



**FLORIDA ROCK INDUSTRIES, INC.  
CEMENT GROUP**

4000 NW CR 235  
Newberry, Florida 32669  
Telephone: (352) 472-4722 / Fax (352) 472-2449

**Fax**

**To:** Al Linero **From:** Cary Cohrs

---

**Fax:** 850-922-6979 **Pages:** 3 Including Cover

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**Phone:** **Date:** 2/27/01

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**Re:** **CC:**

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Urgent  Please Comment  Please Reply

For Review  As Requested  For Your Information

**Comments:**

Attached please find Title V notification as printed in The Gainesville Sun. Also the certification to that effect. Where should the original be sent? Jacksonville or Tallahassee?

Regards,  
Cary

19726

NO \_\_\_\_\_

**THE GAINESVILLE SUN**  
**Published Daily and Sunday**  
**GAINESVILLE, FLORIDA**

**STATE OF FLORIDA**  
**COUNTY OF ALACHUA**

Naomi Williams-Jordan

Before the undersigned authority appeared.....  
Classified Assistant Manager

Who on oath says that he/she is.....of THE GAINESVILLE SUN, a daily  
newspaper published at Gainesville in Alachua County, Florida, that the attached copy of advertisement, being a  
Public Notice of Intent  
in the matter of.....

in the.....Court, was published in said newspaper in the issue of  
February 17,

.....2001

Affiant further says that the said THE GAINESVILLE SUN is a newspaper published at Gainesville, in said Alachua County, Florida, and that the said newspaper has heretofore been continuously published in said Alachua County, each day, and has been entered as second class mail matter at the post office in Gainesville, in Said Alachua County, Florida, for a period of one year next preceding the first publication of the attached copy Of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount for publication in the said newspaper.

Sworn to and subscribed before me this

20 day February, A.D., 2001  
*Bonnie W. Gragg*  
(seal) Notary Public

*Naomi Williams-Jordan*



Bonnie W. Gragg  
MY COMMISSION # CC75925 EXPIRES  
September 27, 2002  
BONDED THRU TROY FARM INSURANCE, INC

PUBLIC NOTICE OF INTENT

TO ISSUE TITLE V AIR OPERATION PERMIT AND PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION

Florida Department of Environmental Protection, DRAFT Title V Air Operation Permit No. 001007-002-AV, Draft Air Construction Permit No. 001007-003-AC.

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

The Florida Department of Environmental Protection gives notice of its intent to issue the initial Title V Air Operation Permit (Northeast District permitting authority) and an Air Construction Permit Modification (Bureau of Air Regulation permitting authority) simultaneously to Florida Rock Industries, Inc. (FRI), for the Thomson S. Baker Cement Plant in Newberry located on County Road 335, 2.5 miles Northwest of Newberry, Alachua County. The applicant's name and address is Mr. John D. Baker, Florida Rock Industries, Inc., 185 East 21st Street, Jacksonville, Florida 32202.

The modification purpose is to extend the expiration date of the original air construction permit (AC01-267311/PSD-FL-228) for the facility, to set an emission limit for sulfuric acid mist as required by the original permit to install same, NOx control equipment, and to require a new VOC continuous emission monitor. Another Best Available Control Technology (BACT) determination was not required pursuant to Rule 22-212.40, F.A.C. but it was necessary to set a limit for sulfuric acid mist pursuant to the existing permit. The original permit was issued on December 23, 1998, with an initial expiration date of December 31, 1999. The plant first produced clinker on December 22, 1999. The permit required that FRI meet an initial nitrogen oxides (NOx) emission limit of 3.5 pounds per ton of clinker (dry) and subsequent limit of 2.8 by October of clinker two years after startup. In accordance with the permit, FRI will install any additional control equipment during the two year optimization period to insure compliance with the NOx limit of 2.8 by October by the end of the period. To comply with this end, FRI will install equipment to convert the preheater's low NOx Multi-Stage Catalyst (MNSC). Compliance with the NOx limit will be confirmed by the continuous emission monitoring system (CEMS) by December 31, 2001. The permit will be extended until March 31, 2002, to allow for the permit modification of continuous emission monitoring equipment and conversion of the preheater to a Low NOx Multi-Stage Catalyst (MNSC) to meet the lower nitrogen oxide emission limit as described in Table II of the original permit.

