



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

April 10, 2007

Electronically sent – Received Receipt requested

chrish@flarock.com

Mr. Chris Horner, Plant Manager
Florida Rock Industries, Inc.
4000 NW CR 235
Newberry, Florida 32669

RE: DEP File No. 0010087-021-AC
Kiln Line No. 1 Permit Modification (Extension)
Cement Plant – Newberry, Alachua County, Florida

Dear Mr. Horner:

The Department reviewed your request dated March 8, 2007 to extend the expiration date of the above construction permit. The expiration date is hereby extended from June 30, 2007 to February 15, 2008 to allow completion of physical construction of the selective non-catalytic reduction system (SNCR) for Kiln 1. This will also allow for operational and compliance testing and subsequent submittal of an application to incorporate the SNCR system requirements into the Title V Operation Permit. Per the construction permit, compliance testing must be conducted no later than 180 days from startup of the SNCR system.

A copy of this permit modification shall be filed with the referenced permit and shall become part of the permit.

The Department's proposed agency action shall become final unless a timely petition for an administrative determination (hearing) is filed under sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3), F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who

asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.


A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C..

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this permit modification. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above. Mediation is not available in this proceeding.

This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this order will not be effective until further order of the Department.

Any party to this permitting modification (order) has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



Trina L. Vielhauer, Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Permit Modification and all copies were sent electronically (with Received Receipt) before the close of business on 4/11/07 to the persons listed below:

Henry Gotsch, FRI: hgotsch@flarock.com

Chris Kirts, DEP NED: christopher.kirts@dep.state.fl.us

John B. Koogler, K&A: jkoogler@kooglerassociates.com

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED,
on this date, pursuant to §120.52, Florida Statutes,
with the designated Department Clerk, receipt of
which is hereby acknowledged.



(Clerk)

4/11/07
(Date)

Adams, Patty

From: Harvey, Mary
Sent: Wednesday, April 11, 2007 2:47 PM
To: 'HGotsch@Flarock.com'; Kirts, Christopher; 'jkoogler@kooglerassociates.com'; 'chrish@flarock.com'
Cc: Linero, Alvaro; Adams, Patty; Gibson, Victoria
Subject: Permit Modification (Extension) DEP File #0010087-021
Attachments: Florida Rock Industries, Inc. - Chris Horner - DEP File #0010087-021-AC.pdf

Dear Sir/Madam:

Please send a "reply" message verifying receipt of the attached document(s); this may be done by selecting "Reply" on the menu bar of your e-mail software and then selecting "Send". We must receive verification of receipt and your reply will preclude subsequent e-mail transmissions to verify receipt of the document(s).

The document(s) may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible.

The document is in Adobe Portable Document Format (pdf). Adobe Acrobat Reader can be downloaded for free at the following internet site: <http://www.adobe.com/products/acrobat/readstep.html>.

The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering community. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record.

Thank you,

DEP, Bureau of Air Regulation

4/26/2007

Adams, Patty

From: Harvey, Mary
Sent: Wednesday, April 11, 2007 3:05 PM
To: Adams, Patty
Subject: FW: Permit Modification (Extension) DEP File #0010087-021

From: Henry Gotsch [mailto:HGotsch@Flarock.com]
Sent: Wednesday, April 11, 2007 3:02 PM
To: Harvey, Mary
Subject: RE: Permit Modification (Extension) DEP File #0010087-021

Dear Ms. Harvey:

Thank you for the e-mailed amendment that we just received.

Sincerely,

Henry Gotsch
Florida Rock Industries, Inc.

-----Original Message-----

From: Harvey, Mary [mailto:Mary.Harvey@dep.state.fl.us]
Sent: Wednesday, April 11, 2007 2:47 PM
To: Henry Gotsch; Kirts, Christopher; jkoogler@kooglerassociates.com; Chris Horner
Cc: Linero, Alvaro; Adams, Patty; Gibson, Victoria
Subject: Permit Modification (Extension) DEP File #0010087-021

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Thank you,

DEP, Bureau of Air Regulation

4/26/2007

Adams, Patty

From: Harvey, Mary
Sent: Thursday, April 12, 2007 1:39 PM
To: Adams, Patty
Subject: FW: Permit Modification (Extension) DEP File #0010087-021

From: Chris Horner [<mailto:ChrisH@Flarock.com>]
Sent: Thursday, April 12, 2007 9:50 AM
To: Harvey, Mary
Subject: Read: Permit Modification (Extension) DEP File #0010087-021

Your message

To: ChrisH@Flarock.com
Subject:

was read on 4/12/2007 9:50 AM.