



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

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DIVISION OF AIR
RESOURCES MANAGEMENT

4APT-APB

Howard L. Rhodes, Director
Department of Environmental Protection
Division of Air Resources Management
Mail Station 5500
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Mr. Rhodes:

The purpose of this letter is to acknowledge the receipt of the State of Florida's changes to the proposed title V permit for Florida Rock Industries, Inc., Thompson S. Baker Cement Plant, dated December 12, 2001, which was the subject of a U.S. Environmental Protection Agency (EPA) title V objection on October 12, 2001. EPA Region 4 has completed its review of the proposed changes to the permit and believes that the State has adequately addressed each of the issues enumerated in the objection. Therefore, EPA considers the objection to be resolved. Once the changes are incorporated into the permit, the State may proceed with permit issuance. After final issuance, this permit may be reopened if EPA or the permitting authority later determines that it must be revised or revoked to assure compliance with applicable requirements.

We commend the efforts of your staff for facilitating the resolution of the permit issues. If you have any questions about this letter, please contact Mr. Gregg M. Worley, Chief, Air Permits Section at (404) 562-9141.

Sincerely,

Winston A. Smith
Director
Air, Pesticides & Toxics
Management Division

cc: Mr. John D. Baker, Florida Rock Industries, Inc.
Mr. Scott Sheplak, P.E. (via e:mail), FDEP - Tallahassee
Mr. Christopher L. Kirts, P.E. (via e:mail), FDEP - Northeast District

CERTIFIED- RETURN RECEIPT

December 12, 2001

Mr. Winston A. Smith, Director
Air, Pesticides and Toxics Management Division
United States Environmental Protection Agency
Region 4
61 Forsyth Street, SW
Atlanta, GA 30303-8909

Dear Mr. Smith:

Proposed Title V Permit No. 0010087-002-AV
Response to EPA Objections
Florida Rock Industries, Inc.
Thompson S. Baker Cement Plant- Newberry
Alachua Co. AP

This letter is to submit changes that the Department proposes to satisfy subject objections to the Florida Rock Industries, Inc.- Thompson S. Baker Cement Plant, Proposed Title V Permit. These objections were detailed in a letter dated October 12, 2001, in which the basis for the objections was that the proposed permit did not fully meet the periodic monitoring requirements of 40 C.F.R. 70.6(a)(3)(i) and (c) (1), and does not contain conditions that assure compliance with all applicable requirements, as required by 40 C.F.R. 70.6(a).

Please note that the items and changes are in the same order as they were in the EPA Objection letter. If you concur, the Department will issue the Final Permit with these changes.

Should you have any questions in this matter, please contact Leslie Maybin at (904) 807-3000, ext. 3242.

Sincerely,

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

CLK: LM

Attachment- Response to EPA Objections

C: Mr. John D. Baker, Florida Rock Industries, Inc
Ms. Gracy Danios, USEPA region 4 (Email)
Mr. Scott Sheplak, FDEP- Title V Section (Email)

**Attachment
Response to
USEPA Region 4 Objection
Proposed Part Operating Permit
Florida Rock Industries, Inc.
Thompson S. Baker Cement Plant
Permit No. 0010087-002-AV**

I EPA Objection Issues

1. Monitoring Requirements

- a. **Visible Emissions:** The permit requires that Method 9 tests be conducted annually for units 001 and 002. For units 004 (EP01 & EP02), 005, 006 and 007 (EP01 & EP02), the permit requires that Method 9 tests be conducted once every five years. For most of these units, compliance with the visible emissions limit will be used to establish compliance with the particulate matter limit for the unit if the visible emissions are not in excess of 5% opacity. In most cases, this infrequent testing does not constitute adequate monitoring to assure continuous compliance with the visible emissions standard, as required by 40 C.F.R. 70.6(c)(1). Since most of these units have control equipment, it may be assumed that under normal operating conditions, no opacity may be observed. If this is the case, the permit should require the source to conduct and record the results of visible emissions observations on a daily basis (Method 22), and that a Method 9 test be conducted within 24 hours of any abnormal qualitative survey. However, if the units normally operate under conditions where opacity can be observed, then the permit must require that Method 9 testing be conducted on a frequent basis.

