

Linero, Alvaro

From: Aller, Mike [MAller@rinker.com]
Sent: Friday, August 13, 2004 1:17 PM
To: Linero, Alvaro
Cc: Vardeman, Mike; Rogers, Robert
Subject: Rinker Testing Permit Extension

Al,

Per our conversation this morning, here is some background on the reasoning for the request for an extension on the testing period.

Approximately half way into the 60 day test period we reached and sustained a kiln feed rate of 245 tph, or about 10% above the original permit limit. We held at that level to conduct some testing and because we were near raw mill grinding capacity limits. After a several weeks at 245 tph kiln feed, we reduced the fineness target for our raw meal in order to increase raw mill production capacity. We remained at the 245 tph rate with the coarser raw meal to evaluate the effects on burnability and cement quality. It was obvious there was additional capacity in the system.

Following this period, we attempted runs at 250 tph feed rate but had some difficulties due to feed chemistry fluctuations. At 250 tph there were also some difficulties with the main baghouse fan with the raw mill down. It was recently discovered that this fan, although originally designed for 900 rpm, has a resonance problem around 850 rpm. How to resolve this issue is currently under review.

We have recently been able to stabilize the kiln feed chemistry and the kiln at 250 tph. This stability has allowed for more stable temperatures at the main baghouse fan, keeping it out of the resonance region. Once we have satisfactory data gathering at 250 tph, we intend to increase to 255 tph to evaluate our limitations at that level. Obviously, the higher we push the tonnage, the harder the process will be to stabilize. Therefore, we need longer runs at each increment in order to satisfy ourselves that we can operate at these rates reliably and without causing damage to the equipment. Raw meal production capacity is the primary limiting factor so we will also evaluate further reductions in raw meal fineness.

If you need any additional information, please feel free to contact Mike Vardeman, Bob Rogers or myself.

Best regards,

Mike Aller
Production Manager

CONFIDENTIALITY: The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication, and the information contained in it, is strictly prohibited. If you are not the intended recipient, please contact the sender and immediately destroy all copies of the original message.



ENVIRONMENTAL SERVICES

4014 NW THIRTEENTH STREET
GAINESVILLE, FLORIDA 32609
352/377-5822 ■ FAX/377-7158

263-03-10
July 23, 2004

Via Email and USPS

RECEIVED

JUL 26 2004

BUREAU OF AIR REGULATION

Mr. Al Linero
FDEP
Twin Towers Office Bldg
2600 Blair Stone Road, MS 5500
Tallahassee, FL 32399-2400

**Subject:: Rinker Materials Corporation
Miami Cement Plant, Miami, Florida
Permit No. 0250014-012-AC
Short-term Tests to Evaluate Kiln Production Capacity**

0250014-013-AC

Dear Al:

On June 11, 2004, the Department issued the above captioned Air Construction permit to Rinker to conduct a 60-day production capacity at the Rinker Miami Cement Plant in Miami, Florida. Specific Condition 3, of the permit states:

The tests shall be conducted over a 60 consecutive day period and shall end no later than September 30, 2004...

As Mike Vardeman and I discussed with you during our meeting on July 8, 2004, Rinker has experienced some unscheduled down-time subsequent to the beginning of the 60-day period. This down-time reduces the effective time for production rate evaluation during the 60-consecutive day period. This reduction in the effective test time could prevent Rinker from fully evaluating the full production capacity of the plant.

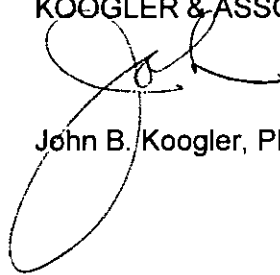
By this letter, I am requesting on behalf of Rinker, that Specific Condition 3, Section 3 be amended to allow Rinker a 60-operating day period, ending no later than September 30,

2004 to evaluate the production capacity of the plant. All other conditions of the subject air construction will remain unchanged.

I appreciate your consideration of this request. If additional information is required, please do not hesitate to contact me.

Very truly yours,

KOOGLER & ASSOCIATES

A handwritten signature in black ink, appearing to read 'John B. Koogler', written over the company name.

