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BUREAU OF AIR REGULATION

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and Legal Holidays Miami, Miami-Dade County, Florida

STATE OF FLORIDA COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared O.V. FERBEYRE, who on oath says that he or she is the SUPERVISOR, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

INTENT TO ISSUE AIR CONSTRUCTION PERMIT CSR RINKER MATERIALS CORP. - DEP FILE NO. 0250014-014-AC

in the XXXX Court, was published in said newspaper in the issues of

08/17/2004

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

[Handwritten signature]

Sworn to and subscribed before me this

17 day of AUGUST, A.D. 2004

[Handwritten signature]

(SEAL)



Maria I. Mesa My Commission DD293856 Expires March 04, 2008

O.V. FERBEYRE personally

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP FILE NO. 0250014-014-AC

CSR RINKER MATERIALS CORPORATION MIAMI CEMENT PLANT - PRODUCTION CAPACITY TEST PROGRAM

MIAMI-DADE COUNTY

The Department of Environmental Protection (Department) gives notice of intent to issue an Air Construction Permit to CSR Rinker Materials Corporation (Rinker) to conduct a production capacity test program at its existing Miami Cement Plant. A Best Available Control Technology (BACT) determination and a review for the Prevention of Significant Deterioration (PSD) were not required pursuant to Rule 62-212.400, F.A.C. The applicant's name and address are CSR Rinker Materials Corporation, 1200 Northwest 137th Avenue, Miami, Florida 33182.

CSR Rinker Materials Corporation will evaluate the feasibility of a permanent clinker production rate increase by conducting a continuous production capacity test program at the Miami Cement Plant through October 31, 2004. The recently constructed dry process kiln replaced two less efficient wet kilns in 2000 without significant increases in total emissions. Currently the plant is operating under Title V Operation Permit No. 0250014-003-AV. That permit limits the preheater feed rate to 220 tons per hour and the clinker production rate to 137 tons per hour on a 24-hour basis. Rinker will conduct short-term production capacity tests at higher production rates to determine the actual production capacity of the kiln system. The production rates will not exceed 260 tons per hour of material to the preheater or 162 tons per hour of clinker production on a 24-hour basis.

During the testing, the pound per hour emissions limits and all other requirements except production rates in the Title V permit will continue to apply. Rinker has continuous emission monitors for nitrogen oxides, sulfur dioxide, and total hydrocarbons. These will record most of the emission data during the production capacity test program.

Rinker may submit an application to permanently increase production following the test program. They will be required to submit the production and emission results of the test program and a sealed engineering report describing any physical changes associated with a permanent increase and the technical rationale for uprating the kiln capacity. The Department will at that time make a determination regarding the applicability of New Source Review and will require another public notice prior to permanent authorization of a production increase.

The Department will issue the FINAL permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of fourteen (14) days from the date of publication of "Public Notice of Intent to Issue Air Construction Permit." Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to 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. Mediation is not available in this proceeding.

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 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, as well as the rules and statutes which entitle the petitioner to relief; (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.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Dept. of Environmental Protection  
Bureau of Air Regulation  
111 S. Magnolia Drive, Suite 4  
Tallahassee, Florida, 32301  
Telephone: (850) 488-0114  
Fax: (850) 922-6979  
Dept. of Environmental Protection  
Southeast District Office  
400 North Congress Avenue  
West Palm Beach, Florida 33401  
Telephone: 407/681-6600  
Fax: 407/681-6755  
Miami-Dade County Dept. of  
Environmental Resources Mgt.  
33 Southwest 2nd Avenue, Suite 900  
Miami, Florida 33150-1540  
Telephone: 305/372-6925  
Fax: 305/372-6954

The complete project file includes the application, Draft Permit, previous permits, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information. Key documents can be viewed at [www.dep.state.fl.us/air/permitting/construct.htm](http://www.dep.state.fl.us/air/permitting/construct.htm) under the category of cement plants.  
8/17

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