As an alternative to the approach described above, a technical demonstration can be included in the statement of basis explaining why the State has chosen not to require any additional visible emissions testing for these units. The demonstration needs to identify the rationale for basing the compliance certification on data from a short-term test performed once a year or once every five years.

Response: The annual testing requirements have been added to above mentioned emission units and emission points. Also, historical records for the past two years indicated zero visible emissions on all V.E. compliance tests. Therefore, yearly compliance testing constitute adequate monitoring to assure continuous compliance with the V.E. standards required by 40 CFR 70.6(c)(1). The historical V.E. records have been included in the Statement of Basis:

D.8. The permittee shall test the emissions from Clinker Handling for the following pollutants annually:

- a. Visible Emissions (V.E.) EP01 and EP02
(See Condition D.7.)
- b. Visible Emissions (V.E.) EP03
(See Condition D.6.)
[Rule 62-297.310(7)(a)4, F.A.C.]

E.5. The permittee shall test the emissions from the Finish Grinding Operations for the following pollutants annually:

- a. Visible Emissions (V.E.) Each EP
(See Condition E.4.)

[Rule 62-297.310(7)(a)4, F.A.C.]

F.5. The permittee shall test the emissions from the Cement Handling, Loading and Bagging for the following pollutants annually:

- a. Visible Emissions (V.E.) Each EP
(See Condition F.4.)

EPA Objection Issues
Page 2

G.6. The permittee shall test the emissions from the Coal Handling and Grinding for the following pollutants annually:

- a. Visible Emissions (V.E.) EP01 and EP02
(See Condition G.3.)

[Rule 62-297.310(7)(a)4, F.A.C.]

- b. Kiln Temperature: Section III, condition C.3 of the permit requires the following: "Prior to initiating tire firing, gases exiting the kiln ahead of the calciner burner shall be maintained at a minimum of 1400 °F for at least one hour." The permit does not contain any monitoring conditions associated with this requirement. In order to ensure that the monitoring requirements of 40 C.F.R. 70.6(a)(3) are adequately addressed, the permit must contain monitoring and recordkeeping requirements to assure that the temperature of the exit gases is in the adequate range for the specified amount of time prior to using tires as fuel for the kiln.

Response: A sentence has been added to Specific Condition C.3 under the section Whole Tires: Prior to initiating tire firing, gases exiting the kiln ahead of the calciner burner shall be maintained at a minimum of 1400 °F for at least one hour. **"The facility shall maintain records of the exit temperature and duration time of the exit gas to verify compliance with this requirement"**.

- c. Capacity: Conditions B.1, C.1, C.2, D.1, E.1, F.1 and G.1 specify the maximum capacity for the units at this facility. In previous title V permits, FDEP has included a permitting note with these requirements clarifying that these conditions are not intended to be enforceable limits, but as a basis for determining the percent capacity of the units during source testing. If this is the case, please add a permitting note to each of the conditions to clarify this. Otherwise, as required by 40 C.F.R. 70.6(a)(3), monitoring requirements sufficient to assure compliance with these capacity limitations need to be included in the permit for all the conditions listed above.

Response: This note has been added to the above mentioned conditions- **{Permitting note: The input limitations have been placed in each permit to identify the capacity of each unit for the purposes of confirming that emissions testing is conducted within 90 to 100 percent of the unit's rated capacity (or to limit future operation to 110 percent of the test load), to establish appropriate emission limits and to aid in determining future rule applicability.}**

- d. Sampling and Testing Requirements - Mercury: Condition C.38 of the permit requires the source to conduct monthly sampling and analysis for mercury. However, the permit does not specify any sampling requirements or test methods to assure compliance with the mercury limit contained in condition C.5. As required by 40 C.F.R. 70.6(c)(1), all title V permits must contain ". . . testing, monitoring, reporting and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit." In order to resolve this objection item, the appropriate sampling and testing requirements for mercury must be added to the permit.

Response: This sentence has been added to the end of Specific Condition C.38... **"SW-846 Method 7471 or an approved EPA, DEP or ASTM test methods shall be used and records shall be maintained for inspection"**.