John B. Koogler, Ph.D., P.E.

JBK/ltt

cc: Scott Benyon
Mike Vardeman



Florida Department of
Environmental Protection

Memorandum

To: Michael Cooke

From: Trina Vielhauer 

Date: August 5, 2004

Subject: Rinker Cement

Rinker did not commence testing immediately upon the testing approval. Their current testing provisions as *calendar days* expire August 11. Changing the language to *operating days* will extend the current testing expiration until September 30. This will allow Rinker and the Department additional time to evaluate an extension of the testing through October 31, 2004. This request will be submitted to the Department today and will require published notice [assuming you agree with BAR to grant the request].

Rinker will be submitting an application to increase production to 260 tons feed / hour later this fall. In that application they will identify what activities they need to undertake [e.g. replacing a fan] to reach that 260 tons feed/hour rate.

If you have any questions, please let me know.



KOGLER & ASSOCIATES

ENVIRONMENTAL SERVICES
4014 NW THIRTEENTH STREET
GAINESVILLE, FLORIDA 32609
352/377-5822 • FAX/377-7158

263-03-10
August 5, 2004

Via Email, Fax, and Hand Delivery

Ms. Trina Vielhauer, Bureau Chief
FDEP –Bureau of Air Regulation
Twin Towers Office Bldg
2600 Blair Stone Road, MS 5500
Tallahassee, FL 32399-2400

and

Mr. Al Linero
FDEP –Bureau of Air Regulation
Twin Towers Office Bldg
2600 Blair Stone Road, MS 5500
Tallahassee, FL 32399-2400

Subject:: Rinker Materials Corporation
Miami Cement Plant, Miami, Florida
FDEP File No. 0250014
Short-term Tests to Evaluate Kiln Production Capacity

Dear Trina and Al:

Mike Vardeman and I appreciated the opportunity to meet with you on August 4, 2004 to discuss the status of the testing Rinker is presently doing to evaluate the production capacity of their Miami Cement Plant. These production rate tests were authorized by the above captioned air construction permit issued on June 14, 2004.

As we discussed, the approval granted to Rinker for the tests authorizes a 60 calendar day test period with testing not to extend beyond September 30, 2004. The production rate tests are currently being conducted and emission compliance testing for all regulated pollutants, including dioxins and furans, is being conducted during the time period August 4-7, 2004.

Since the time the tests began on or about June 14, 2004, Rinker has experienced some unscheduled plant downtime as a result of equipment malfunctions. This has obviously reduced the number of effective days for Rinker to evaluate the plant production capacity. As it is now, the 60 calendar day test period will end on or about August 11, 2004, and Rinker has factors they would like to continue to evaluate; particularly the feed mix and the effect of this mix on preheater plugging.

August 5, 2004
Vilhauer and Linero

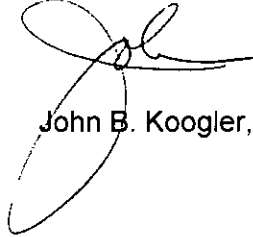
2

As we discussed during our meeting, Rinker would like to extend the test period through October 31, 2004 with no specific limit on the number of test days. Concurrent with considering this request, we would appreciate it if you will execute the authorization allowing Rinker a 60 operating day test period as we discussed earlier. This would be a modification to the above captioned air construction permit and would allow Rinker to operate and evaluate production capacity while the herein requested extension through October 31, 2004 is considered.

We appreciate your willingness to consider this matter. If additional information is required to process this request, please do not hesitate to contact me.

Very truly yours,

KOOGLER & ASSOCIATES



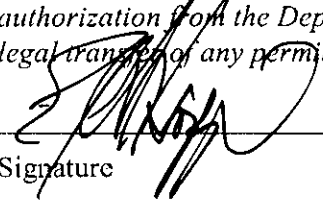
John B. Koogler, Ph.D., P.E.

