

Department of Environmental Protection

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RECEIVED From:
Howard
6/26
JUN 20 1997
DIVISION OF AIR
RESOURCES MANAGEMENT
S. W. Wetherell
FRI File

Lawton Chiles
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
June 17, 1997

Mr. John Hankinson, Administrator
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street
Atlanta, Georgia 30303

RECEIVED
JUN 26 1997
BUREAU OF
AIR REGULATION

Re: Florida Rock Industries, Cement Plant
Letter of March 23 from Mr. and Mrs. Saarinen

Dear Mr. Hankinson:

John

I was copied on the letter of March 23 which was sent to you by Mr. and Mrs. Saarinen regarding construction of a cement plant in Newberry. As you are aware, this matter is one which has generated a great deal of interest and activity at both the state and local levels and is now pending before the First District Court of Appeal here in Tallahassee.

Your air staff is also familiar with the issues. Copies of the application and related correspondence were forwarded to Region 4 during permit processing, so that your agency might be kept informed. You may or may not be aware, however, that the matter was subject to pre-issuance administrative litigation under the provisions of Florida's Administrative Procedure Act. Copies of the initial recommended order, the DEP remand order, the subsequent recommended order, and the DEP final order are attached to provide you with more complete information concerning the history of this permit.

While we recognize the petitioner's main concern regarding the issue of Particulate Matter smaller than 2.5 microns (PM2.5), at this time, neither the Department nor EPA have standards which apply to this pollutant. We are satisfied that adherence by Florida Rock Industries (FRI) to the determination of Best Available Control Technology (BACT) determination made by the Department to control total PM and PM10 will minimize the possible impacts from PM2.5. We appreciate the opinions of the expert cited by the petitioners, but point out that according to state and federal regulations, the area would have to be declared as non-attainment for PM before we could require an applicant to apply a level of technology to achieve emissions 1/28th of the permitted level.

We are also sensitive to the issue of cement kiln dust (CKD). Currently it is subject to the Bevell Amendment that exempts it from certain sections of the RCRA rules. More importantly is the fact that the plant must recycle all of the CKD. This is possible through a more modern process than typical cement plants as well as the availability of good quality limestone. The plant will not fire any fuels except coal and tires. Virgin fuel oil will be used for startup.

Generally we do encourage use of natural gas at combustion sources, but have no authority to require it. In the case of cement kilns, the raw materials and intermediate clinker absorb sulfur dioxide in much the same way as a scrubber absorbs such pollutants when coal is fired in a power plant. The result is that

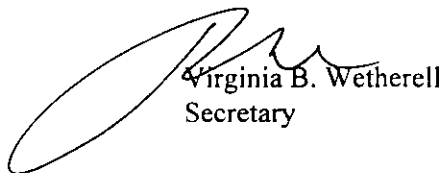
less would be gained than what the cited expert believes if the unit were to burn natural gas. Presence of sulfur compounds in the raw mineral feed, control of combustion parameters, and maintenance of a balance between sulfur and alkali compounds are more significant factors than the type of fuel used with respect to sulfur dioxide emissions. While we agree that reburn technology exists, we can only recommend it (or something equivalent) for cement plants in an ozone non-attainment area.

We disagree with the characterization given in the letter about our permit review process. We required reductions in particulate matter, sulfur dioxide and nitrogen oxides of 30 to 50 percent below what the applicant and its consultants originally claimed was representative of BACT. It is well-known that the final values for these pollutants are among the lowest for new cement plants. Although the EPA has no emissions limits for sulfur dioxide and nitrogen oxides from cement plants, we were able to require low emission limits through our well researched case-by-case technology review and authority under our State Implementation Plan. The issue as to the degree of specificity required in the design of the PM equipment was addressed by the hearing officer (now administrative law judge). We received the details of the design in March, 1996 and forwarded them to EPA. We have reasonable assurance that the design will comply with our BACT determination.

Implementation of BACT, along with projections that the plant will easily comply with existing ambient PM regulations, should minimize public health impacts within the purview of federal and state statutes and regulations.

As you know, I care deeply about Florida's environment and the health and welfare of its people. I have full confidence that the thorough review that the Department's staff and an independent administrative law judge have given to this project will result in protection of both the environment and the people of this state. I also welcome your interest in this project. It is always a pleasure to work with you to resolve these kinds of issues. Please feel free to call me if I can provide you with anything during your review of this matter.

