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KENNETH F. HOFFMAN  
KENNETH G. OERTEL  
PATRICIA A. RENOVITCH

PAUL A. LEHRMAN  
OF COUNSEL

June 28, 2001

Mr. Al Linero  
Air Permitting  
Florida Department of Environmental Protection  
Twin Towers - MS 5505  
2600 Blairstone Road  
Tallahassee, FL 32399-2400

*Via Facsimile 922-6979*

**RECEIVED**

JUN 28 2001

BUREAU OF AIR REGULATION

SUBJECT: CSR Rinker Materials Corporation  
FDEP File No. 0250014-002-AC  
Miami Cement Plant Modernization Project  
Permit Amendments

Dear Mr. Linero:

The undersigned represents CSR Rinker Materials Corporation in the above referenced matter. On June 14, 2001, Rinker's consultant, Koogler & Associates submitted a package outlining proposed permit amendments in the above referenced file. We understand by your dated May 25, 2001 to Rinker, that the "permitting clock has been restarted". As you know, Rinker, by letter dated May 24, 2001, had requested an extension of time to resolve concerns over the proposed terms and conditions in the draft permit amendment extended until June 30, 2001.

We understand your letter of May 25, 2001 to restart the permitting clock, so that a further extension is probably not necessary. Given today's date, and in an overabundance of caution, Rinker respectfully requests that the Department enter a further extension of time for taking action on the permit amendments until September 30, 2001.

Thank you very much for your consideration in this matter.

Sincerely,



Segundo J. Fernandez

c: Clair Fancy  
John Koogler  
Mike Vardaman  
Scott Benyon



**KOGLER & ASSOCIATES**  
**ENVIRONMENTAL SERVICES**

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

KA263-01-01  
June 14, 2001

**RECEIVED**

JUN 15 2001

Mr. Clair Fancy  
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Twin Towers Office Building  
2600 Blair Stone Road, MS 5505  
Tallahassee, Florida 32308

BUREAU OF AIR REGULATION

**SUBJECT:** CSR Rinker Materials Corporation  
FDEP File No. 0250014-002-AC  
Miami Cement Plant Modernization Project  
Permit Amendments

Dear Clair:

On behalf of Mike Vardeman and me, I would like to express our appreciation for the opportunity to meet with you on June 7, 2001 to discuss some minor amendments to the above-captioned air construction permit and the closure of that permit. As you will recall, the expiration date of the permit was requested to be extended until June 30, 2001 by letter from Jake Varn to Al Linero dated May 24, 2001 (Attachment A), and by letter to Rinker dated May 25, 2001, Al Linero states that the permitting clock has been restarted; giving time beyond June 30, 2001, to finalize all matters addressed herein if necessary. The amendments we discussed and those summarized herein have all been discussed with you and/or your staff on prior occasions. In some instances, written requests to incorporate an amendment into the above-captioned permit have already been made. In those cases, written documentation is attached for your reference.

#### **Beryllium Emission Limit**

The above-captioned air construction permit, in Table 1-2, establishes an emission limit for beryllium from the kiln/raw mill. The limit was established when beryllium was a regulated pollutant under Rule 62-212.400, F.A.C. As you know, in October 1997, FDEP modified Rule 62-212.400 F.A.C. to eliminate beryllium from the PSD preconstruction review process. This matter has previously been discussed with the Department and on May 21, 2001, I hand-delivered a letter to Al Linero requesting the removal of the beryllium emission limit and providing documentation supporting our request. This letter and the attached documentation is included as Attachment B. For the reasons stated in that letter and its attachments, we are requesting that the emission limit in the above-captioned air construction permit be removed. This action also satisfactorily addresses a beryllium issue raised by DERM in a letter of May 14, 2001 to Rinker (Attachment C).

By letter dated May 25, 2001 to Rinker(Attachment D), Mr. Linero requested the stack gas beryllium concentration. Based on measurements made on December 21, 2000 and reported to the Department, the stack gas beryllium concentration was 0.370 micrograms per dry standard cubic meter, corrected to seven percent oxygen.

