



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

July 10, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Chris Watson
Council of Environmental Quality
722 Jackson Place Northwest
Washington, DC 20503

Re: Florida Rock Industries Cement Plant-PSD-FL-228
Materials Requested by Mr. Selwach

Dear Mr. Watson:

Per our conversation on July 9, 1997, enclosed is a copy of all materials requested by Mr. Selwach plus additional information relevant to the issuance of the final permit.

Sincerely,

A. A. Linero, P.E.
Administrator
New Source Review Section

AAL/kt

Enclosures

Is your RETURN ADDRESS completed on the reverse side?

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.
3. Article Addressed to: Mr. Chris Watson Council of Env. Quality 722 Jackson Place NW Washington, DC 20503	4a. Article Number P 265 659 241	4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD
5. Received By: (Print Name) 6. Signature: (Addressee or Agent) X WHITE HOUSE MAIL ROOM	7. Date of Delivery JUL 4 1997	8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

Domestic Return Receipt

P 265 659 241

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to	Chris Watson
Street & Number	Council of Env. Quality
Post Office, State, & ZIP Code	Washington DC
Postage	\$
Certified Fee	(Fa. Rock)
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	7-11-97 Pkg of Fla Rock Stuff

PS Form 3800, April 1995



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

July 9, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Richard Selwach, President
Earth Action Recyclers
507 Northwest 5th Avenue
Gainesville, Florida 32601

Re: Your Letter of July 1, 1997

Dear Mr. Selwach:

Thank you for your referenced letter. Mr. Rhodes referred it to me since I have the technical files related to the Florida Rock Air Construction permit.

All of the documents you requested including the written description of the project from the very lengthy application, are enclosed. In addition, I have included an update of EPA's letter dated June 18, 1995. The subsequent letter dated November 3, 1995 was submitted in response to the public notice package which we distributed September 28, 1995.

Thank you for pointing out the error in the reference to the nearest city given in the Draft Permit. The Public Notice, Intent to Issue, and Technical Evaluation distributed with the draft permit correctly referenced Newberry. Apparently the spellcheck feature in our word processor replaced "Newberry" with "Newborn" in one instance and I failed to detect the mistake.

Please note that there is a complete file with all relevant correspondence in our Gainesville Northeast District Branch office located at 5700 Southwest 34 Street, Suite 1204. Their phone number is (352)955-2095. This will make it possible for you to review and determine which additional documents you want. The normal charge for copying lengthy documents is 15¢ single sided and 20¢ double-sided.

If you have any further questions regarding this matter, please call the at (904)488-1344.

Sincerely,

A. A. Linero, P.E.
Administrator
New Source Review Section

AAL/kt

enclosures

cc: Howard Rhodes, DARM
Clair Fancy, BAR

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 Mr. Richard Selwach, Pres.
 Earth Action Recyclers
 507. NW 5th Ave
 Gainesville, FL
 32601

4a. Article Number
 P 265 659 240

4b. Service Type

<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Certified
<input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured
<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> COD

7. Date of Delivery
 7-16-97

5. Received By: (Print Name)
 [Signature]

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)
 X Richard Selwach

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

P 265 659 240

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to	Richard Selwach
Street & Number	EAR
Post Office, State, & ZIP Code	Gainesville, FL
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	7-10-97
FIA: Rock Materials	

PS Form 3800, April 1995



EARTH ACTION RECYCLERS

To Promote the Environmental Awareness of the Public

To: AL

July, 1st, 1997.

Richard Selwach,
President

RECEIVED

JUL 07 1997

DIVISION OF AIR
RESOURCES MANAGEMENT

Howard L. Rhodes, Director
State of Florida Department
of Environmental Protection
Division of Air Resources Management
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Mr. Rhodes:

Re: DEP File PSD-FL-228 Federal Construction Permit, and State Permit AC01-267311
Florida Rock Industries, Proposed Cement Plant

As per our phone conversation on June 30th, 1997... Please provide a copy of the Federal Construction Permit for FL Rock (PSD-FL-228). In addition, I request the following relevant documents specifically related to this permitting action.

