

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

301 SOUTH BRONOUGH STREET
SUITE 500
TALLAHASSEE, FLORIDA 32301

(850) 521-0700
FAX (850) 521-0720

MAILING ADDRESS:
POST OFFICE BOX 1110
TALLAHASSEE, FLORIDA 32302-1110

TIMOTHY P. ATKINSON
JEFFREY BROWN
M. CHRISTOPHER BRYANT
C. ANTHONY CLEVELAND
TERRY COLE
SEGUNDO J. FERNANDEZ
SCOTT W. FOLTZ
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DEC 28 2000

BUREAU OF AIR REGULATION

December 27, 2000

Mr. Howard C. Rhodes, Director
Division of Air Resources Management
Department of Environmental Protection
111 S. Magnolia Drive, Suite 23
Tallahassee, Florida 32301

Via Facsimile and U.S. Mail

Christopher L. Kirts, P.E.
Air Program Administrator
Florida Department of Environmental Protection
Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7590

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DEC 28 2000

BUREAU OF AIR REGULATION

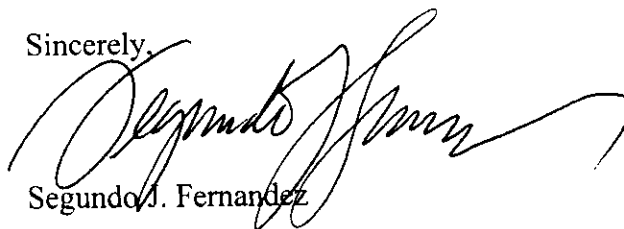
Re: Waiver of Permit Application Processing Time Periods Under Sections 120.60(1),
403.0872, and 403.0876, Florida Statutes
Florida Rock Industries, Inc.
Facility ID 0010087, Initial Title V Permit Application

Dear Gentlemen:

As you know, we represent Florida Rock Industries, Inc. with respect to its Thompson S. Baker Cement Plant in Newberry, Florida. Please find enclosed a Waiver of Permit Application Processing Time Periods Under Sections 120.60(1), 403.0872, and 403.0876, Florida Statutes, for the above-referenced facility and initial Title V Permit Application.

Please do not hesitate to call me if you have any questions.

Sincerely,



Segundo J. Fernandez

c: Kirby B. Green, III Doug Beason
John Baker John B. Koogler
Fred Cohrs Al Linero
Cary Cohrs

WAIVER OF PERMIT APPLICATION PROCESSING TIME PERIODS
UNDER SECTIONS 120.60(1), 403.0872, AND 403.0876 FLORIDA STATUTES

Permit Application No.: Facility ID 0010087, Initial Title V Permit Application.

Applicant's Name: Florida Rock Industries, Inc.

The undersigned has read sections 120.60(1), 403.0872, and 403.0876, Florida Statutes, and fully understands the applicant's rights under those sections.

With regard to the above referenced permit application, the applicant hereby with full knowledge and understanding of its rights under Sections 120.60(1) and 403.0876, Florida Statutes, waives the right under Sections 120.60(1), 403.0872, and 403.0876, Florida Statutes, to have the application approved or denied by the State of Florida Department of Environmental Protection within the 90-day time period prescribed in Sections 120.60(1), and 403.0876, Florida Statutes.

In specific, this letter waives the 30-day and 60-day completeness reviews of the information provided to the Department on December 23, 1999. This waiver shall in no way limit the Department's ability to request information prior to the expiration of this waiver. This waiver shall expire March 31, 2001, at which time all processing time clocks will resume.

With regard to the above referenced permit application, the applicant hereby with full knowledge and understanding of its rights under Section 403.0872, Florida Statutes, waives the right under Section 403.0872, Florida Statutes, to have the application processed by the State of Florida Department of Environmental Protection within the time periods prescribed in Section 403.0872, Florida Statutes.

Said waiver is made freely and voluntarily by the applicant, is in its self interest, and without any pressure or coercion by anyone employed by the State of Florida Department of Environmental Protection.

This waiver shall expire on the 31st day of March 2001.

The undersigned is authorized to make this waiver on behalf of the applicant.

Signature *Segundo J. Fernandez* Date 12/27/00

By: Segundo J. Fernandez, Attorney and Counsel to Florida Rock Industries, Inc.

State of Florida
County of Leon

Sworn to (or affirmed) and subscribed before me this 27th day of December, 2000,
by Segundo J. Fernandez. Who is personally know or has produced _____
identification.

Bridgett M. Gilbert

Notary Public
 BRIDGETT M. GILBERT
MY COMMISSION # CC 935023
EXPIRES: May 9, 2004
Bonded Thru Notary Public Underwriters



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

Office of Air Quality Planning and Standards
Emission Standards Division

Minerals and Inorganic Chemicals Group, MD-13

Research Triangle Park, NC 27711 USA

TO: JOHN REYNOLDS

COMPANY/OFFICE: FL DEP

DATE:

12/27/00

TEL. NUMBER

850 921 9536

FAX NUMBER

850 922 6979

FROM: Joseph Wood, P.E.

EMAIL: wood.joe@epa.gov

FAX NUMBER:

(919) 541-5600

TEL. NUMBER:

(919) 541-5446

REMARKS

VARIOUS PAGES FROM OUR DATA ANALYSIS
MEMO FOR PORTLAND CEMENT KILNS,
INDICATING Be DATA. IF YOU
NEED TO REFERENCE THIS, IT'S
FROM DOCKET NO. A-92-53, DOCKET
ITEM II-13-62.

RESEARCH TRIANGLE INSTITUTE



Center for Environmental Analysis

February 21, 1996

TO: Joseph Wood, ESD/MICG (MD-13)
U. S. Environmental Protection Agency
Research Triangle Park, NC 27711

FROM: Elizabeth Heath *EAK*

SUBJECT: Emissions of Particulate Matter, Metals, Hydrogen
Chloride, and Total Hydrocarbons from Cement Kilns

REFERENCE: Information Gathering and Analysis for the Portland Cement
Manufacturing Industry NESHAP
EPA Contract 66-D1-0118
ESD Project 91/44
RTI Project 6173-137

Summary

The EPA requested a comparison of emissions of selected compounds from cement kilns that burn and do not burn hazardous waste. The compounds included metals (exclusive of mercury), hydrogen chloride (HCl), particulate matter (PM), and total hydrocarbons (THC). In this memo, kilns that burn hazardous waste will be referred to as "HW" kilns while those that do not burn hazardous waste will be referred to as "NHW" kilns. The purpose of the comparison was to determine: (1) for purposes of estimating the percentage of kilns that could be affected by the MACT standards (that are under consideration), whether the NHW and HW data overlapped and could be combined into a single data set, and (2) the estimated percentage of kilns that could be affected by the MACT standards that are under consideration for emissions of PM, HCl, and THC.

Discussion

Emissions Data Extraction

Emissions data for HW kilns were obtained from references 1 through 5, while emissions data for NHW kilns were obtained from references 1, 5, and 6 through 21. Emissions data were averaged per kiln per testing condition.

Many of the emissions listed in the references were converted to appropriate units, [$\mu\text{g}/\text{dscm}$ (for metals), gr/dscf (for PM), and ppmv (for HCl and THC)], at 68°F and 7 percent oxygen. Many references provided concentrations in the correct units based on a standard temperature other than 68°F . When the standard temperature could not be determined from the reference, it was assumed that standard temperature was 68°F . Appendix A describes how emissions were extracted from references 2 through 22. (Emissions data were taken directly from reference 1.) Several reports contained emissions data that could not be converted to the appropriate unit at 68°F and 7 percent oxygen; these reports are listed in Appendix B with an explanation of why the data were not used.

