267311/PSD-FL-228.

The Northeast District Office of the Florida Department of Environmental Protection (FDEP) in Jacksonville was notified of the emission measurements schedule and testing protocol. Mr. Mort Benjamin of the Northeast District Office of FDEP in Jacksonville, was present to witness testing.

During the June 28, 2001 test period, the kiln was operating at a preheater feed rate of 147.7 tons per hour and a clinker production rate of 92.5 tons per hour. The coal feed rate to the kiln system averaged 10.01 tons per hour; corresponding to a heat

input rate of about 250 mmBTU per hour. Permit AC01-267311 limits the preheater feed rate to 149.9 tons per hour; corresponding to a clinker production rate of about 95.8 tons per hour and the kiln system heat input rate is limited to 364 mmBTU per hour.

The permit for the plant limits beryllium emissions from the kiln/raw mill to a rate established by Best Available Control Technology and specifies that the emission limit for this pollutant be established based on "future stack tests". The June 2001 emission measurements reported herein represent the third set of emission measurements on the kiln/raw mill for beryllium. The previous beryllium emission measurements were conducted in July 2000 and February 2001.

The emissions from the kiln/raw mill are controlled by an electrostatic precipitator (ESP). The measured mass emission rate of beryllium averaged 0.000015 pounds per hour on June 28, 2001. The beryllium emission rates measured in July 2000 and February 2001 were 0.000062 and 0.000046 pounds per hour respectively.

2.0 SAMPLING POINT LOCATIONS

Four sample ports are located in the 112-inch diameter, 241-foot high stack exhausting the kiln/raw mill. The ports are 50.6 feet (5.4 stack diameters) below the top of the stack and 146.8 feet (15.7 diameters) above the point where the kiln/raw mill gases enter the stack. Based on the requirements of EPA Method 1 (40 CFR 60, Appendix A), 12 sample points were selected; three points through each of the four ports.

3.0 FIELD AND ANALYTICAL PROCEDURES

Beryllium emission measurements were conducted using EPA Method 104. The sampling point locations for the Method 104 were established in accordance with EPA Method 1. Stack gas velocity measurements and stack gas moisture measurements were made in conjunction with the EPA Method 104 tests in accordance with EPA Methods 2 and 4. Measurements to determine the dry molecular weight of the stack gas were made in accordance with EPA Method 3. All EPA tests methods are described in 40 CFR 60, Appendix A or 40 CFR 61, Appendix B and have been adopted by reference by FDEP by Rule 62-297.401, F.A.C. There were no variations or exceptions to any of the referenced test methods.

4.0 SUMMARY OF RESULTS

The beryllium emission rate from the kiln/raw mill, measured on June 28, 2001, ranged from 0.000001 to 0.000029 pounds per hour and averaged 0.000015 pounds per hour. These data are summarized in Table 1. The stack gas flow rate from the kiln/raw mill during the beryllium tests averaged 142,929 dry standard cubic feet per minute (213,172 acfm), the stack gas temperature averaged 216°F and the stack gas moisture averaged 15.2 percent.

These three sets of beryllium emission measurements provide a reasonable representation of beryllium emissions from the kiln/raw mill as required by Permit AC01-267311.

Calculations, field and analytical data sheets, plant operating information, equipment calibration sheets and a list of project participants are included in the Appendix of this report.

Table 1

Summary of Beryllium - Kiln/Raw Mill Test Data

Florida Rock
Cement Plant
June 28, 2001

Run No.	Process Weight Rate (Tons/hr)	Stack Gas Flow Rate (SCFMD)	Stack Gas Temperature (F)	Stack Gas Moisture (%)	Total Beryllium	
					Conc. (gr/dscf)	Emission Rate (Lbs/Hr)
1	150.0	144,761	212	14.7	1.27E-08	1.58E-05
2	145.0	142,079	216	15.3	4.53E-10	5.51E-07
3	148.0	141,946	221	15.7	2.37E-08	2.89E-05
Average	147.7	142,929	216	15.2	1.23E-08	1.51E-05

A. FIELD DATA SUMMARY

PLANT : Florida Rock
Cement Plant
DATE : June 28, 2001

	RUN 1	RUN 2	RUN 3
Vlc = Vol water collected in train, ml	472.6	274.1	283.5
Vm = Sample gas vol, meter cond., acf	130.298	73.950	74.672
Y = Meter calibration factor	0.9950	0.9950	0.9950
Pbar = Barometric pressure, in. Hg	30.34	30.34	30.34
Pstatic = Stack static pressure, in. H2O	-0.30	-0.30	-0.30
dH = Avg meter pressure diff, in. H2O	3.63	1.11	1.11
Tm = Absolute meter temp., degrees R	543.8	551.9	556.3
Vm(std) = Sample gas vol, Std. cond., dscf	128.763	71.572	71.707
Bws = Water vapor in gas stream, fraction	0.147	0.153	0.157
MF = Moisture factor (1 - Bws)	0.853	0.847	0.843
CO2 = Carbon Dioxide, dry, volume %	15.20	14.40	12.00
O2 = Oxygen, dry, volume %	10.80	11.20	11.50
N2 = Nitrogen, dry volume %	74.00	74.40	76.50
Md = Molecular weight of stack gas, dry	30.86	30.75	30.38
Ms = Molecular weight of stack gas, wet	28.97	28.80	28.44
Cp = Pitot tube coefficient	0.84	0.84	0.84
Sq.Rt. dP = Avg. square root of each dP	0.8271	0.8169	0.8181
Ts = Absolute stack temp., degrees R	672.2	676.0	681.2
A = Area of stack, ft ²	68.42	68.42	68.42
Qstd = Volumetric flowrate, dscfm	144,761	142,079	141,946
An = Nozzle area, ft ²	5.04E-04	2.76E-04	2.76E-04
0 = Sample time, minutes	120.00	120.00	120.00
%I = Isokinetic variation, percent	100.62	104.03	104.32