- ✓ 1. Application received on March 17, 1995.
2. Department's letters dated April 3, April 14, June 16, June 19, July 14, Aug 1, 1995, March 13, and October 3, 1996. 8/11/95
3. Alachua County Department of Growth Management's letter to John Baker dated 3/3/95.
4. U.S. Department of Interior's letter dated June 9, 1995.
5. U.S. EPA's letter dated June 19, 1995.
6. U.S. EPA's letter dated November 3, 1995. ✓

Please send the requested items promptly so that the Council on Environmental Quality can designate lead and coordinating agencies to supervise the preparation of an Environmental Impact Statement as required by the National Environmental Policy Act of 1969 for FL Rock.

This letter also serves as notification of an error of fact concerning the initial DEP permit for FL Rock. The initial permit that decisions have been based on has a location error. The permit says the plant will be located 2.5 miles NE of Newborn. There is no Newborn in Alachua County or the State of Florida.

Thank-you for your assistance in the matters and I await the requested items.

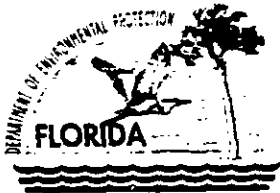
If you have any questions, please contact me personally at (352)376-0892.

507 NW 5th Ave. • Gainesville, FL 32601 • 1-800-EARTH ACTION • 904-376-6969

Printed on recycled paper

Sincerely, Richard Selwach





FAX - 922-6979
 (850)
 Department of
Environmental Protection

488-0114

Lawton Chiles
 Governor

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

Virginia B. Wetherell
 Secretary

PERMITTEE:
 Florida Rock Industries
 155 East 21st Street
 Jacksonville, FL 32206

Permit Number: AC01-267311 ←
~~FSD-RI-228~~
 Expiration Date: 12/31/98
 County: Alachua
 Project: Portland Cement Plant

Federal →

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4, 210, 212, 272, 275, 296, and 297. The above named permittee is hereby authorized to construct the emission units described in the application and approved drawings, plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

For the construction of a Portland cement manufacturing plant to be located approximately 2.5 miles Northeast of Newborn on Alachua County Road in Alachua County, Florida. The latitude and longitude are 29° 24' 21" and 82° 35' 00", respectively.

The emission unit shall be constructed in accordance with the permit application, plans, documents, amendments and drawings, except as otherwise noted in the General and Specific Conditions.

Attachments are listed below:

1. Application received on March 17, 1995.
2. Department's letters dated April 3, April 14, June 16, June 19, July 14, and August 1, 1995.
3. Alachua County Department of Growth Management's letter to John Baker dated March 3, 1995.
4. Koogler & Associates' correspondence dated May 16, June 30, July 17, July 25, August 15, and August 24, 1995.
5. U.S. Department of Interior's letter dated June 9, 1995.
6. U.S. EPA's letter dated June 19, 1995.
7. Haile Association's letters dated March 16, April 10, May 11, and June 5, 1995.

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 11/11/95
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 11/11/95



EARTH ACTION RECYCLERS

To Promote the Environmental Awareness of the Public

Sunday, June 15th, 1997.

Richard Selwach,
President

General Council
Council on Environmental Quality
Executive Office of the President
722 Jackson Pl. N.W.
Washington, D.C. 20503
(202)3955754

Re: Environmental Impact Statements (EIS) as required by Federal Law (NEPA) and Florida Rock Industries proposed tire burning facility near Newberry, FL.

Dear Sirs,

As an interested and affected person who is a member of the public, I hereby request the Council on Environmental Quality to initiate the regulations for implementing the procedural provisions of the National Environmental Policy Act of 1969 to Florida Rock Industries proposed cement plant near Newberry, FL. I have contacted the various departments of environmental protection as well as departments of Agriculture (both state and federal). There seems to be a problem with who the lead agency will be supervising the preparation of an EIS for Florida Rock's proposed plant.

EIS's are required by local Industrial Code and the EPA has ultimate jurisdiction when a project is going to burn over 4 million tires a year plus the possibility of toxic wastes and dispose of its poisonous emissions and particulate matter into the biosphere (i.e. our collective air).