Treatment of non-detected emissions data

The treatment of non-detected (ND) data depended on how many

measurements at a test site (per kiln per testing condition) were ND. Typically three emissions measurements were conducted per test condition per kiln. If all three measurements were ND, the data were excluded. If one of three measurements was detected, half of the ND concentrations were averaged with the detected concentration. When only one measurement was made, only detected values were used.

Emissions data

Average emissions (per kiln per testing condition) for PM, metals, THC as propane, and HCl are contained in Appendix C for NHW kilns and in Appendix D for HW kilns. The data are plotted in Figures 1 through 12 (on pages 10 to 22). A listing of the figures is provided below.

<u>Figure number</u>	<u>Average emissions for NHW and HW kilns</u>
1	antimony
2	arsenic
3	beryllium
4	cadmium
5	chromium
6	lead
7	manganese
8	nickel
9	selenium
10 (a)	electrostatic precipitator-controlled PM
10 (b)	fabric filter-controlled PM
11	hydrogen chloride
12	THC as propane

Antimony average emissions

Table 1 lists the minimum, maximum, average, and standard deviation of the HW antimony data. There were no NHW emissions data. As shown in Figure 1, approximately 92 percent of the HW data were below 10 $\mu\text{g}/\text{dscm}$. (The value of 10 $\mu\text{g}/\text{dscm}$ was determined visually from Figure 1.) The 13 HW emission points ranged from 0.2 $\mu\text{g}/\text{dscm}$ to 38 $\mu\text{g}/\text{dscm}$ and averaged to 5.1 $\mu\text{g}/\text{dscm}$.

Table 1. Antimony emissions for HW cement kilns

	NHW kilns	HW kilns
minimum ($\mu\text{g}/\text{dscm}$)	--	0.2
maximum ($\mu\text{g}/\text{dscm}$)	--	38
average ($\mu\text{g}/\text{dscm}$)	--	5.1
standard deviation of the data	--	10
number of points*	--	13
percent of data exceeding:		
10 $\mu\text{g}/\text{dscm}$ **	--	8

*The number of averages (determined per kiln per test condition) is listed.

**Value visually determined from a plot of the HW data points.

Arsenic average emissions

Table 2 lists the minimum, maximum, average, and standard deviation of the arsenic data. As shown in Figure 2, approximately 88 percent of the NHW data and 83 percent of the HW data were below 5 $\mu\text{g}/\text{dscm}$. (The value of 5 $\mu\text{g}/\text{dscm}$ was determined visually from Figure 2.) The 8 NHW emission points ranged from 0.2 $\mu\text{g}/\text{dscm}$ to 10 $\mu\text{g}/\text{dscm}$ while the 23 HW emission points ranged from 0.4 $\mu\text{g}/\text{dscm}$ to 30 $\mu\text{g}/\text{dscm}$.

Table 2. Arsenic emissions for cement kilns

	NHW kilns	HW kilns
minimum ($\mu\text{g}/\text{dscm}$)	0.2	0.4
maximum ($\mu\text{g}/\text{dscm}$)	10	30
average ($\mu\text{g}/\text{dscm}$)	2.6	4.7
standard deviation of the data	3.1	7.7
number of points*	8	23
percent of data exceeding:		
5 $\mu\text{g}/\text{dscm}$ **	12	17

*The number of averages (determined per kiln per test condition) is listed.
 **Value visually determined from a plot of the NHW and HW data points.

Beryllium average emissions

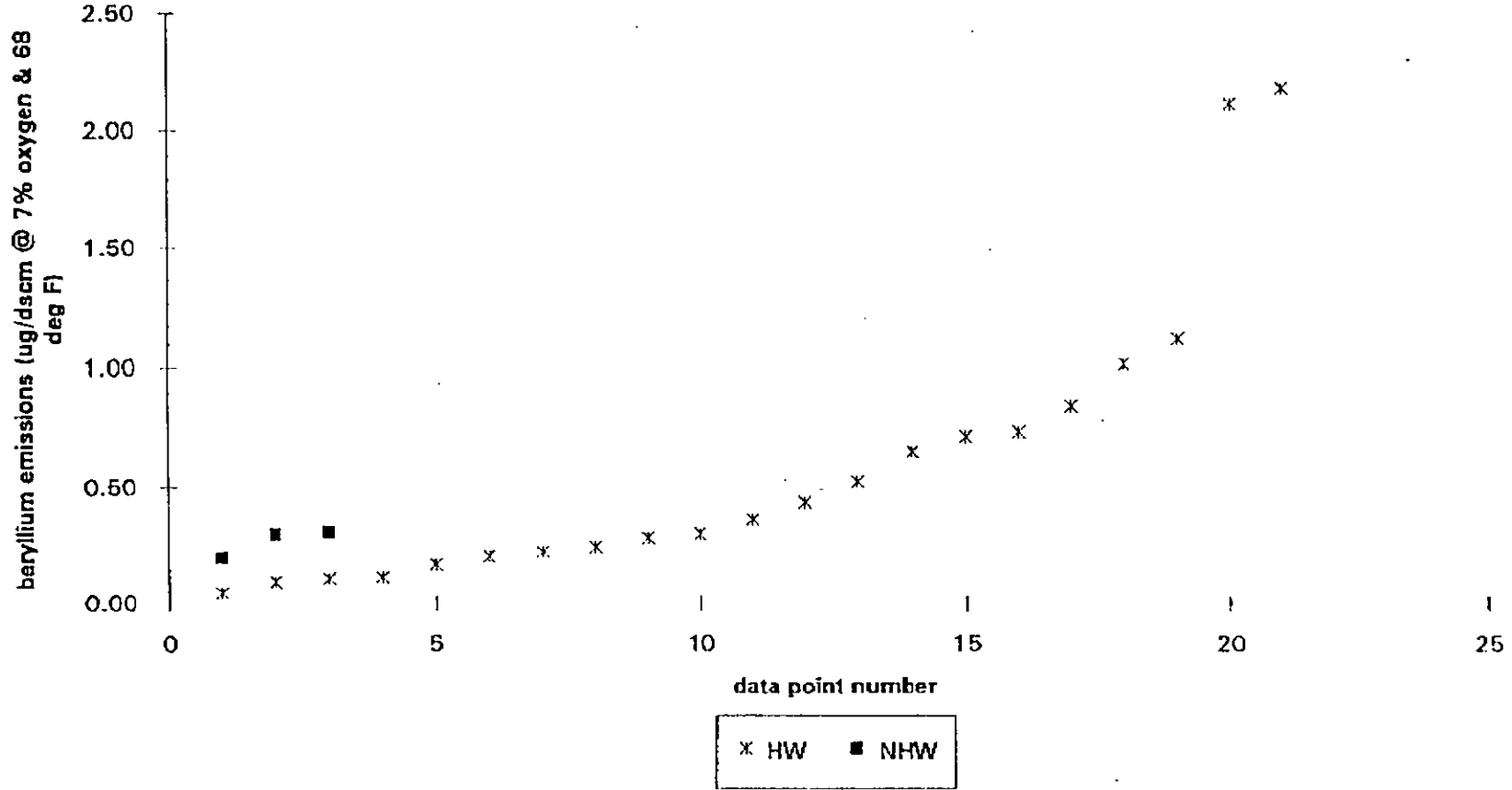
Table 3 lists the minimum, maximum, average, and standard deviation of the beryllium data. There were only three NHW beryllium data points. As shown in Figure 3, all of the NHW data and approximately 81 percent of the HW data were below 1 $\mu\text{g}/\text{dscm}$. (The value of 1 $\mu\text{g}/\text{dscm}$ was determined visually from Figure 3.) The 3 NHW emission points were 0.2 $\mu\text{g}/\text{dscm}$, 0.30 $\mu\text{g}/\text{dscm}$, and 0.31 $\mu\text{g}/\text{dscm}$ while the 21 HW emission points ranged from 0.05 $\mu\text{g}/\text{dscm}$ to 2.2 $\mu\text{g}/\text{dscm}$.

