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September 20, 2000

Via Facsimile (922-5380) and U.S. Mail

Mr. Kirby B. Green, III
 Deputy Secretary
 Florida Department of Environmental Protection
 3900 Commonwealth Blvd., MS-47
 Tallahassee, FL 32399-3000

Dear Mr. Green:

Thank you very much for your letter dated September 20, 2000. See attached. Please be advised that Florida Rock Industries has stopped adding mill scale to the raw mix used at the Thompson S. Baker Cement Plant in Newberry for the manufacture of cement. Following the constructive discussions with Department staff in Jacksonville on September 19th, the company decided to discontinue the use of mill scale. This has resulted in Florida Rock's inability to produce the AASHTO Type II cement presently required under Florida DOT specifications and the market at large in Florida.

The company will continue to operate the facility so as to produce Type I cement until an alternative source of iron is located which would allow both FDOT specifications and FDEP Permit requirements to be met. As we discussed, the company will explore all options and closely coordinate with the Department to ensure compliance with all applicable standards and permit conditions.

To reiterate the company's position conveyed to you yesterday, the company has been willing and will continue to be willing to immediately cease any operation which will result in exceedences of any applicable standard.

The company looks to the Department for assistance and cooperation in choosing acceptable modes of operation and conducting any necessary tests or trial runs of process modifications to enable it to operate within all applicable standards.

RECEIVED

SEP 25 2000

STATE OF FLORIDA
 DEPT. OF ENV. PROTECTION
 NORTHEAST DISTRICT - JAX

Mr. Kirby B. Green, III
Deputy Secretary
September 20, 2000
Page 2

I was informed late this afternoon that Mr. Christopher L. Kirts, P.E., Air Program Administrator of the Northeast District Office, is already in contact with Dr. John Koogler, Ph.D., P.E., consultant for Florida Rock, to arrange for performance of the stack test referred to in your letter.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Segundo J. Fernandez". The signature is written in a cursive, somewhat stylized script.

Segundo J. Fernandez

SJF:bmg
Enclosure



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

September 20, 2000

Segundo J. Fernandez, Esq.
Oertel, Hoffman, Fernandez & Cole, P.A.
301 S. Bronough St., 5th Floor
Tallahassee, Florida 32301

Via facsimile and regular mail

RE: Florida Rock Industries, Inc.-Thomas S. Baker Cement Plant,
Newberry, Alachua County

Dear Mr. Fernandez:

The purpose of this letter is to reiterate the Department's position concerning Florida Rock's compliance with the Volatile Organic Compound (VOC) emission limit in the Prevention of Significant Deterioration (PSD) permit for the above-referenced facility. As noted in the Department's recent Warning Letter, the Department's review of stack test data indicates that the facility has failed to comply with the VOC emission limit established in the PSD permit. Based on the information provided to the Department by Florida Rock, there remains a question as to whether the facility can be operated in a manner which complies with the applicable VOC emission limit.

As I indicated to you at our meeting earlier today, the Department's position is that the Florida Rock facility may only be operated in a manner which complies with requirements of the PSD permit. In that regard, the Department must request that Florida Rock undertake the following:

(a) Florida Rock should immediately and until further notice cease adding mill-scale to its cement production process. It appears that the type of mill-scale utilized by Florida Rock is the suspected source of the VOC emissions.

(b) On or before September 22, 2000, Florida Rock should conduct an additional stack test to demonstrate the facility can be operated in compliance with the VOC emission limit contained in the PSD permit. As soon as it becomes available, this additional data should be provided directly to the Department's Northeast District Office.

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(c) Florida Rock should submit as soon as possible a detailed explanation of any additional activities it proposes to undertake to ensure the Department has reasonable assurance of Florida Rock's continued compliance with the applicable VOC emission limits.

Please note that this letter does not resolve any potential enforcement actions.

Sincerely,


Kirby B. Green, III
Deputy Secretary

Mr. Kirby B. Green, III
Deputy Secretary
September 20, 2000
Page 3

bcc: John D. Baker, II
Fred Cohrs
John Koogler, Ph.D., P.E.
Ernest Frey, District Administrator
Howard Rhodes
Al Linero
Christopher Kirts
Larry Morgan, Esquire
John DeVault
Trina Vielhauer
Douglas Beason