Sincerely,



Virginia B. Wetherell
Secretary

VBW/pow
Enclosures

cc: Senator Bob Graham
Representative Karen Thurman
Representative Bob Casey
Administrator Carol Browner
Howard Rhodes, Florida DEP
Bobby Summers, Chair, Alachua County Board of County Commissioners

~~3616 NW 186th Street~~
3616 NW 186th Street
Newberry, FL 32669

23 March 1997

Mr. John Hankinson, Region IV Administrator
US Environmental Protection Agency
345 Courtland Street, N.E.
Atlanta, GA 30365

Kelley Perry
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PTE RECEIVED

APR 10 1997

REF: Florida Rock Industries, Newberry, Alachua County, FL (PSD-FL-228) Dept. of Environmental Protection
Office of General Counsel

Dear John:

The citizens of Alachua County find themselves on the verge of having a new and unwanted member of their community: a 720,000 ton per year cement kiln proposed by Florida Rock Industries. The plant is proposed to burn up to 120,000 tons of coal per year and up to 30 percent of fuel requirements as whole tires. The permitting of this plant at both the state and county level has been challenged by every available legal means over the last two years. At present, the DEP air construction permit is under appeal to the First District Court of Appeals and the county site plan approval has been challenged by a suit filed in the Circuit Court.

Our chief concern with the plant is the level of air emissions permitted for the plant and the likely exceedance of proposed ambient air quality standards for PM2.5 when this plant goes on line. As reviewed by US EPA Region IV and permitted by the Florida DEP, this plant will emit up to 11 tons per day of regulated and unregulated hazardous air pollutants, including PM10 at 1335 lb/day (214 tons per year). As you may know, the particulate matter from cement kilns is in large part cement kiln dust, which has been described by EPA in the *Regulatory Determination* of February 1995 as "having the characteristics of a hazardous material."

According to an affidavit filed by an expert air quality consultant (copy enclosed), Alex Sagady, the level of PM10 emissions permitted for this plant represents only a 30 percent improvement over PM10 performance standards issued by US EPA in 1971. According to Mr. Sagady, technology exists and is in use at other cement kilns which could achieve as much as a 28-fold decrease in the particulate matter emitted by this plant.

The contribution of this plant to future PM2.5 nonattainment status could be further significantly diminished if Florida Rock had been required by the air permitting process to use natural gas as fuel with currently available NOx reburn technology.

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

APR 08 1997

OFFICE OF THE SECRETARY

The suit we filed in Circuit Court against the county approval of a site plan for Florida Rock is based upon the county's refusal to apply its own regulations for industrial emissions.

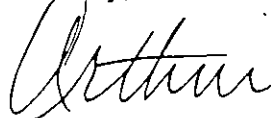
We wrote you three times (copies attached) in 1995 with our concerns and have never received a response.

Neither the US EPA, nor the Florida DEP, nor the Alachua County staff and board of county commissioners have adequately addressed the air quality and public health and environmental impacts of the emissions from this plant. The FDEP permitting review process was a travesty and a fraud, with such gross oversights as not requiring Florida Rock to submit any design information on the primary air pollution control device (electrostatic precipitator). Florida DEP knowingly and deliberately declined to require Florida Rock to prepare a public health assessment, although DEP staff knew or should have known of the presence of an unusually vulnerable population in Alachua County because of the location here of major southeastern regional US medical facilities.

Frankly, John, we are appalled at the lack of competent professional review of a facility which, according to Carol Browner's testimony before Senate hearings on the proposed ambient air quality standards, will have a significant impact on the health of the residents and the future attainment status of this region of Florida. We are frustrated beyond words.

We demand that you halt initiation of construction of this plant pending a thorough review of the DEP air construction permit and the permitting process as well as the earlier EPA PSD review.

Sincerely,



Arthur W. Saarinen, Jr.



Phyllis P. Saarinen

CC: Senator Bob Graham
Representative Karen Thurman
Representative Bob Casey
Administrator Carol Browner
Secretary Virginia Wetherell
Howard Rhodes, Florida DEP
Bobby Summers, Chair, Alachua County Board of County Commissioners