Table 3. Beryllium emissions for cement kilns

	NHW kilns	HW kilns
minimum ($\mu\text{g}/\text{dscm}$)	0.2	0.05
maximum ($\mu\text{g}/\text{dscm}$)	0.31	2.2
average ($\mu\text{g}/\text{dscm}$)	0.27	0.59
standard deviation of the data	0.06	0.6
number of points*	3	21
percent of data exceeding:		
1 $\mu\text{g}/\text{dscm}$ **	0	19

*The number of averages (determined per kiln per test condition) is listed.
 **Value visually determined from a plot of the NHW and HW data points.

Figure 3. Beryllium emissions from cement kilns



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

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DEC 22 2000

BUREAU OF AIR REGULATION

December 20, 2000

Via Facsimile and U.S. Mail

Mr. Howard C. Rhodes, Director
 Division of Air Resources Management
 Department of Environmental Protection
 111 S. Magnolia Drive, Suite 23
 Tallahassee, Florida 32301

Re: FDEP Air Construction Permit No. AC01-267311 / PSD-FL-2²~~8~~
 Facility No.: 0010087

Dear Mr. Rhodes:

We represent Florida Rock Industries, Inc. with respect to its Thompson S. Baker Cement Plant in Newberry, Florida. On July 17, 2000 we filed a request for extension of the above referenced permit. On November 17, 2000, FRI granted the Department an additional 45 days to review the request.

We understand that the 90-day processing time clock, under Section 120.60 F.S. is about to run out, and that the Department needs additional time to process FRI's extension request. We are pleased to grant the Department an extension to review the request up to and including March 31, 2001. This constitutes a waiver of the processing time clock and is given to facilitate resolution of all outstanding questions and issues.

Additionally, the July 17, 2000, request asked that the construction permit, referenced above, be extended until January 31, 2001. We hereby modify that request and ask that the construction permit be extended until March 31, 2001.

Please do not hesitate to call me if you have any questions.

Sincerely,



Segundo J. Fernandez
 Timothy P. Atkinson

c: Kirby B. Green, III
 John Baker
 Fred Cohrs
 Cary Cohrs
 Doug Beason
 John B. Koogler
 Al Linero

* FRI needs time to submit further details of NOx controls strategy & construction to meet December, 2001 milestone of 2.8 lb NOx / ton clinker. Also VOC assurance, Be data, etc.

Florida Rock Meeting 12/15/00

Trina Vielhauer	DEP/OGC	850/921-8875
Fred W. COHRS	FRI	904/355-1781
Segundo J. Fernandez	FRI/OAFC	850/521-0700
TIM ATKINSON	FRI/OAFC	same
Chris Kints	DEP/NEO	904-448-4310(235)
RICK BANKS	DEP/NEO	904-448-4310 x234
ERNEST FREY	DEP/NEO	904-448-4300 x201
AL LINERO	DEP/BAR	850-921-9523
Clair Fancy	DEP/BAR	850 921 9503
HOWARD Rhodes	DEP/DAR m	850 488 0114
Dale BERSON	DEP/OGL	850-921-9624

THOMPSON S. BAKER CEMENT PLANT
Newberry, Florida

PYRO PROCESSING SYSTEM CONVERSION PLAN
TO
REDUCE NO_x TO PERMITTED LIMIT

For Discussion with the
FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION
AIR DIVISION

December 15, 2000

Thompson S. Baker Cement Plant
Proposed Modifications to the Pyro-Processing System
Reason for Modification: Reduce NO_x Emissions

Florida Department of Environmental Regulation Air Construction Permit No. AC01-267311 allows NO_x emissions from the kiln system to be no more than 3.8 lbs/ton clinker for the initial two (2) years of operation and no more than 2.8 lbs/ton clinker thereafter.

Test results show the present NO_x emissions to be in the 3.5 lbs/ton clinker range. The results are reported on a 30 day rolling average. The company is of the opinion that it can not meet the 2.8 lbs/ton clinker limit on a continuous basis without modification to the preheater configuration.

NO_x reductions can be achieved primarily by reducing the concentration of heat input. To accomplish this, the total fuel requirements must be split into more than one firing point, and by employing state of the art multi stage burner technology at the TSB Cement Plant. Initially, the plant started with two firing points: One at the kiln discharge end and another one in the precalciner. The kiln burner is of the Polysius low NO_x design. Its effectiveness in reducing NO_x is difficult to determine, but in its entirety, the system was designed to produce low NO_x emissions, as well as meeting all other permitted limits.

Florida Rock's plan is to achieve additional NO_x reduction and be in compliance with the more restrictive NO_x permit limit by the end of January 2002.

FRI's construction permit provides for the use of Tire Derived Fuel (TDF) as a replacement for coal to the extent of 30% of the coal used. As the major source of NO_x is the nitrogen contained in the coal, the replacement of coal with an equivalent heat source without nitrogen, such as gas derived from TDF, a proportionate reduction in NO_x can be expected.

The gas so produced will be fired in the same area of the precalciner where the coal is presently burnt. The result will be, that the precalciner, which takes 60% of all fuel consumed in the preheater/kiln system, will be composed of 50% coal and 50% nitrogen free gas.

Only one gasifier has been installed in the cement industry in the world so far. Development work of the system is still in progress, mainly to improve the

mechanism to handle the residue, consisting of carbon and steel belts. As a means of complying with the NOx limits by the start of year 2002, as required, the gasifier is not suitable. An in-service date prior to mid-year 2003 can not be guaranteed. However, FRI intends to purchase this system as soon as its performance can be assured.

In the meantime, FRI proposes the following:

1. Install an additional firing point at the inlet to the kiln. Whole used automobile and truck tires will be introduced at this process point to supply the fuel. Processing considerations will limit coal replacement to 10%.

In the event that tires are temporarily unavailable or the tire feeding system malfunctions, propane gas will be used in their place.

2. Divert a portion of the tertiary air, which now enters the area in the calciner where the majority of the total fuel is burnt, to the upper area of the calciner.
3. Install a tire handling system.
4. Reroute the gas flow from the calciner through a new mixing chamber, to slow the gas velocity and improve blending, after which the gas is exposed to a new oxygen supply delivered through the tertiary air duct to complete the fuel combustion and convert most CO to CO₂.

These four construction steps will be simultaneously executed. The modified system will assure the reduction of NOx emissions to the permitted level.

Mockups of the modifications are made part of this report.

The conceptual views have been developed by Poysius Corp. and describe the changes in the preheater/calciner cyclone and duct configuration.

Polysius also briefly described the method of NOx reduction this technology provides.

The attached engineering and construction schedule indicates that the project can be completed by the first month of 2002.