The Northeast District will issue the PROPOSED Title V Air Operation Permit and subsequent FINAL Title V Air Operation Permit in accordance with the conditions of the DRAFT Title V Air Operation Permit unless a response is received in accordance with the following procedures results in a different decision or significant change of terms or conditions. Also, the Bureau of Air Regulation will issue the Final Air Construction Permit Modification 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. These permits will be issued simultaneously in accordance with the Title V Air Operation Permit permit log timeframe.

The permitting authority will accept written comments concerning the DRAFT Title V Air Operation Permit and Draft Air Construction Permit Modification/issuance actions for a period of 30 (thirty) days from the date of publication of this Notice. For the DRAFT Title V Air Operation Permit, written comments should be provided to the Department of Environmental Protection

32256-7070. Any written comments shall be made available for public inspection. If written comments are received, a significant change in this DRAFT Title V Air Operation Permit, the permitting authority shall issue a Revised DRAFT Title V Air Operation Permit and revise facilities' status. Public Notice for the Draft Air Construction Permit Modification, written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station, Tallahassee, Florida 32399-7600. Any written comments shall be made available for public inspection. If written comments received result in a significant change in the permit, the Air Construction Permit Modification, the permitting authority shall issue a Revised Draft Air Construction Permit Modification and require, if applicable, another Public Notice.

The permitting authority will issue the permits simultaneously with the attached conditions unless a "Direct" hearing is held pursuant to Sections 120.569 and 120.57, F.A.C. and Section 120.574, F.S. will not be available for this proposed action. 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 Administrative Hearings, Department of Environmental Protection, 8900 Commonwealth Boulevard, Mail Station #55, Tallahassee, FL 32399-3000 (Telephone: (904) 498-8730, Fax: (904) 487-4935). Petitions must be filed within 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of the 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 applicable time period shall constitute a waiver of that person's right to request the modification of the permit under Sections 220.023 and 220.071, F.S. to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-5.207 of the Florida Administrative Code.

A petition that disputes the material facts on which the permit or decision 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, name, address and telephone number of the petitioner's representative, if any, which shall be the address for service of process during the course of the proceeding; and an explanation of how petitioner's substantial rights will be affected by the agency determination.

(c) A statement of law and where the 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 state; (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle petitioner to relief; and (f) A prayer for relief. 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 therefore shall contain the same information as set forth above, as required by Rule 28-106.001, F.A.C.

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 challenged. The petition, taken by the filing of a petition, shall be affected by any such final decision of the permitting authority. The petitioning party shall be notified of the proceeding.

Mediation is not available in this proceeding. In addition to the above, pursuant to 42 U.S.C. 7602 and 7601(d)(2), any person who petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established in 42 U.S.C. Section 7601(d)(1), to object to issuance of any permit, any petition shall be based only on objections to the permit, the permit shall be issued specifically during the 60 (sixty) day public hearing period provided in this notice unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the 60 (sixty) day period, unless the ground for such objection arose after the comment period. Filing a petition with the Administrator of the EPA does not delay the effective date of any permit issued pursuant to the provisions of Chapter 62-613, F.A.C., unless the permit is filed with the Administrator of the EPA must meet the requirements of 42 U.S.C. Section 7601(d)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 J Street, S.W., Washington, D.C. 20460. For the proposed Title V Air Operation Permit, a complete project file is available for public inspection during normal business hours, 9:00 a.m. to 5:00 p.m., Monday through Friday, except legal holiday.