JBK/ilt

cc: Scott Benyon
Mike Vardeman



Owner/Authorized Representative or Responsible Official

1. Name and Title of Owner/Authorized Representative or Responsible Official: Ed Allsopp – Vice President of Cement Operations
2. Owner/Authorized Representative or Responsible Official Mailing Address: Organization/Firm: Rinker Materials Corporation Street Address: 1200 NW 137th Avenue City: Miami State: Florida Zip Code: 33182
3. Owner/Authorized Representative or Responsible Official Telephone Numbers: Telephone: (305) 229-2951 Fax: (305) 229-8015
4. Owner/Authorized Representative or Responsible Official Statement: <i>I, the undersigned, am the owner or authorized representative*(check here [], if so) or the responsible official (check here [X], if so) of the Title V source addressed in this application, whichever is applicable. I hereby certify, based on information and belief formed after reasonable inquiry, that the statements made in this application are true, accurate and complete and that, to the best of my knowledge, any estimates of emissions reported in this application are based upon reasonable techniques for calculating emissions. The air pollutant emissions units and air pollution control equipment described in this application will be operated and maintained so as to comply with all applicable standards for control of air pollutant emissions found in the statutes of the State of Florida and rules of the Department of Environmental Protection and revisions thereof. I understand that a permit, if granted by the Department, cannot be transferred without authorization from the Department, and I will promptly notify the Department upon sale or legal transfer of any permitted emissions unit.</i>  Signature _____ Date <u>8/9/04</u>

* Attach letter of authorization if not currently on file.

Professional Engineer Certification

1. Professional Engineer Name: John B. Koogler, Ph.D., P.E. Registration Number: 12925
2. Professional Engineer Mailing Address: Organization/Firm: Koogler & Associates Street Address: 4014 NW 13th Street City: Gainesville State: Florida Zip Code: 32609
3. Professional Engineer Telephone Numbers: Telephone: (352) 377-5822 Fax: (352) 377-7158 e-mail: jkoogler@kooglerassociates.com

RECEIVED

AUG 10 2004

BUREAU OF AIR REGULATION



Letter of Transmittal

DATE:	August 9, 2004	PROJECT NO:	263-04-02
TO:	Ms. Teresa Heron		
ATTENTION:			
REGARDING:			
Rinker Permitting			

WE ARE FORWARDING TO YOU THE FOLLOWING:

Copies	Description
4	Application for Air Permit - with original signature and seal by Dr. Koogler

THESE ARE TRANSMITTED BY:

<input type="checkbox"/>	REGULAR MAIL	<input type="checkbox"/>	DELIVERED
<input checked="" type="checkbox"/>	OVERNIGHT	<input type="checkbox"/>	CLIENT PICK UP
<input type="checkbox"/>	2 DAY	<input type="checkbox"/>	EMAIL:

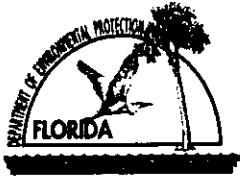
RECEIVED
 AUG 10 2004
 BUREAU OF AIR REGULATION

REMARKS:

Four copies with original signatures are attached herewith for your review.

cc: File

SIGNED: Lori Toyota, Office Manager



Department of Environmental Protection

Division of Air Resource Management

APPLICATION FOR AIR PERMIT - LONG FORM

I. APPLICATION INFORMATION

Air Construction Permit – Use this form to apply for an air construction permit for a proposed project:

- subject to prevention of significant deterioration (PSD) review, nonattainment area (NAA) new source review, or maximum achievable control technology (MACT) review; or
- where the applicant proposes to assume a restriction on the potential emissions of one or more pollutants to escape a federal program requirement such as PSD review, NAA new source review, Title V, or MACT; or
- at an existing federally enforceable state air operation permit (FESOP) or Title V permitted facility.

Air Operation Permit – Use this form to apply for:

- an initial federally enforceable state air operation permit (FESOP); or
- an initial/revised/renewal Title V air operation permit.

Air Construction Permit & Revised/Renewal Title V Air Operation Permit (Concurrent Processing Option) – Use this form to apply for both an air construction permit and a revised or renewal Title V air operation permit incorporating the proposed project.

To ensure accuracy, please see form instructions.