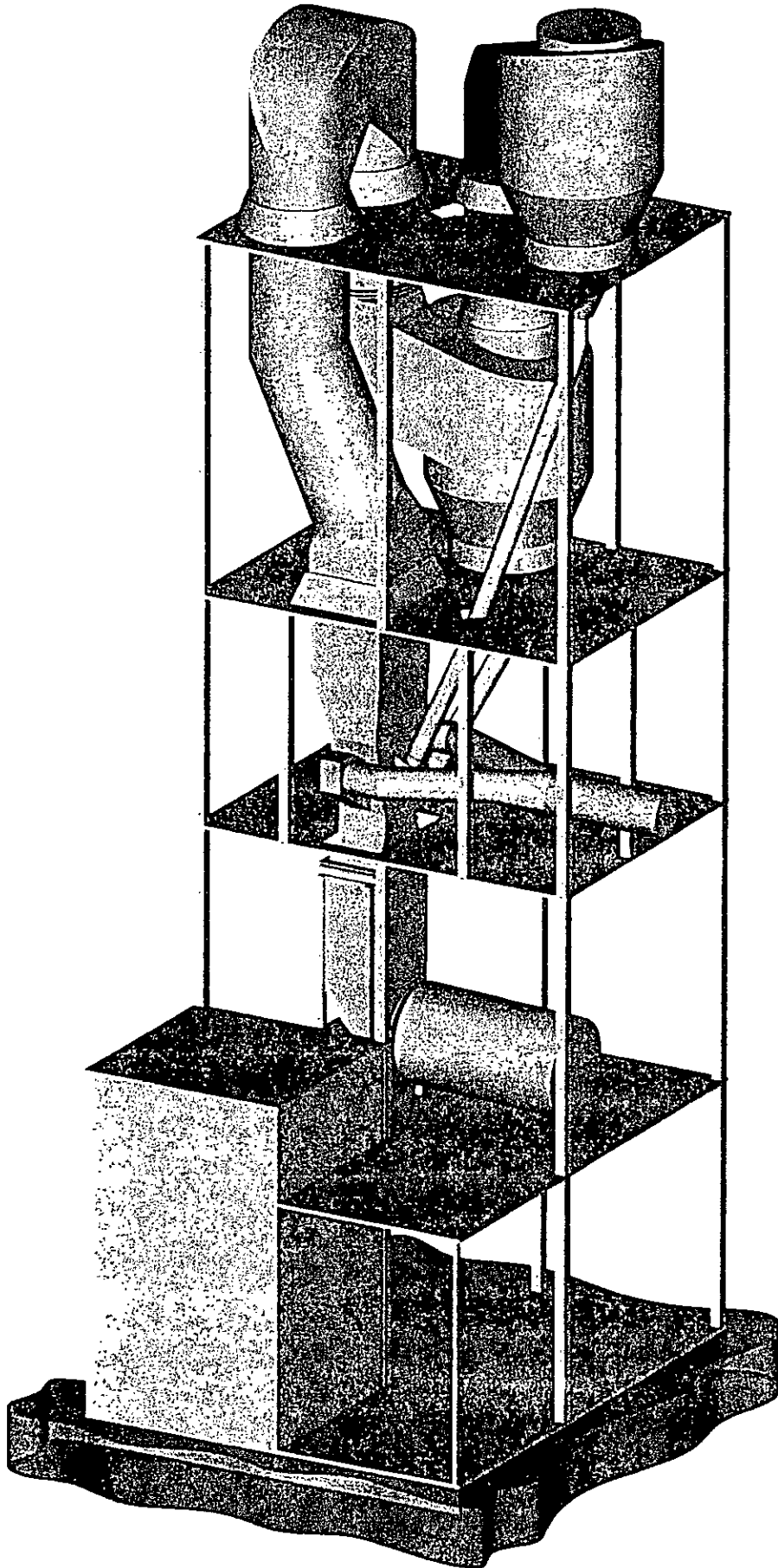
Engineering and Construction Schedule:

	Completion Date
1. Receive proposal from Polysius	12/22/00
2. Negotiate contract for Engineering and Supply	01/20/01
3. Fabrication of ducts and equipment	08/20/01
4. Receive construction proposal: including structural, civil and electrical engineering	05/20/01
5. Commence construction	09/01/01
6. Shut down for tie-ins	12/15/01
7. Start modified system	01/01/02
8. Test for NOx emissions and permit compliance	03/01/02

A Company
of ThyssenKrupp
Engineering

Krupp Polysius

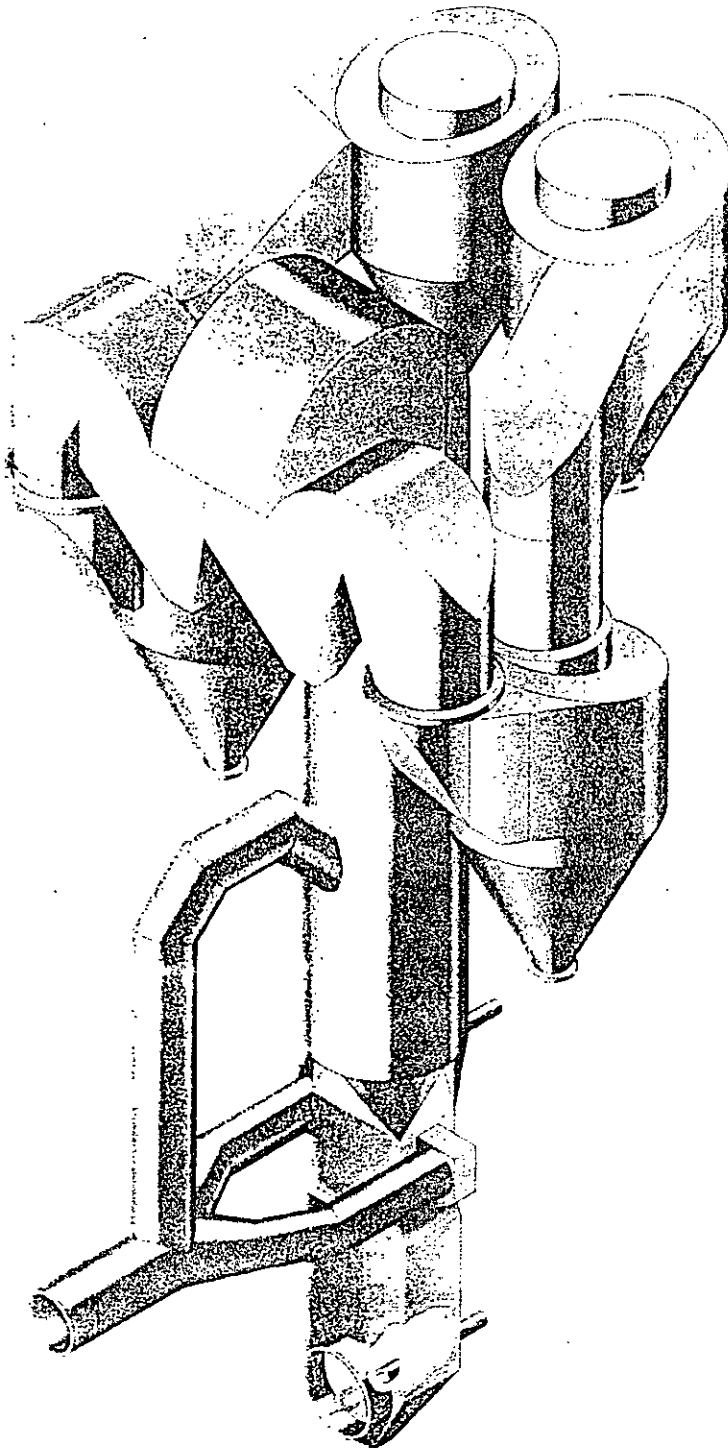
FLORIDA ROCK
*Tire Feed and Multi-Stage Combustion
Modification*



**Krupp
Polysius**

A subsidiary of
ThyssenKrupp
USA, Inc.