32256-7070. Any written comments shall be made available for public inspection. If written comments are received, a significant change in this DRAFT Title V Air Operation Permit, the permitting authority shall issue a Revised DRAFT Title V Air Operation Permit and revise facilities' status. Public Notice for the Draft Air Construction Permit Modification, written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station, Tallahassee, Florida 32399-7600. Any written comments shall be made available for public inspection. If written comments received result in a significant change in the permit, the Air Construction Permit Modification, the permitting authority shall issue a Revised Draft Air Construction Permit Modification and require, if applicable, another Public Notice.

The permitting authority will issue the permits simultaneously with the attached conditions unless a "Direct" hearing is held pursuant to Sections 120.569 and 120.57, F.A.C. and Section 120.574, F.S. will not be available for this proposed action. 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 Administrative Hearings, Department of Environmental Protection, 8900 Commonwealth Boulevard, Mail Station #55, Tallahassee, FL 32399-3000 (Telephone: (904) 498-8730, Fax: (904) 487-4935). Petitions must be filed within 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of the 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 applicable time period shall constitute a waiver of that person's right to request the modification of the permit under Sections 220.023 and 220.071, F.S. to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-5.207 of the Florida Administrative Code.

A petition that disputes the material facts on which the permit or decision 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, name, address and telephone number of the petitioner's representative, if any, which shall be the address for service of process during the course of the proceeding; and an explanation of how petitioner's substantial rights will be affected by the agency determination.

(c) A statement of law and where the 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 state; (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle petitioner to relief; and (f) A prayer for relief. 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 therefore shall contain the same information as set forth above, as required by Rule 28-106.001, F.A.C.

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Board of County Commissioners

**ENVIRONMENTAL PROTECTION DEPARTMENT**

201 SE 2<sup>ND</sup> Avenue, Suite 201 - Gainesville, Florida 32601

Phone: (352) 264-6800

Suncom: 651-6800

Fax: (352) 264-6852

J. Chris Bird, Director

**FAX**

Date: Feb 20, 2001

Pages (including cover):

To: HOWARD RHODES

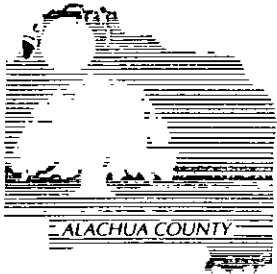
Agency: FDEP  
AIR Res. Mngnt.

From: JOHN MOUSA

Fax: 850-922-6979

Voice:

COMMENTS:



# ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS

P.O. Box 2877 • Gainesville, Florida 32602-2877  
Tel. (352) 374-5210 • Fax (352) 338-7363  
1-800-491-4496 (toll free) • Suncom 651-5210  
Commissioners' E-Mail: [bocc@co.alachua.fl.us](mailto:bocc@co.alachua.fl.us)  
Home Page: [www.co.alachua.fl.us](http://www.co.alachua.fl.us)

Board of County Commissioners

## RECEIVED

February 20, 2001

FEB 22 2001

*Clair*  
*du*  
*From: Howard*  
*2/23*

**Commission**

Penelope Wheat  
*Chair*

Dave Newport  
*Vice Chair*

Charles Chestnut, III

Chuck Clemons

Robert Hutchinson

**Administration**

Randall H. Reid  
*County Manager*

February 20, 2001

DIVISION OF AIR  
RESOURCES MANAGEMENT

*2af rec 2/20*

Mr. Kirby Green  
Deputy Secretary  
Florida Department of Environmental Protection  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399

Re: DEP File No. 0010087-003-AC/PSD-FL-228-A (Draft Title V Construction Permit Modification No. 0010087-003-AC and Operation Permit No. 0010087-002-AV) and OGC Case No. 00-2214-01-AP (VOC violations)

Dear Mr. Green:

On behalf of Alachua County, I respectfully request to be notified of, and to be given an opportunity to be present during, any meetings or discussions between DEP and Florida Rock Industries, Inc., concerning the above-referenced Title V permits.