Identification of Facility

1. Facility Owner/Company Name: Rinker Materials Corporation	
2. Site Name: Miami Cement Plant	
3. Facility Identification Number: 0250014	
4. Facility Location... Street Address or Other Locator: 1200 NW 137th Avenue City: Miami County: Dade Zip Code: 33182	
5. Relocatable Facility? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6. Existing Title V Permitted Facility? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Application Contact

1. Application Contact Name: John B. Koogler, Ph.D., P.E.	
2. Application Contact Mailing Address... Organization/Firm: Koogler & Associates, Inc. Street Address: 4014 NW 13th Street City: Gainesville State: FL Zip Code: 32609	
3. Application Contact Telephone Numbers... Telephone: (352) 377 - 5822 ext. Fax: (352) 377 - 7158	
4. Application Contact Email Address: jkoogler@kooglerassociates.com	

Application Processing Information (DEP Use)

1. Date of Receipt of Application:	8-9-04
2. Project Number(s):	0250014-014-AC
3. PSD Number (if applicable):	
4. Siting Number (if applicable):	

APPLICATION INFORMATION

Purpose of Application

This application for air permit is submitted to obtain: (Check one)

Air Construction Permit

Air construction permit.

Air Operation Permit

- Initial Title V air operation permit.
- Title V air operation permit revision.
- Title V air operation permit renewal.
- Initial federally enforceable state air operation permit (FESOP) where professional engineer (PE) certification is required.
- Initial federally enforceable state air operation permit (FESOP) where professional engineer (PE) certification is not required.

Air Construction Permit and Revised/Renewal Title V Air Operation Permit (Concurrent Processing)

- Air construction permit and Title V permit revision, incorporating the proposed project.
- Air construction permit and Title V permit renewal, incorporating the proposed project.

Note: By checking one of the above two boxes, you, the applicant, are requesting concurrent processing pursuant to Rule 62-213.405, F.A.C. In such case, you must also check the following box:

- I hereby request that the department waive the processing time requirements of the air construction permit to accommodate the processing time frames of the Title V air operation permit.

Application Comment

This application is for an Air Construction Permit to allow the applicant to conduct plant performance tests at a preheater feed rate of up to 267 tph preheater feed (adjusted for recycled dust); corresponding to a clinker production rate of up to 162 tph. The purpose of the tests are to determine the maximum practical production capacity of the plant with no physical modification or change in the method of operation. It is requested that the production test period be extended to October 31, 2004, with no limit on the number of test operating days. The plant will comply with all permitted emission limits (See Attachment No. 1) and other applicable permit conditions during the test period.

APPLICATION INFORMATION

Scope of Application

Emissions Unit ID Number	Description of Emissions Unit	Air Permit Type	Air Permit Proc. Fee
018	Kiln/In-line Raw Mill and Clinker Cooler	ACM2	NA

Application Processing Fee

Check one: Attached - Amount: \$ _____ Not Applicable

APPLICATION INFORMATION

Owner/Authorized Representative Statement

Complete if applying for an air construction permit or an initial FESOP.

1. Owner/Authorized Representative Name :
2. Owner/Authorized Representative Mailing Address... Organization/Firm: Street Address: City: State: Zip Code:
3. Owner/Authorized Representative Telephone Numbers... Telephone: () - ext. Fax: () -
4. Owner/Authorized Representative Email Address:
5. Owner/Authorized Representative Statement: <i>I, the undersigned, am the owner or authorized representative of the facility addressed in this air permit application. I hereby certify, based on information and belief formed after reasonable inquiry, that the statements made in this application are true, accurate and complete and that, to the best of my knowledge, any estimates of emissions reported in this application are based upon reasonable techniques for calculating emissions. The air pollutant emissions units and air pollution control equipment described in this application will be operated and maintained so as to comply with all applicable standards for control of air pollutant emissions found in the statutes of the State of Florida and rules of the Department of Environmental Protection and revisions thereof and all other requirements identified in this application to which the facility is subject. I understand that a permit, if granted by the department, cannot be transferred without authorization from the department, and I will promptly notify the department upon sale or legal transfer of the facility or any permitted emissions unit.</i> _____ Signature _____ Date

Note: Signed copy to be submitted under separate cover.