#### **Units for SO<sub>2</sub> and NO<sub>x</sub> Emission Limits**

The above-captioned air construction permit limits SO<sub>2</sub> and NO<sub>x</sub> emissions from the kiln/raw mill in terms of pounds of emissions per million BTU heat input. All other emission limits for the plant are stated in terms pounds of emission per ton of preheater feed, or per ton of clinker produced. Furthermore,

emission limits for other cement plants recently permitted within the state limit emissions based on preheater feed or clinker production. We are requesting that the above-captioned air construction permit be amended to limit SO<sub>2</sub> and NO<sub>x</sub> emissions based on clinker production (i.e. pounds of emission per ton of clinker produced). This request has been discussed with your staff and was requested in my letter to John Reynolds dated April 6, 2001. In that letter, I provided the rationale for the change and specified the SO<sub>2</sub> and NO<sub>x</sub> emission limits requested in terms of pounds of emission per ton of clinker produced. My letter of April 6, 2001 is included as Attachment E.

#### **Empirical Factor to Convert Preheater Feed to Clinker Production**

In most modern dry process Portland cement plants, production is monitored by measuring the preheater feed. Clinker production is then calculated based on preheater feed and an empirical factor. As emission limits for the Rinker plant are expressed both in terms of pounds of emission per ton of preheater feed and pounds of emission per ton of clinker produced, and as the empirical factor at the Rinker plant changes periodically as a result of changes in feed materials and operating conditions, the Department requested that Rinker establish an empirical conversion factor on a periodic basis and provide this factor to the Department prior to conducting any compliance tests.

A Permit Condition (B.13) was proposed by the Department in draft amendments to the above-captioned air construction permit dated March 15, 2001 (Attachment F) addressing this matter. In my letter to Mr. Reynolds dated April 6, 2001 (Attachment E) I state that Rinker has no objection to this proposed condition; i.e., the language proposed in Condition B.13 of the draft amendments to the above-captioned air construction permit dated March 15, 2001 is acceptable to Rinker.

#### **Tires and POTW Sludge as Alternative Fuels**

As we discussed with you during our meeting on June 7, 2001, Rinker requests that all conditions related to whole tires or tire derived fuel be left in the above-captioned air construction permit. Rinker has no objection, however, to specific condition B.5(1)d being amended to eliminate sewage sludge from Publicly Owned Treatment Works as an alternative fuel.

Regarding the use of tires or tire-derived fuel as an alternative fuel, Rinker concurs with the conditions included in the Compliance Plan of the Title V Permit for the plant (Permit 0250014-003-AV). This Compliance Plan (Attachment G) requires any construction related to the installation of a tire or tire-derived fuel feed system to be completed by March 31, 2002 and further requires that Rinker provide details of the construction to DERM for approval prior to the initiation of construction.

#### **Assurance of Compliance with the VOC Emission Limit**

We have discussed alternatives for providing the Department with additional assurance that the VOC emission limiting standard for the kiln/raw mill is complied with on a continuing basis with you and your staff. Furthermore, a request for this assurance has been made to Rinker by a letter dated May 14, 2001 from Mallika Muthiah of DERM (Attachment C). To address this issue, Rinker is preparing a response to DERM's letter of May 14, 2001 proposing a plan which incorporates monitoring the hydrocarbons in individual feed materials and in the blended preheater feed and quarterly VOC emission measurements. When the VOC/hydrocarbon monitoring plan has been finalized, it will be forwarded both to DERM and to your office for review.

By letter dated May 25, 2001 to Rinker (Attachment D), Mr. Linero requested a copy of this response to the DERM letter of May 14, 2001.



I believe this addresses the amendments that can be made to the current air construction permit (0250014-002-AC). Once these amendments are finalized and incorporated into the Title V permit, this construction permit will be allowed to expire and any further changes to the plant or to permit conditions will be addressed through a new and separate air construction permit application.

Again, we appreciate the cooperation of you and your staff in dealing with matters addressed herein. If there are further questions regarding any of these issues, please don't hesitate to contact me at 352-377-5822.

Yours very truly,

KOOGLER & ASSOCIATES

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

JBK/jhm

- Attachment A: Letter from Jake Varn to Al Linero dated May 24, 2001
- Attachment B: Letter from JBK to Al Linero dated May 21, 2001
- Attachment C: Letter to Rinker from Mallika Muthiah of DERM dated May 14, 2001
- Attachment D: Letter to Rinker from Al Linero dated May 25, 2001
- Attachment E: Letter from JBK to Mr. Reynolds dated April 6, 2001
- Attachment F: Permit Condition (B.13), proposed by the Department dated March 15, 2001
- Attachment G: Compliance Plan of the Title V Permit

cc: Al Linero  
Mallika Muthiah  
Scott Benyon  
Mike Vardeman  
Segundo J. Fernandez

ATTACHMENT A

**FOWLER  
WHITE**

ATTORNEYS AT LAW

ESTABLISHED 1943

May 24, 2001

Mr. A. A. Linero, P.A.