B. PARTICULATE DATA SUMMARY

PLANT : Florida Rock
 Cement Plant
 DATE : June 28, 2001

	RUN 1	RUN 2	RUN 3
Sample Weight (FHW + MF + BHW), mg	0.00	0.00	0.00
Meter Volume, standard cond., Vm(std)	128.763	71.572	71.707
Carbon Dioxide, percent	15.20	14.40	12.00
Oxygen, percent	10.80	11.20	11.50
Sample Concentration :			
gr/scf	0.0000	0.0000	0.0000
gr/dscf	0.0000	0.0000	0.0000
gr/dscf @ 0 % CO2	0.0000	0.0000	0.0000
gr/dscf @ 0 % O2	0.0000	0.0000	0.0000
ppm * MW (dry gas).....	0.0	0.0	0.0
ppm * MW @ 0% CO2	0.0	0.0	0.0
ppm * MW @ 0% O2	0.0	0.0	0.0



**CHEMICAL
LABORATORIES
INCORPORATED**

Received From:
Koogler Assoc.
4014 NW 13th St.
Gainsville, FL 32609

Date Reported : Jul12 2001
Project Number : 187-00-09
PO Number : Fla. Rock Ind.
FLDOH Number : E83018
NYSDOH Number : 11595
CTDPH Number : 0173
NCDEHNR Number : 296
SCDHEC Number : 96019

For: Bomb Be-W
Date Sampled: Jun28 2001 Date Received: Jul 2 2001 Lab Numbers: 12469-12476
REPORT OF ANALYSIS Edited: 7-23-01 kd

**Beryllium
ug**

Accuracy:
Precision:
Det.Limit: .00100
Client ID
Lab Number

*Blank Corrected
(ug)
0.1057*

FR1 12469 0.138

FR2 12470 0.0339

FR3 12471 0.142

IMPR1 12472 <0.00100

IMPR2 12473 <0.00100

IMPR3 12474 <0.00100

WABLANK 12475 <0.00100

FILTBLANK 12476 (2R filters) 0.0646 = 0.0323 ug / filter

Certificate of Results

Sample integrity certified prior to analysis. Test results meet all requirements of the NELAC Standards, except as noted in the QA Report Section 4. This Report may not be reproduced in part, results relate only to items tested.

Jefferson L. Flowers, Ph.D
Jefferson S. Flowers, Ph.D
481 NEWBURYPORT Av.
ALTAMONTE SPRINGS
FLORIDA 32715-0597
BUS: (407) 339-5984
FAX: (407) 260-6110

Serving Your Analytical and Environmental Needs Since 1957
President/Technical Director

Florida Rock Industries, Inc.
Cement Group
Thompson S. Baker Cement plant

Process Weight Rate Sheet

Source: Kiln/Raw Mill Stack

Test Date: June 28, 2001

Permit No.: AC01-267311

Permitted Rate: 149.9 TPH

Test Parameter(s): Beryllium

	<u>Run Times</u>	<u>Process Input Rate</u>
Run No. 1	<u>07:31 - 09:36</u>	<u>150</u> TPH
Run No. 2	<u>10:01 - 12:08</u>	<u>145</u> TPH
Run No. 3	<u>12:24 - 14:33</u>	<u>148</u> TPH

I here by certify that to the best of my knowledge the above data is true and correct.

George Townsend
Name (Print)

George Townsend
Signature

June 29, 2001
Date

Environmental & Safety Manager
Title

Florida Rock Industries, Inc.
Cement Group
Thompson S. Baker Cement Plant

Kiln/Precalciner Coal Feed Rate

Test Date: June 28, 2001 Test Parameter(s): Beryllium

Run No.	Run Times		Avg. Kiln - Dry Basis Coal Feed Rate TPH		
			Main Burner	Precalciner	Total
1	7:31	9:36	5.00	5.10	10.10
2	10:01	12:08	4.63	5.12	9.75
3	12:24	14:33	4.83	5.36	10.19
				Avg.	10.01

Permitted Coal Usage Rate: 14.00 TPH

I here by certify that to the best of my knowledge the above data is true and correct.

George Townsend
Name (Print) *George Townsend*
Signature

June 29, 2001
Date Environmental & Safety Manager
Title

File: Coal Feed Rate.xls