APPLICATION INFORMATION

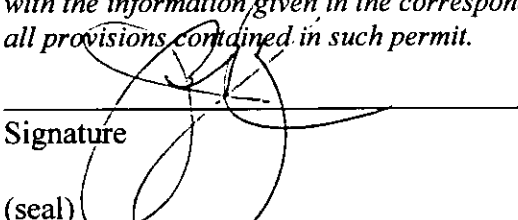
Application Responsible Official Certification - NA

Complete if applying for an initial/revised/renewal Title V permit or concurrent processing of an air construction permit and a revised/renewal Title V permit. If there are multiple responsible officials, the "application responsible official" need not be the "primary responsible official."

1. Application Responsible Official Name:			
2. Application Responsible Official Qualification (Check one or more of the following options, as applicable):			
<input type="checkbox"/> For a corporation, the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit under Chapter 62-213, F.A.C.			
<input type="checkbox"/> For a partnership or sole proprietorship, a general partner or the proprietor, respectively.			
<input type="checkbox"/> For a municipality, county, state, federal, or other public agency, either a principal executive officer or ranking elected official.			
<input type="checkbox"/> The designated representative at an Acid Rain source.			
3. Application Responsible Official Mailing Address...			
Organization/Firm:			
Street Address:			
City:		State:	Zip Code:
4. Application Responsible Official Telephone Numbers...			
Telephone: () - ext. Fax: () -			
5. Application Responsible Official Email Address:			
6. Application Responsible Official Certification:			
<p><i>I, the undersigned, am a responsible official of the Title V source addressed in this air permit application. I hereby certify, based on information and belief formed after reasonable inquiry, that the statements made in this application are true, accurate and complete and that, to the best of my knowledge, any estimates of emissions reported in this application are based upon reasonable techniques for calculating emissions. The air pollutant emissions units and air pollution control equipment described in this application will be operated and maintained so as to comply with all applicable standards for control of air pollutant emissions found in the statutes of the State of Florida and rules of the Department of Environmental Protection and revisions thereof and all other applicable requirements identified in this application to which the Title V source is subject. I understand that a permit, if granted by the department, cannot be transferred without authorization from the department, and I will promptly notify the department upon sale or legal transfer of the facility or any permitted emissions unit. Finally, I certify that the facility and each emissions unit are in compliance with all applicable requirements to which they are subject, except as identified in compliance plan(s) submitted with this application.</i></p>			
_____		_____	
Signature		Date	

APPLICATION INFORMATION

Professional Engineer Certification

1. Professional Engineer Name: John B. Koogler, Ph.D., P.E. Registration Number: 12925
2. Professional Engineer Mailing Address... Organization/Firm: Koogler & Associates, Inc. Street Address: 4014 NW 13th Street City: Gainesville State: FL Zip Code: 32609
3. Professional Engineer Telephone Numbers... Telephone: (352) 377 - 5822 ext. Fax: (352) 377 - 7158
4. Professional Engineer Email Address: <u>jkoogler@kooglerassociates.com</u>
5. Professional Engineer Statement: <i>I, the undersigned, hereby certify, except as particularly noted herein*, that:</i> <i>(1) To the best of my knowledge, there is reasonable assurance that the air pollutant emissions unit(s) and the air pollution control equipment described in this application for air permit, when properly operated and maintained, will comply with all applicable standards for control of air pollutant emissions found in the Florida Statutes and rules of the Department of Environmental Protection; and</i> <i>(2) To the best of my knowledge, any emission estimates reported or relied on in this application are true, accurate, and complete and are either based upon reasonable techniques available for calculating emissions or, for emission estimates of hazardous air pollutants not regulated for an emissions unit addressed in this application, based solely upon the materials, information and calculations submitted with this application.</i> <i>(3) If the purpose of this application is to obtain a Title V air operation permit (check here <input type="checkbox"/>, if so), I further certify that each emissions unit described in this application for air permit, when properly operated and maintained, will comply with the applicable requirements identified in this application to which the unit is subject, except those emissions units for which a compliance plan and schedule is submitted with this application.</i> <i>(4) If the purpose of this application is to obtain an air construction permit (check here <input checked="" type="checkbox"/>, if so) or concurrently process and obtain an air construction permit and a Title V air operation permit revision or renewal for one or more proposed new or modified emissions units (check here <input type="checkbox"/>, if so), I further certify that the engineering features of each such emissions unit described in this application have been designed or examined by me or individuals under my direct supervision and found to be in conformity with sound engineering principles applicable to the control of emissions of the air pollutants characterized in this application.</i> <i>(5) If the purpose of this application is to obtain an initial air operation permit or operation permit revision or renewal for one or more newly constructed or modified emissions units (check here <input type="checkbox"/>, if so), I further certify that, with the exception of any changes detailed as part of this application, each such emissions unit has been constructed or modified in substantial accordance with the information given in the corresponding application for air construction permit and with all provisions contained in such permit.</i>  _____ Signature (seal) 8/9/04 _____ Date