PREPOL[®]-MSC



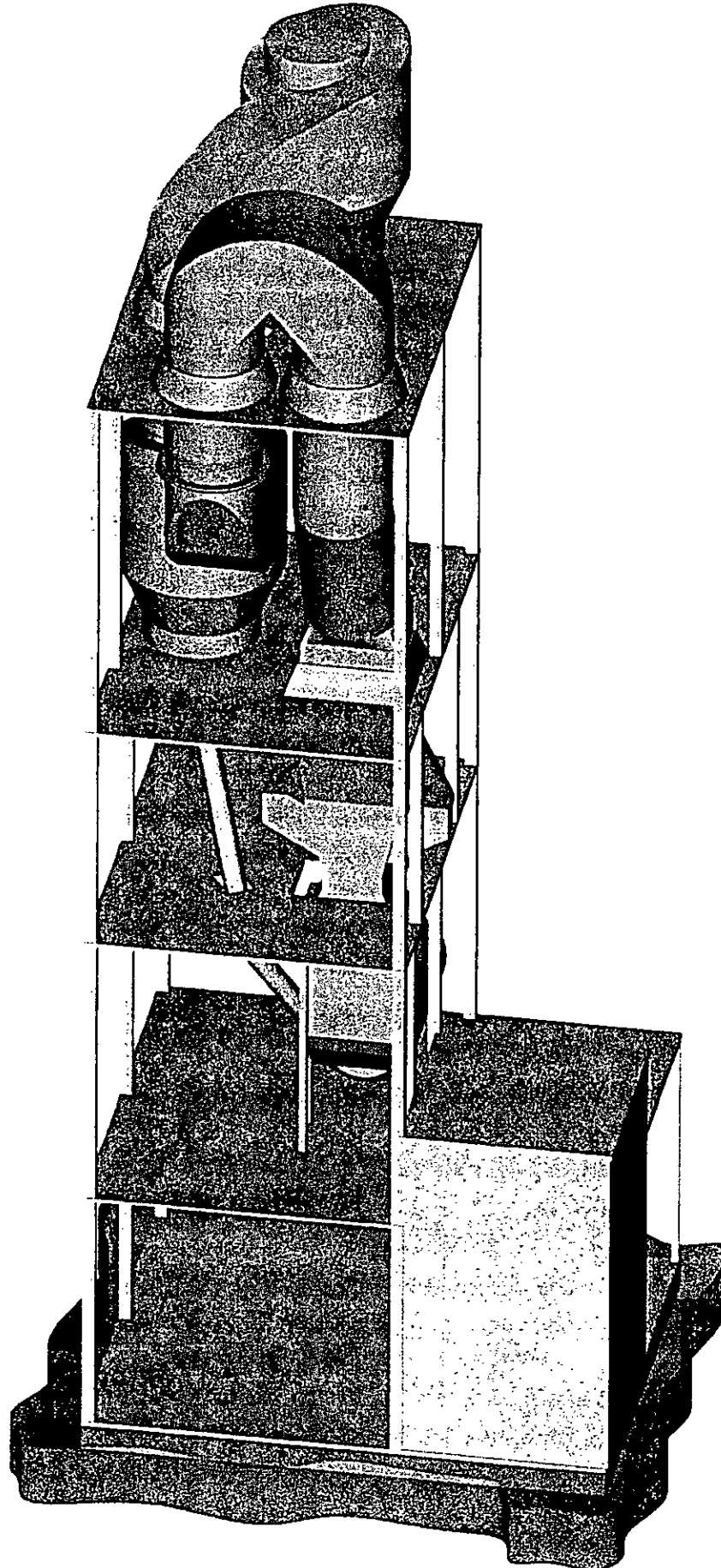
The MSC process involves no extra operating costs, reducing emissions by staggered introduction of the fuel and tertiary air, which causes the combustion to take place in several stages.

In the first stage, the nitrogen oxides generated in the sintering zone of the rotary kiln are reduced by the introduction of approximately 10% of the total fuel utilizing fuels such as tires, a separate inlet burner, or other replacement fuels. The fuel is injected against the direction of flow of the kiln gases and is pyrolyzed in its gas phase. In the reducing atmosphere, which is formed, the nitrogen oxides are converted into nitrogen, which is not harmful to the environment.

In order to prevent new NO_x from being generated in the calciner, the calcining fuel also has to be burnt under reducing conditions. This is achieved by staggered introduction of the combustion air, so that the fuel is first burnt under reducing conditions and then completed under oxidizing conditions.

This minimizes the generation of new NO_x in the calciner, and further reduces the nitrogen oxides coming from the rotary kiln.

NO_x emissions from the present preheater configuration of the Thompson S. Baker Cement Plant have been measured to be 3.5 lbs/ton clinker. The proposed modifications are intended to reduce NO_x emissions sufficiently to meet the future permitted level of 2.8 lbs/ton clinker.