EPA Objection Issues

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2. Applicable Requirements

New Source Performance Standards (NSPS), Subpart A: Florida Rock Industries is subject to the requirements of the NSPS Subparts A, F, Y and OOO. The permit addresses the applicable requirements from these subparts in the permit, with the exception of Subpart A. Although the permit contains the requirements of Subpart A in an attachment to the permit, the permit itself does not establish that the facility must comply with these requirements. A condition needs to be added to the permit addressing these requirements.

Response: This phrase was added to the permitting note(s) under Subsection(s) A, B,C,D,E,F and G: {...this emissions unit is regulated under **NSPS- 40 CFR 60, Subpart A – General Provisions, Appendix A and Appendix B...** In addition, this condition was added to the Section II facility-wide conditions: **14. Emission Units 001, 002, 003, 004, 005, 006 and 007 are subject to NSPS- 40 CFR 60 Subpart A- General Provisions.**

II **General Comments**

1. **General Comment:** Please note that EPA reserves the right to enforce any noncompliance, including any noncompliance related to issues that have not been specifically raised in these comments. After final issuance, this permit shall be reopened if EPA or the permitting authority determines that it must be revised or revoked to assure compliance with applicable requirements.

Response: The Department acknowledges the above statement.

2. **Annual Statement of Compliance:** The permit for this facility does not contain a requirement addressing the source's obligation to submit a title V compliance certification to EPA annually. Although condition 51 of Appendix TV-3 contains the compliance certification requirements of 40 C.F.R. §70.6(c)(5)(iii), the permit itself does not include a condition that cross-reference these requirements. Please add a condition to Section II of the permit to either contain all the compliance certification requirements or cross-reference the requirements already contained in Appendix TV-3.

Response: This condition has been added to the Section II: **13. Annual Statement of Compliance. The annual statement of compliance pursuant to Rule 62-213.440(3)(a)2., F.A.C., shall be submitted within 60 (sixty) days after the end of the calendar year using DEP Form No. 62-213.900(7), F.A.C. {See Condition No. 51, Appendix TV-3, Title V Conditions} [Rule 62-213.440(3) and 62-213.900, F.A.C.]**

3. **Applicable Requirements - Section 112(r):** Section II, condition 4 contains a general requirement to comply with 40 CFR Part 68 if the facility becomes subject to that part of the CAA. If Florida Rock Industries is indeed subject to the part 68 requirements, the permit requirements need to reflect the applicability of this part and to include the applicable certification update requirements from 40 CFR §68.190.

Response: According to Vicky Sharpe of the Department of Community Affairs, FRI is not currently subject to 40 CFR Part 68. Therefore, Section II, condition 4 will remain the same.

EPA Objection Issues

Page 4

4. Subsumed Requirements: There are a number of instances where it appears that an applicable requirement (e.g., an emission limit) has been subsumed by a more stringent BACT limit. In such instances, for clarification purposes and to be in accordance with the streamlining guidance of White Paper No. 2, EPA suggests that a notation which identifies the subsumed requirement be added to the respective citation of authority for the more stringent limit. For example, the citation of authority for the visible emissions limit in condition A.2 may resemble the following: [AC01-267311/PSD-FL-228, 40 CFR 60.622(c) and 60.672(a)(2) subsumed]

Response: Specific Condition A.2: [AC01-267311/PSD-FL-228, 40 CFR 60.62(c), 60.672(a)(2) and 60.672(a)(2) subsumed].

Specific Condition A.3: The word subsumed will be added to the end of the rule citation.

Specific Condition B.4: "...40 CFR 60.62(2)(c) subsumed".]

Specific Condition B.5: "...40 CFR 60.62 subsumed".]

Specific Condition C.7: The word subsumed will be added to the end of each rule citation.

Specific Condition C.20: The word subsumed will be added to the end of each rule citation.

Specific Condition C.22: The word subsumed will be added to the end of the rule citation.

Specific Condition C.32: The word subsumed will be added to the end of the rule citation.

Specific Condition D.3: The word subsumed will be added to the end of each rule citation.

Specific Condition D.9: The word subsumed will be added to the end of the rule citation.