* Attach any exception to certification statement.

Attachment 1

**Preliminary Emission Measurements
At Elevated Production Rate**

**Rinker Material Corporation
Miami Cement Plant**

July 14-15, 2004

Table 1PM, CO, SO₂, NO_x, CH₄, and NMHC Emissions Test

Summary of Operating Conditions CSR Rinker Materials Miami, Florida Cement Kiln / Raw Mill July 14, 2004						
Run No.	Preheater Feed Rate (Ton/Hr)	Clinker Production (Ton/Hr)	Stack Gas Conditions			
			Flow (dscfm)	Flow (scfm,wet)	Temp. (F)	Moisture (%)
1	245.5	147.4	200733	240504	233	16.5
2	245.5	147.4	202775	241941	231	16.2
Ave.>	245.5	147.4	201754	241223	232	16.4

Summary of Emissions for PM, CO, SO ₂ , NO _x , CH ₄ , and NMHC CSR Rinker Materials Miami, Florida Cement Kiln / Raw Mill July 14, 2004												
Run No.	Particulate Matter		Carbon Monoxide		Sulfur Dioxide		Nitrogen Oxides		Methane		NMHC	
	(gr/dscf)	(lb/hr)	(ppm)	(lb/hr)	(ppm)	(lb/hr)	(ppm)	(lb/hr)	(ppm)	(lb/hr)	(ppm)	(lb/hr)
1	0.0052	9.016	279	245	2.77	5.6	321	462	3.97	2.4	8.69	14.4
2	0.0057	9.821	273	241	2.90	5.9	311	452	3.87	2.3	8.49	14.1
Ave.>	0.0054	9.418	276	243	2.84	5.7	316	457	3.92	2.4	8.59	14.2

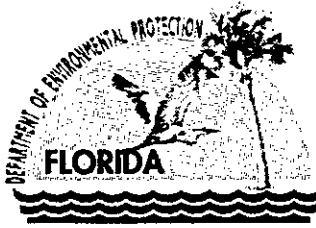
Table 2

Dioxin / Furan Rinker Materials Miami, Florida Cement Kiln / In-line Raw Mill / Clinker Cooler									
Raw-mill Up/down	Run No.	Date	Pre-heater Feed Rate (Ton/Hr)	Clinker Production (Ton/Hr)	Stack Gas Conditions				
					Flow (dscfm)	Stack (F°)	Moisture (%)	O ₂ (%)	CO ₂ (%)
up	1	14-Jul	245.6	147.4	250137	278	11.8	11.6	16.7
up	2	15-Jul	245.6	147.4	257340	284	11.7	11.9	13.1
Average			245.6	147.4	253738	281	11.7	11.75	14.9
down	1	15-Jul	245.6	147.4	195098	455	9.4	8.0	17.5
down	2	15-Jul	245.6	147.4	193002	460	9.4	7.3	17.2
Average			245.6	147.4	194050	458	9.4	7.7	17.4