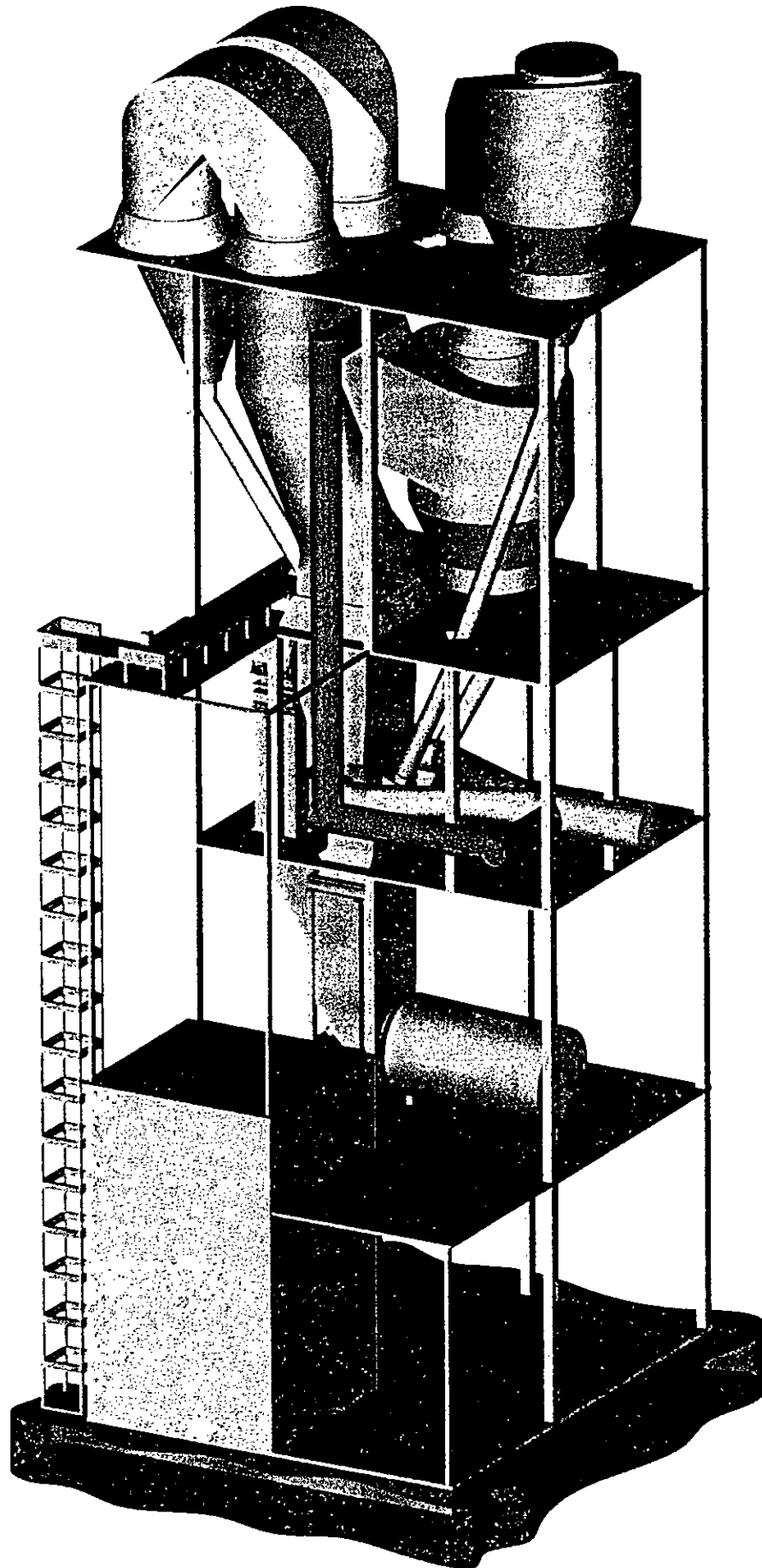


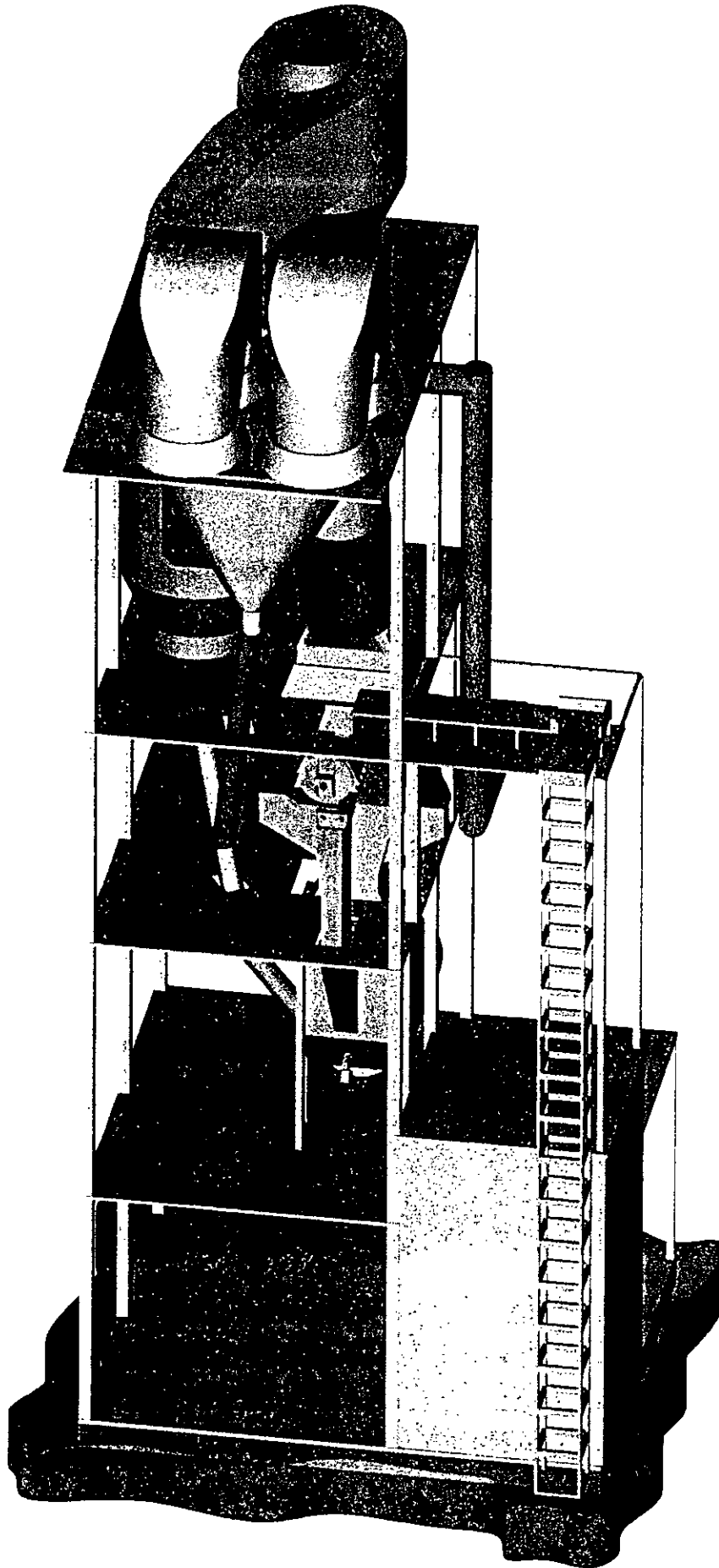
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of ThyssenKrupp
Engineering

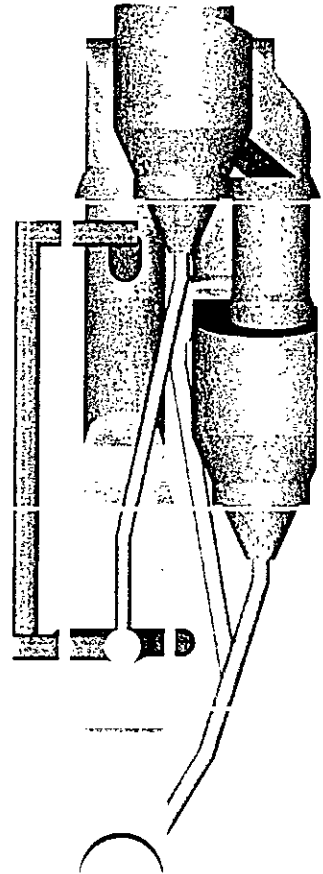
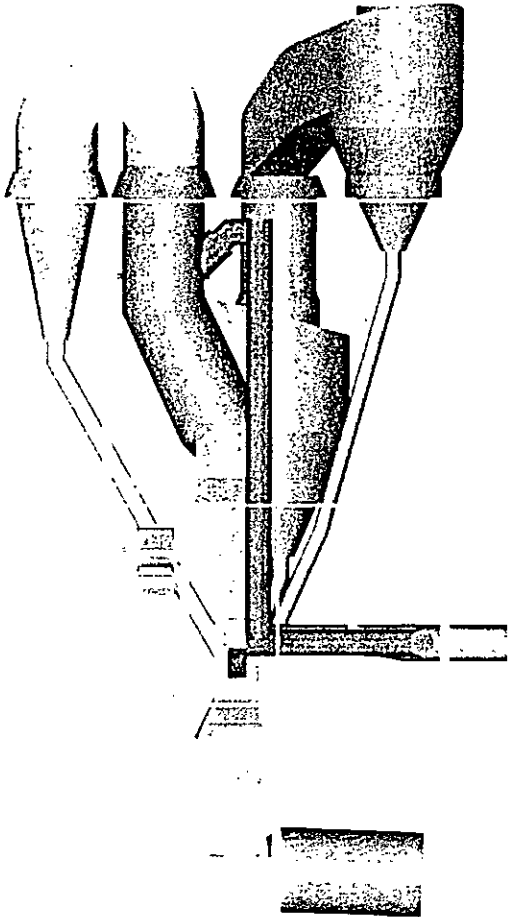
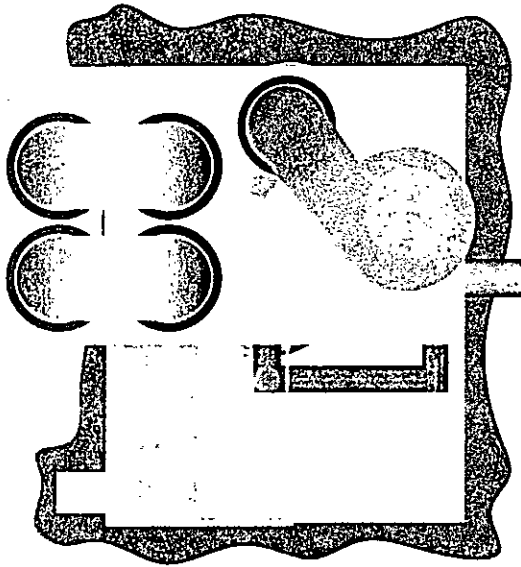
Krupp Polysius