Specific Condition D.11: The word subsumed will be added to the end of each rule citation.

Specific Condition E.4: The word subsumed will be added to the end of each rule citation.

Specific Condition F.4: The word subsumed will be added to the end of the rule citation.

Specific Condition F.6: The word subsumed will be added to the end of the rule citation.

Specific Condition G.3: "... 40 CFR 60.252(c) subsumed".]

November 9, 2001

4APT-APB

Chris Bird, Director
Alachua County Environmental Protection Department
201 SE 2nd Avenue, Suite 201
Gainesville, Florida 32601

Dear Mr. Bird:

Thank you for your letter dated September 18, 2001, in which you provided comments regarding the proposed title V permit for the Florida Rock Industries Plant located in Newberry, Florida. The Environmental Protection Agency (EPA) Region 4 has completed the review of the proposed permit and has objected to the issuance of the permit in a letter dated October 12, 2001. We are enclosing a copy of the objection letter with this letter.

During the course of EPA's 45-day review of the proposed permit, we reviewed the comments that you submitted and would like to offer the following remarks:

- Comment 1: Although we understand your concern with the mercury emissions that may be emitted by the facility, we do not concur with your assessment that the limit is "arbitrary and excessive." Data on similar sources have demonstrated that mercury mostly remains in the clinker and that emissions from the kiln will likely remain well below the 200 pounds per year limit imposed by the State of Florida in the Prevention of Significant Deterioration (PSD) permit for this facility. Also, for comparison, we would like to note that EPA's own New Source Performance Standards (NSPS) regulations allow for mercury limitations that are as much as 10 times higher than the one imposed by the PSD permit for this facility (see 40 C.F.R. Part 60, Subpart E). As part of the establishment of NSPS standards, consideration is given to whether the source in question will endanger public health or welfare. Therefore, without having any data related to the atmospheric mercury deposition and existing mercury contamination in the vicinity of this facility, we believe that the mercury limit in the title V permit is reasonable for this type of facility.
- Comment 2: This facility indicated in its title V permit application that it was in compliance with all applicable requirements. The State of Florida has concurred with the facility's compliance status and has not deemed it appropriate or needed to require additional monitoring of the mill scale and the fly ash to prevent volatile organic compounds (VOC) and metals emissions. Without any additional information in support of the County's position, we believe that the monitoring requirements in

- the permit will be sufficient to assure compliance with the VOC and metals limits.
- Comment 3: EPA believes that the monitoring and recordkeeping requirements for unit 003 are sufficient to assure compliance with the applicable requirements contained in the title V permit. Although the requirement to have a continuous emission monitor (CEM) continuous readout is something that has been done in the past, before imposing such option it would be necessary to compare the cost associated with this activity with the environmental benefits that it will produce. Therefore, EPA supports the data reporting approach currently outlined in the permit.
- Comment 4: EPA does not completely understand this comment. Sources subject to NSPS standards are required to perform annual Relative Accuracy Test Audits (RATA). These tests are conducted by gathering data from the monitors and the appropriate test methods and comparing the two to determine the relative accuracy of the monitor. As part of the protocol for stack testing, the facility is required to record the operating conditions at the time of testing, which will define the capacity at which the facility is operating and any other parameters that affect the facility's operation at the time. Without further details as to the County's concerns about data alteration during the manual testing and its relationship with the CEM operation, we cannot offer a more specific response to this comment.
- Comment 5: At this time, the State of Florida is not required to include PM_{2.5} requirements in title V permits. As required by 40 C.F.R. 70.7(f)(1), the permitting authority can reopen a permit for cause when the source becomes subject to additional applicable requirements if the remaining permit term is three years or more.
- Comment 6: Issue 1(b) of EPA's objection letter requires the State to incorporate monitoring and recordkeeping requirements to ensure that the temperature of the exit gases is in the appropriate range for the specified amount of time prior to using tires as fuel for the kiln.

We hope that these remarks answer some of your concerns. If you have any questions or concerns about the contents of this letter, please contact Ms. Gracy R. Danois, Florida's Title V contact at (404) 562-9111.