Dioxin / Furan Rinker Materials Miami, Florida Cement Kiln / In-line Raw Mill / Clinker Cooler						
Run No.	Bag House Inlet (F°)	Sample Volume (dscf)	Sample Volume (dscm)	D/F TEQ (ng)	D/F TEQ (ng/dscm)	D/F TEQ @ 7% O ₂ (ng/dscm)
up-R1	298	99.61	2.82	0.324	0.115	0.172
up-R2	296	82.63	2.34	0.228	0.097	0.150
average	297	91.12	2.58	0.276	0.106	0.161
down-R1	509	61.90	1.75	0.298	0.170	0.183
down-R2	486	48.05	1.36	0.242	0.178	0.182
average	498	54.98	1.56	0.270	0.174	0.182

MACT Standard Baghouse Inlet Temperature Greater Than > 400 F° >(0.2 ng/dscm)

MACT Standard Baghouse Inlet Temperature Less Than < 400 F° >(0.4 ng/dscm)



Jeb Bush
Governor

Department of Environmental Protection

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

Colleen M. Castille
Secretary

August 5, 2004

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Ed Allsopp
Vice President of Cement Operations
CSR Rinker Materials Corporation
1200 Northwest 137th Avenue
Miami, Florida 33182

Re: DEP File No. 0250014-012-AC
Miami Cement Plant

Dear Mr. Allsopp:

The Department received your request, submitted through Koogler and Associates, to modify the recently issued permit to conduct a production capacity test at the Miami Cement Plant.

According to the request, Rinker experienced some down time and is unable to conduct all the the testing foreseen within a 60 consecutive day period. Instead, Rinker wishes to conduct 60 operating days of tests within the previously established life of the permit which is September 30, 2004.

The switch to operating days will also facilitate the conduct of the various compliance tests that still need to be conducted at the higher production rates. Based on my meeting with Mr. Vardeman and Mr. Koogler, the testing will also make it possible for Rinker to submit a better and more informative application for the anticipated permanent production increase request. The request is acceptable to the Department. Section 3, Specific Condition 3 is hereby modified as follows:

3. Expiration: The test shall occur over a 60 ~~consecutive~~ operating day period and shall end no later than September 30, 2004. Upon the expiration of this permit (September 30, 2004), permittee shall cease to operate at the production/process rates in excess of current Title V Operating Permit. [Rule 62-4.070(3), F.A.C.]

This permitting decision is issued pursuant to Chapter 403, Florida Statutes. 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 of the Florida Statutes. 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) of the Florida Statutes 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

"More Protection, Less Process"

Printed on recycled paper.

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 will be only at the approval 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 how and when petitioner received notice of the agency action or proposed action; (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; 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.

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 notice. 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.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

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 decision (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



Michael G. Cooke, Director
Division of Air Resource
Management

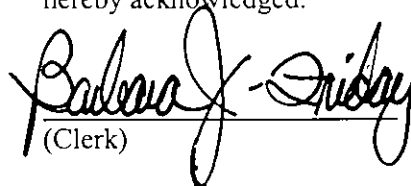
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this letter and the enclosed permit were sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 8/9/04 to the person(s) listed:

Ed Allsopp, VP, Rinker*
Mike Vardeman, Rinker
Scott Benyon, Rinker
H. Patrick Wong, Miami-Dade DERM
John Koogler, P.E., K&A

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.

 8/9/04
(Clerk) (Date)

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Received by (Please Print Clearly) SHARON FETTER	B. Date of Delivery 8/12/04
1. Article Addressed to: Mr. Ed Allsopp Vice President of Cement Operations CSR Rinker Materials Corporation 1200 Northwest 137th Avenue Miami, Florida 33182	C. Signature X <i>[Signature]</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
2. Article Number (Copy from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7001 1140 0002 1578 1574		

PS Form 3811, July 1999 Domestic Return Receipt 102595-99-M-1789

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7001 1140 0002 1578 1574

Mr. Ed Allsopp, Vice President of Operations

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
Mr. Ed Allsopp, Vice President of Cement Oper.

Street, Apt. No.,
1200 Box No. **1200 Northwest 137th Avenue**

City, State, ZIP+4
Miami, Florida 33182

PS Form 3800, January 2001 See Reverse for Instructions