Is the USDA or State Department of Agriculture going to be the lead agency because we are experiencing a 100% loss of wild honeybees and an ensuing pollination crisis? Or, is the Center for Disease Control and Prevention going to be the lead agency because many people suffer from asthma and other respiratory diseases? Will they make a statement on how this project will affect human life? Or, is the EPA going to be the lead agency and make statements on how this project is going to affect the area, human life, and wildlife including endangered species such as bald eagles, red caucaded woodpeckers, honeybees, etc. Will the EPA make statements on this projects effects on wetlands, the Santa Fe River, the Ichetucknee River, the Suwannee River, and other ecologically critical areas?

Statements need to be made concerning this projects cumulative impacts on the environment.

Please initiate the NEPA process and designate lead and cooperative agencies. I am requesting that a lead agency be designated to supervise the preparation of an EIS. Please notify me within 45 days agreeing on a lead agency designation.

507 NW 5th Ave. • Gainesville, FL 32601 • 1-800-EARTH ACTION • 904-376-6969

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EARTH ACTION RECYCLERS

To Promote the Environmental Awareness of the Public

Richard Selwach,
President

I would be happy to assist the council on scoping significant issues to be analyzed in depth by the EIS.

At this point in time, there may be possible violations of national environmental standards and policies. I believe that the proposed cement plant incinerator is unsatisfactory from the standpoint of public health, welfare, and the upkeep of environmental quality.

This issue is of National Importance because the poisonous emissions and particulate matter are going to be mixed up and diluted into the planets biosphere. The public is entitled to know the effects of this project on human life, wildlife, and the area. I personally recommend abandoning this Florida Rock project.

Please provide notice of NEPA related hearings, public meetings, and environmental documents relating to Florida Rock and notify me by mail and include listing in the 102 Monitor and Federal Register on this Florida Rock project and other actions that have effect of National Concern.

Please provide me with status reports on the NEPA process involving Florida Rocks EIS's. I request that Earth Action Recyclers be placed on the list of organizations that receive public notice of NEPA related hearings, public meetings, and be given the availability of pertinent environmental documents available to the public pursuant to the provisions of the Freedom of Information Act.

I await your written correspondence concerning these issues. If you have any questions or need assistance, please contact me in writing at our address. I can be reached personally at (352)376-0892.

I look forward to working with you to help the planet.

Sincerely,

Richard Selwach

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Residents doubt motives behind cement plant's air permit

By AMY BURKDOLL

Alligator Writer

The Department of Environmental Protection may have granted Florida Rock its air permit for the Newberry Cement Plant based on personal liabilities and agendas.

Haile Community Association, a group of Alachua County residents opposed to the plant, filed a motion Tuesday with the state appellate court for the DEP to re-examine their decision to grant the permit and to voluntarily revoke it.

The motion is based on DEP internal memos apparently proving that the department based its approval of the permit on personal liability in legal fees to Florida Rock, explained Ed Sherwood, HCA president pro-tempore.

For example, in a memo dated Nov. 19, 1996, J. Terrell Williams, assistant general counsel within the DEP, stated that the "potential liability of DEP for costs and attorney's fees ... may need to be weighed."

The memos also prove that the HCA was denied due process, or the opportunity to properly represent their concerns on the issue, Sherwood said.

He said that DEP officials with the quasi-judicial responsibility of granting the permit consulted with other DEP employees, who supported the cement plant, before they made their decision.

That would be like a judge considering only one side of a case before making a decision, and that is denial of due process, Sherwood said.

But Perry Odom, general counsel for the DEP, said the HCA has had more than adequate opportunities of due process, and they are taking those memos out of context.

He said that the HCA had a week to present witnesses and to cross-examine Florida Rock testimony at a DEP hearing.

In fact, this motion is an example of due process for the HCA, Odom

Clark
 Howard
 1/8
 FBI
 files

said.

"They're just unhappy because they didn't get their way," Odom said.

Florida Rock President John Baker said the motion is another attempt to delay the cement plant's construction.

Odom said the DEP plans to file a motion in response that asks that the HCA motion be denied.

But Sherwood said that if the DEP refuses to revoke its permit, they will continue their fight.

"Everyone thinks it's a done deal, and that the cement plant is going to go in," Sherwood said.

"We're not so sure it's going to go in."

(7/3/97)

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