Sincerely,

/s/

Winston A. Smith
Director
Air, Pesticides & Toxics
Management Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OCT 12 2001

RECEIVED

Howard L. Rhodes, Director
 Department of Environmental Protection
 Division of Air Resources Management
 Mail Station 5500
 2600 Blair Stone Road
 Tallahassee, Florida 32399-2400

OCT 19 2001

DIVISION OF AIR
 RESOURCES MANAGEMENT

Dear Mr. Rhodes:

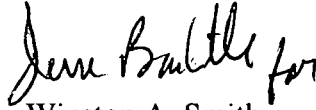
The purpose of this letter is to notify the Florida Department of Environmental Protection (FDEP) that the U.S. Environmental Protection Agency (EPA) formally objects to the issuance of the proposed title V operating permit for Florida Rock Industries, Inc., Thompson S. Baker Cement Plant, located in Alachua County, Florida, which was received by EPA, via e-mail notification and FDEP's web site, on August 30, 2001. This letter also provides our general comments on the proposed permit.

Based on EPA's review of the proposed permit and the supporting information received for this facility, EPA objects, under the authority of Section 505(b) of the Clean Air Act ("the Act") and 40 C.F.R. 70.8(c) (see also Florida Regulation 62-213.450), to the issuance of the proposed title V permit for this facility. The basis for EPA's objection is that the permit does not fully meet the periodic monitoring requirements of 40 C.F.R. 70.6(a)(3)(i) and (c)(1), and does not contain conditions that assure compliance with all applicable requirements, as required by 40 C.F.R. 70.6(a). Pursuant to 40 C.F.R. 70.8(c), this letter and its enclosure contain a detailed explanation of the objection issues and the changes necessary to make the permit consistent with the requirements of 40 C.F.R. Part 70 and assure compliance with applicable requirements of the Clean Air Act. The enclosure also contains general comments applicable to the permit.

Section 70.8(c) requires EPA to object to the issuance of a proposed permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if EPA determines that the permit is not in compliance with the applicable requirements under the Act or the requirements of 40 C.F.R. Part 70. Section 70.8(c)(4) of the title V regulations and Section 505(c) of the Act further provide that if the State fails to revise and resubmit a proposed permit within 90 days to satisfy the objection, the authority to issue or deny the permit passes to EPA, and EPA will act accordingly. Because the objection issues must be fully addressed within the 90 days, we suggest that the revised permit be submitted in advance in order that any outstanding issues may be resolved prior to the expiration of the 90-day period.

If you have any questions or wish to discuss this further, please contact Mr. Gregg M. Worley, Chief of the Air Permits Section, at (404) 562-9141. Should your staff need additional information, they may contact Ms. Gracy R. Danois, Florida Title V Contact, at (404) 562-9119 or Ms. Lynda Crum, Associate Regional Counsel, at (404) 562-9524.

Sincerely,



Winston A. Smith

Director

Air, Pesticides and Toxics
Management Division

Enclosure

cc: Mr. Fred W. Cohrs, Florida Rock Industries
Mr. Scott Sheplak, P.E., FDEP (via e-mail)
Mr. Chris Kirts, FDEP Northeast District (via e:mail)

Enclosure

**U.S. EPA Region 4 Objection
Proposed Part 70 Operating Permit
Florida Rock Industries, Inc.
Thompson S. Baker Cement Plant
Permit no. 0010087-002-AV**

I EPA Objection Issues

1. Monitoring Requirements

- a. Visible Emissions: The permit requires that Method 9 tests be conducted annually for units 001 and 002. For units 004 (EP01 & EP02), 005, 006 and 007 (EP01 & EP02), the permit requires that Method 9 tests be conducted once every five years. For most of these units, compliance with the visible emissions limit will be used to establish compliance with the particulate matter limit for the unit if the visible emissions are not in excess of 5% opacity. In most cases, this infrequent testing does not constitute adequate monitoring to assure continuous compliance with the visible emissions standard, as required by 40 C.F.R. 70.6(c)(1). Since most of these units have control equipment, it may be assumed that under normal operating conditions, no opacity may be observed. If this is the case, the permit should require the source to conduct and record the results of visible emissions observations on a daily basis (Method 22), and that a Method 9 test be conducted within 24 hours of any abnormal qualitative survey. However, if the units normally operate under conditions where opacity can be observed, then the permit must require that Method 9 testing be conducted on a frequent basis.