In addition, I offer my strongest recommendation that DEP not enter into a Consent Order or settlement of the outstanding enforcement action in OGC Case No. 00-2214-01-AP without resolving all of Florida Rock's pending objections to certain conditions of the proposed Title V permits. I believe that DEP will be in a weaker position to defend the proposed permit conditions for continuous emission monitoring for volatile organic compounds (VOCs), and perhaps other conditions as well, if it settles the enforcement case prior to resolving Florida Rock's objections to the proposed permits. If and when a settlement of the enforcement case occurs, it should only be pursuant to an agreement whereby Florida Rock admits to the violations, so that the violations may be used as a basis for imposing the conditions of the proposed permits.

Thank you kindly for your consideration in this matter.

Sincerely,

Randall H. Reid  
County Manager

JCB/dcs

cc: Douglas Beason, Esq.  
Trina Vielhauer, Esq.  
Howard Rhodes  
Chris Kurtz, DEP Northeast District  
Segundo J. Fernandez, Esq.  
David C. Schwartz, Esq.





Jeb Bush  
Governor

# Department of Environmental Protection

Northeast District  
7825 Baymeadows Way, Suite B200  
Jacksonville, Florida 32256-7590

David B. Struhs  
Secretary

February 15, 2001

FACSIMILE TRANSMITTAL  
CERTIFIED - RETURN RECEIPT

Mr. Jim Konish  
Florida Administrative Law Reports, Inc.  
Post Office Box 385  
Gainesville, Florida 32602

RECEIVED

FEB 19 2001

BUREAU OF AIR REGULATION

Dear Mr. Konish:

Florida Rock - Newberry Cement Plant  
Alachua County - Air Program  
Facsimile Transmittal

On February 14, 2001 this office received a facsimile transmittal from your office. The fax contained (copies attached):

Your letter dated May 2, 2000.

My response dated May 23, 2000.

A letter signed by W. Douglas Beason, Esq. dated October 18, 2000.

As no action was requested in the fax, maybe you had some other intent, if so please clarify. Actions requested in the May 2, 2000 request were responded to.

On January 26, 2000, the Northeast District (NED), of the Department of Environmental Protection sent you a copy of the proposed "Draft" Title V operating permit and other pertinent documents in relation to the subject facility.

As always, files at NED are available for your review. Should you have any questions, please feel free to contact me at 904-448-4310 (ext. 235).

Sincerely,

Christopher L. Kirts, P.E.  
Air Program Administrator

CLK:db  
Attachments (3)

cc: Trina Vielhauer, Office of General Council (OGC)  
Doug Beason, OGC  
Robert Gough, OGC  
Larry Morgan, OGC  
Clair Fancy, Division of Air Resource Management (DARM)  
Ernest E. Frey, P.E., District Director, Northeast District

"More Protection, Less Process"

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Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

January 29, 2001

## CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. John D. Baker, President  
Florida Rock Industries, Inc.  
155 East 21<sup>st</sup> Street  
Jacksonville, Florida 32206

RE: DEP File No. 0010087-003-AC/PSD-FL-228A  
Thompson S. Baker (Newberry) Cement Plant

Dear Mr. Baker:

Due to a typographical error on page 2 of 4 of the January 26, 2001 Technical Evaluation and Preliminary Determination for the above referenced project, the permit extension date was incorrectly stated. Please replace that page with the enclosed corrected page.

Sincerely,

C. H. Fancy, P.E., Chief  
Bureau of Air Regulation

CHF/pa

Enclosure

cc: Fred W. Cohrs, FRI  
Gregg Worley, EPA  
John Bunyak, NPS  
Kris Kirts, DEP NED  
Pat Reynolds, DEP Gainesville  
W. Douglas Beason, Esq. DEP OGC

James J. Konish, Esq., FPLW  
Segundo J. Fernandez, Esq., OHF&C  
Arthur Saarinen  
Chair, Alachua County Commission  
Chris Bird, Alachua County EPD  
Rob Luna, NCFGF

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## TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

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reducing zone of the calciner. Operating results obtained with the multi stage combustion process prove that basic NO<sub>x</sub> emissions is reduced by up to 50%.”