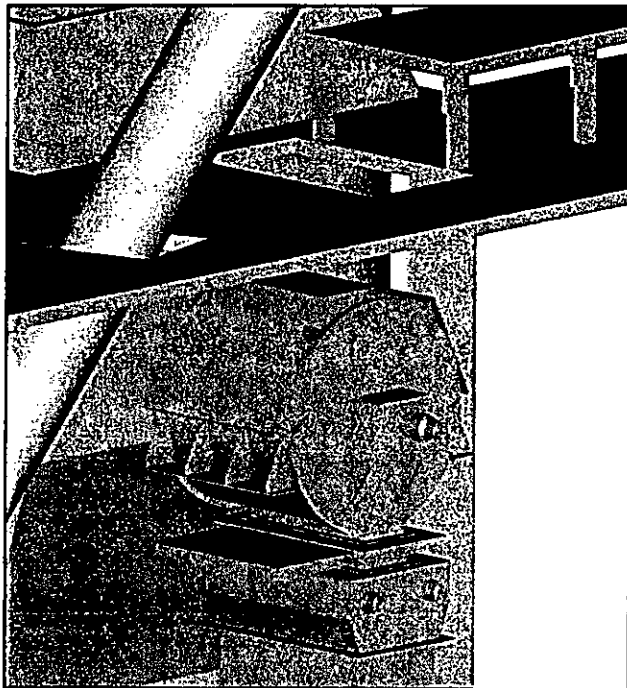
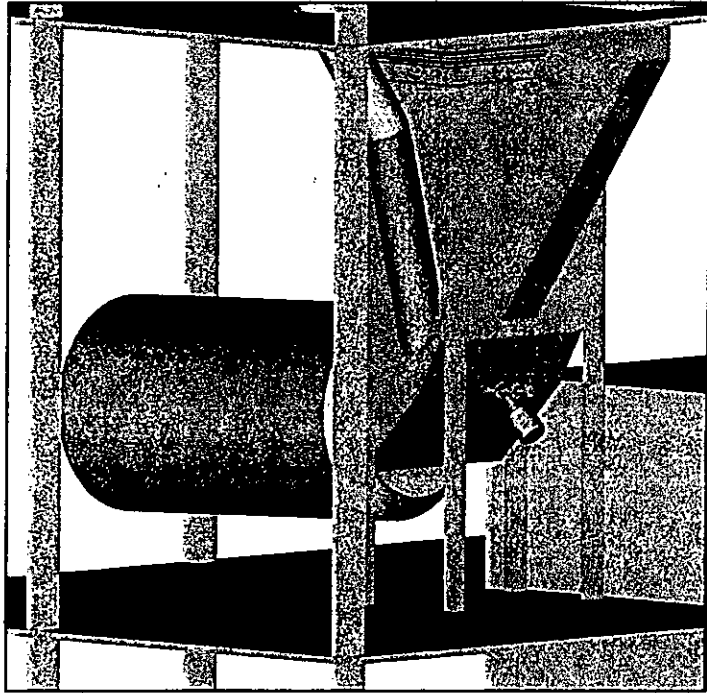
FLORIDA ROCK

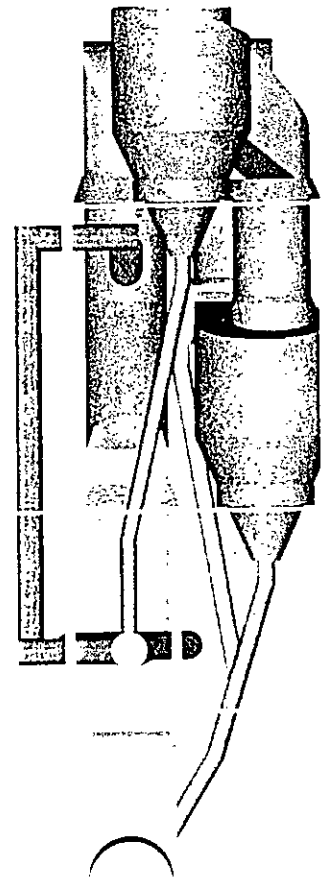
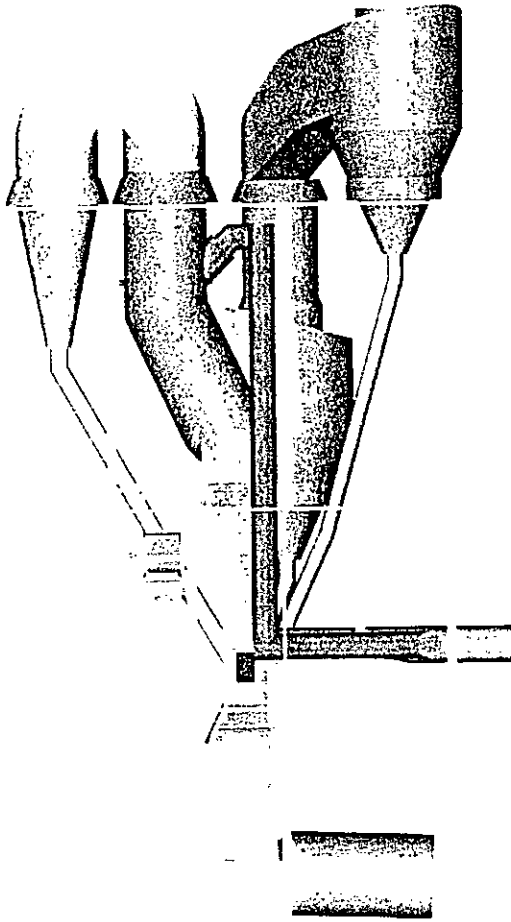
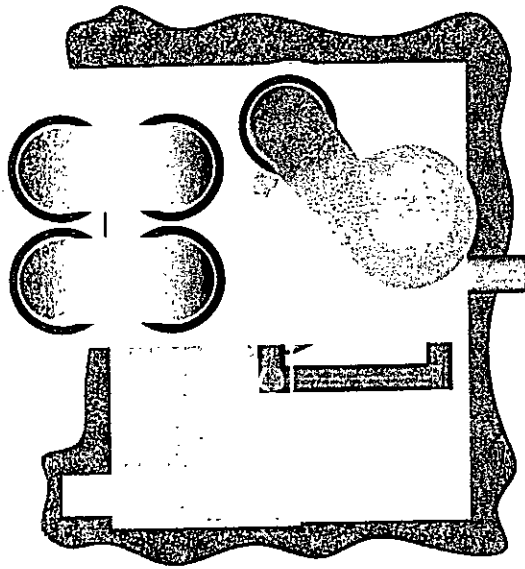
Tire Feed and Multi-Stage Combustion
Modification











LAW OFFICES

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NOV 20 2000

BUREAU OF AIR REGULATION

November 17, 2000

Via Facsimile and U.S. Mail

Mr. Howard C. Rhodes, Director
Division of Air Resources Management
Department of Environmental Protection
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida 32301

Re: FDEP Air Construction Permit No. AC01-267311 / PSD-FL-288²²⁸
Facility No.: 0010087

Dear Mr. Rhodes:

We represent Florida Rock Industries, Inc. with respect to its Thompson S. Baker Cement Plant in Newberry, Florida. On July 17, 2000 we filed a request for extension of the above referenced permit. On October 23, 2000, FRI granted the Department an additional 30 days to review the request. The request is pending. We understand that the 90-day processing time clock, under Section 120.60 F.S. is about to run out, and that the Department needs additional time to process FRI's extension request.

We are pleased to grant the Department an additional 45 days in which to process FRI's request. This constitutes a waiver of the processing time clock and is given to facilitate resolution of all outstanding questions and issues. Please do not hesitate to call me if you have any questions.