As an alternative to the approach described above, a technical demonstration can be included in the statement of basis explaining why the State has chosen not to require any additional visible emissions testing for these units. The demonstration needs to identify the rationale for basing the compliance certification on data from a short-term test performed once a year or once every five years.

- b. Kiln Temperature: Section III, condition C.3 of the permit requires the following: "Prior to initiating tire firing, gases exiting the kiln ahead of the calciner burner shall be maintained at a minimum of 1400 °F for at least one hour." The permit does not contain any monitoring conditions associated with this requirement. In order to ensure that the monitoring requirements of 40 C.F.R. 70.6(a)(3) are adequately addressed, the permit must contain monitoring and recordkeeping requirements to assure that the temperature of the exit gases is in the adequate range for the specified amount of time prior to using tires as fuel for the kiln.

- c. Capacity: Conditions B.1, C.1, C.2, D.1, E.1, F.1 and G.1 specify the maximum capacity for the units at this facility. In previous title V permits, FDEP has included a permitting note with these requirements clarifying that these conditions are not intended to be enforceable limits, but as a basis for determining the percent capacity of the units during source testing. If this is the case, please add a permitting note to each of the conditions to clarify this. Otherwise, as required by 40 C.F.R. 70.6(a)(3), monitoring requirements sufficient to assure compliance with these capacity limitations need to be included in the permit for all the conditions listed above.
- d. Sampling and Testing Requirements - Mercury: Condition C.38 of the permit requires the source to conduct monthly sampling and analysis for mercury. However, the permit does not specify any sampling requirements or test methods to assure compliance with the mercury limit contained in condition C.5. As required by 40 C.F.R. 70.6(c)(1), all title V permits must contain “. . . testing, monitoring, reporting and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit.” In order to resolve this objection item, the appropriate sampling and testing requirements for mercury must be added to the permit.

2. Applicable Requirements

New Source Performance Standards (NSPS), Subpart A: Florida Rock Industries is subject to the requirements of the NSPS Subparts A, F, Y and OOO. The permit addresses the applicable requirements from these subparts in the permit, with the exception of Subpart A. Although the permit contains the requirements of Subpart A in an attachment to the permit, the permit itself does not establish that the facility must comply with these requirements. A condition needs to be added to the permit addressing these requirements.

II **General Comments**

1. General Comment: Please note that EPA reserves the right to enforce any noncompliance, including any noncompliance related to issues that have not been specifically raised in these comments. After final issuance, this permit shall be reopened if EPA or the permitting authority determines that it must be revised or revoked to assure compliance with applicable requirements.
2. Annual Statement of Compliance: The permit for this facility does not contain a requirement addressing the source's obligation to submit a title V compliance certification to EPA annually. Although condition 51 of Appendix TV-3 contains the compliance certification requirements of 40 C.F.R. §70.6(c)(5)(iii), the permit itself does not include a

condition that cross-reference these requirements. Please add a condition to Section II of the permit to either contain all the compliance certification requirements or cross-reference the requirements already contained in Appendix TV-3.

3. Applicable Requirements - Section 112(r): Section II, condition 4 contains a general requirement to comply with 40 CFR Part 68 if the facility becomes subject to that part of the CAA. If Florida Rock Industries is indeed subject to the part 68 requirements, the permit requirements need to reflect the applicability of this part and to include the applicable certification update requirements from 40 CFR §68.190.
4. Subsumed Requirements: There are a number of instances where it appears that an applicable requirement (e.g., an emission limit) has been subsumed by a more stringent BACT limit. In such instances, for clarification purposes and to be in accordance with the streamlining guidance of White Paper No. 2, EPA suggests that a notation which identifies the subsumed requirement be added to the respective citation of authority for the more stringent limit. For example, the citation of authority for the visible emissions limit in condition A.2 may resemble the following:

[AC01-267311/PSD-FL-228, 40 CFR 60.622(c) and 60.672(a)(2) subsumed]