An evaluation of the system described above was given in a report prepared by Schreiber, Yonley, & Associates for Alachua County.<sup>5</sup> According to the report, “the Newberry plant, on the other hand, has the advantage of an inherently low-NO<sub>x</sub> design.” “The plant does have the option of adding staged combustion as a NO<sub>x</sub> contingency control. This method introduces fuel at the feed end of the kiln or at the precalciner vessel, creating a strongly reducing environment in which more NO<sub>x</sub> is destroyed. The technology is used in both new construction and kiln retrofits. The Portland Cement Association Report on NO<sub>x</sub> formation and Variability in Portland Cement Kiln Systems, Potential Control Techniques and Their Feasibility and Cost Effectiveness published in December 1998 reports that industry feedback indicated NO<sub>x</sub> reduction potential with this control is 30 to 40 percent compared to conventional precalciner kilns.”

The Department does not necessarily agree with all aspects of the Schreiber analysis, but does agree on the discussion regarding staged combustion. The full report may be viewed at the Alachua County website.<sup>6</sup>

FRI proposes to use tires with propane backup as fuel burned under reducing conditions in the lower section of the MSC. Coal will be burned under subsequent oxidizing conditions in the higher section of the MSC. Additional tertiary air from the clinker cooler will insure good burnout and conversion of most CO to CO<sub>2</sub> without significant NO<sub>x</sub> formation.

Compliance with the NO<sub>x</sub> limit by December 31, 2001 will be confirmed by the continuous emission monitoring system (CEMS). The permit will be extended until ~~March 31, 2001~~ to allow conversion of the precalciner, conduct additional fine-tuning, and provide the Department and FRI with time to review the results. This review may allow the Department to exercise the condition in Table II of the permit to “revise the limit to less than 2.8 lb/ton clinker (30-day rolling average) based on compliance test and continuous emissions monitoring data.”

**SO<sub>2</sub> Control.** The interim SO<sub>2</sub> emission limit is 0.28 lb/ton or 28.8 lb/hr. The Department is required to issue the final SO<sub>2</sub> limits within 120 days following receipt of all test results required by this permit. An initial stack test conducted on the kiln indicated an emission rate of 1.4 lb/hr. This is an extremely low value. For example, kilns in certain parts of the country emit SO<sub>2</sub> at levels from 100 to 1000 times greater than indicated by the first FRI tests. Fortunately raw materials in Florida, such as the limestone, contain little iron pyrites that contribute to SO<sub>2</sub> formation. Early indications are that the kiln does indeed function as described in the original BACT determination. The sulfur is being removed in the alkaline environment of the kiln, preheater, and raw mill and ultimately incorporated into the clinker.

The single stack test results are not sufficient to set a final limit for SO<sub>2</sub>. In fact, at the emission rate achieved to-date, the plant would not have been subject to a BACT-based SO<sub>2</sub> emission limit. The Department will wait until the applicant has submitted three months worth of CEMS data for this pollutant prior to revising the BACT limit for SO<sub>2</sub>. The Department has reasonable assurance that the kiln is operating well within its interim permitted SO<sub>2</sub> limits.

### **Sulfuric Acid Mist Control.**

FRI submitted stack test results for sulfuric acid mist (SAM). The tests indicated an emission rate of 0.000003 lb/ton of clinker or 0.0003 lb/hr. This equates to annual emissions of 0.0012 tons per year (TPY), which is much less than the threshold of 7 TPY normally requiring a BACT determination. Nevertheless the permit requires a limit.

The Department reviewed data from the EPA RACT/BACT/LAER Clearinghouse. The facilities include Tarmac (Miami), Florida Crushed Stone (Brooksville), Roanoke (Virginia), and Puerto Rican Cement. BACT-based emission limits ranged from 0.014 to 0.234 lb/ton of clinker. The Department will set a limit