Sincerely,



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October 27, 2000

Via Hand Delivery

Mr. Howard C. Rhodes, Director
Division of Air Resource Management
Florida Department of Environmental Protection
111 S. Magnolia Drive - Suite 23
Tallahassee, FL 32301

RECEIVED
OCT 30 2000

BUREAU OF AIR REGULATION

Re: Florida Rock Industries, Inc.
Thompson S. Baker Cement Plant, Newberry
SO2 Continuous Emission Monitoring
FDEP Permit No. AC01-267311; PSD-FL-228

Dear Mr. Rhodes:

The purpose of this letter is to update you on the status of the continuous emission monitoring for sulfur dioxide (SO₂) at the Thompson S. Baker Cement Plant in Newberry, Florida.

A continuous emission monitor supplied by Air World is presently installed and working well to measure the SO₂ emissions from the kiln/raw mill stack. This is a stand-alone unit with its own sampling system. It was installed and calibrated on August 9, 2000. It is on loan from the supplier, Air World, until a replacement arrives, to be manufactured by SICK USA.

The unit originally supplied to measure SO₂ was also supplied by Air World, and was installed on or about the last half of June, 2000. It was in the form of a cell, as part of a multi gas component system. Certification of the SO₂ CEM component was attempted in early July, 2000. The NO_x CEM component was certified on July 14, 2000, and has been working as designed since then.

While NO_x has been accurately measured on a continuous basis by the appropriate CEM component, the SO₂ instrument exhibited excessive drift and was ultimately rejected as unacceptable and unreliable to be used as a scientific measuring device for the purpose it was installed. Essentially, the company was unable to certify the SO₂ CEM because neither the stability nor the accuracy of the instrument could be established and maintained.

The loaner unit is being replaced by an instrument manufactured in Minnesota by SICK USA. The new instrument is scheduled to arrive in Newberry in the 2nd half of November 2000 and will be in service shortly thereafter.

Howard Rhodes, Director
October 27, 2000
Page 2

The Jacksonville FDEP Office was notified by FRI's consultant of the plan and that office understood and did not raise any other questions. The kiln at the FRI facility was shut-down today for a 10-day maintenance period. It is scheduled to be restarted on or about Wednesday, November 8, 2000. The company will commence a 7-day drift test on the loaner instrument now in use, and we expect that it will be certified by November 15, 2000. FRI could keep this unit in service indefinitely, as it is certain that it is reliable. Nevertheless, the company prefers to upgrade to a SICK analyzer, which has now received EPA approval. That CEM will be certified upon installation.

SO2 emissions continue to be at extremely low levels. To demonstrate compliance with the SO2 limits in the permit, the company conducted an SO2 Compliance Stack Test on July 13, 2000, and the results were reported to FDEP on August 28, 2000. The SO2 compliance test reported on August 28, 2000, demonstrated an average emission rate of 1.4 lbs/hour compared to an allowable 28.8 lbs/hour.

I hope that this information will serve to keep you and your staff informed as to the status of the SO2 CEMs at the Newberry facility. Please let me know if you have any questions or comments.

Sincerely,



Segundo J. Fernandez

c: Kirby Green, Deputy Secretary, FDEP
Christopher L. Kirts, Air Program Administer
Al Linero, P.E., Administrator
Fred W. Cohrs, Vice President, FRI
John B. Koogler, Ph.D., P.E.
Timothy P. Atkinson

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

301 SOUTH BRONOUGH STREET
SUITE 500
TALLAHASSEE, FLORIDA 32301

(850) 521-0700
FAX (850) 521-0720

MAILING ADDRESS:
POST OFFICE BOX 1110
TALLAHASSEE, FLORIDA 32302-1110

<http://www.ohfc.com>

TIMOTHY P. ATKINSON
JEFFREY BROWN
M. CHRISTOPHER BRYANT
C. ANTHONY CLEVELAND
TERRY COLE
SEGUNDO J. FERNANDEZ
SCOTT W. FOLTZ
KENNETH F. HOFFMAN
CHRISTOPHER D. JOHNSTON
KENNETH G. OERTEL
PATRICIA A. RENOVITCH

RECEIVED

OCT 25 2000

October 23, 2000

BUREAU OF AIR REGULATION

Via Facsimile and U.S. Mail

Mr. Howard C. Rhodes, Director
Division of Air Resources Management
Department of Environmental Protection
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida 32301

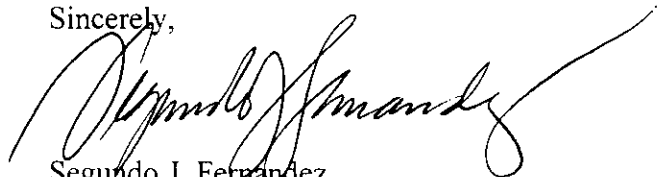
Re: FDEP Air Construction Permit No. AC01-267311 / PSD-FL-288
Facility No.: 0010087

Dear Mr. Rhodes:

We represent Florida Rock Industries, Inc. with respect to its Thompson S. Baker Cement Plant in Newberry, Florida. On July 17, 2000 we filed a request for extension of the above referenced permit. The request is pending. We understand that the 90-day processing time clock, under Section 120.60 F.S. is about to run out, and that the Department needs additional time to process FRI's extension request.

We are pleased to grant the Department an additional 30-days in which to process FRI's request. This constitutes a waiver of the processing time clock and is given to facilitate resolution of all outstanding questions and issues. Please do not hesitate to call me if you have any questions.

Sincerely,



Segundo J. Fernandez

Timothy P. Atkinson

- c: John Baker Doug Beason
- Fred Cohrs John B. Koogler
- Cary Cohrs Al Linero

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D E P

PAGE 01



Department of Environmental Protection

Jeb Bush
Governor

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

David Struhs
Secretary

Via Facsimile

October 18, 2000

James J. Konish, President
Florida Professional License Watch, Inc.
P.O. Box 385
Gainesville, Florida 32602

Re: FPLW, Inc. v. Florida Rock Industries, Inc. and Department of Environmental Protection, OGC Case No. 99-1804

Dear Mr. Konish:

The purpose of this letter is two-fold. First and foremost, I would like to eliminate any confusion with respect to the question of whether the Department has fully complied with FPLW's public records request pursuant to Chapter 119, Florida Statutes. As you may recall, by correspondence dated May 2, 2000, FPLW requested the Department provide certain public records pertaining to the Florida Rock facility in Newberry, Florida.

By transmittal letter dated May 23, 2000, copies of the requested public records were provided by the Department's Northeast District Office. Mr. Kirts's letter implies that certain documents were not provided by the District based on a claim the documents pertained to a "matter under litigation." Despite this assertion, it is my understanding that the District Office has provided FPLW a copy any public record that was responsive to your request. In short, the Department has not withheld any public records and there are no public records which the Department asserts are exempt from the provisions of Chapter 119, Florida Statutes.

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The statement in Mr. Kirts's letter was the result of miscommunication between Mr. Kirts and the Office of General Counsel. It is my understanding that FPLW has recently filed a petition for writ of mandamus to compel the production of public records responsive to FPLW's letter dated May 2, 2000. To the extent FPLW is seeking a writ of mandamus to compel the production of public records, I would suggest the petition is moot because there is no legal need to compel that which has already been performed.

The second matter which I would like to address is Florida Rock's pending request for an extension of its Prevention of Significant Deterioration permit. On July 17, 2000, Florida Rock requested an extension of the PSD permit through January 31, 2001. On July 18, 2000, the Department requested that Florida Rock provide additional information with respect to the request for an extension of time. As of this date, the Department has not taken any proposed agency action with respect to Florida Rock's request.

Please feel free to contact my office should you have any questions.

Sincerely,



W. Douglas Boston, Esq.