Administrator

New Source Review Section

Florida Department of Environmental Protection

Twin Towers Office Building, MS 5505

2600 Blair Stone Road

Tallahassee, FL 32399-2400

RE: DEP File No. 0250014-002-AC, CSR Rinker Materials Corporation  
Miami Cement Plant, Modernization Project Permit Extension

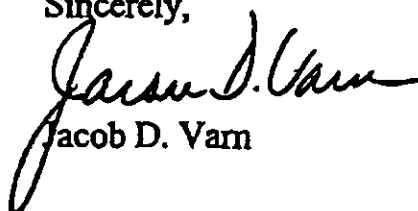
Dear Mr. Linero:

We represent CSR Rinker Materials Corporation ("CSR"). We have previously filed requests for extensions of time. Our last request expires on May 30, 2001. We have still been unable to resolve our concerns with the proposed terms and conditions in the draft permit amendment and request another 30 days to complete our review.

In light of the significance of this amendment, we respectfully request that the Department extend the time for taking action on this permit amendment until June 30, 2001.

Should you have any questions or care to discuss this matter, please call.

Sincerely,

  
Jacob D. Varn

cc: John Reynolds  
Mike Vardaman  
Scott Benyon  
Steve Cullen  
John Koogler

**FOWLER, WHITE, GILLEN, BOCCS, VILLAREAL AND BANKER, P.A.**

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# FOWLER WHITE

ATTORNEYS AT LAW

# Fax

Writer's Direct Line (850) 681-1840  
Writer's Direct Fax Line (850) 681-0267

Please deliver the following pages immediately to:

Name: Mike Vardaman 305/229-8015  
Scott Benyon 501/820-8388  
✓ Steve Cullen + John Koogler 352/377-7158

Total Number of Pages 2 (including this cover page)

From: JAKE VARN

Date: 5/24/01

Message:

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ATTACHMENT B





**ENVIRONMENTAL SERVICES**

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

KA 263-01-01  
May 21, 2001

*Via Hand Delivery*

Mr. Al Linero  
Florida Department of Environmental Protection  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Subject: CSR Rinker Materials Corporation  
FDEP File No. 0250014-002-AC  
Permit Amendment to Delete Beryllium Emission Limits

Dear Al:

In accordance with our recent telephone conversation, correspondence between representatives of Rinker and the Miami-Dade County Department of Environmental Resource Management (DERM) (see attached) and correspondence from DERM to representatives of Rinker (see attached), I am requesting that the beryllium emission limit in the above captioned Air Construction Permit be deleted. The reason for this request is set forth in detail in the attached letter dated April 12, 2001, from Segundo Fernandez (representing Rinker) to Mr. Frank Echanique of DERM. In a response to Mr. Fernandez' letter dated April 19, 2001, Mr. Echanique suggests that the request for permit amendment be submitted to your office.

If there are any questions regarding this request, please contact me at 352-377-5822.

Very truly yours,

KOOGLER & ASSOCIATES

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

JBK/jm

cc: Frank Echanique, DERM  
Mike Vardeman, CSR Rinker  
Segundo Fernandez, OHFC



ENVIRONMENTAL RESOURCES MANAGEMENT  
AIR QUALITY MANAGEMENT DIVISION  
33 S.W. 2nd AVENUE  
SUITE 900  
MIAMI, FLORIDA 33130-1540  
(305) 372-6925

April 19, 2001

Mr. Segundo J. Fernandez  
Oertel, Hoffman, Fernandez & Cole, P.A.  
301 South Bronough Street, Suite 500  
Tallahassee, FL 32301

Subject: Amendment of CSR Rinker Materials Corporation's Permit No. 0250014-002-AC

Dear Mr. Fernandez:

This office is in receipt of your letter dated April 12, 2001, where you stated your position regarding the deletion of the PSD threshold for Beryllium from the Florida Administrative Code, and as a result from the CSR Rinker's referenced construction permit.

For your information, the State of Florida Department of Environmental Protection (FDEP), Tallahassee, is currently in the process of revising the referenced Construction Permit. Please be advised that you need to submit your request to Mr. Alvaro Linero of the FDEP main office in Tallahassee, to address this issue, and any other issues directly related to the amendment of said permit.

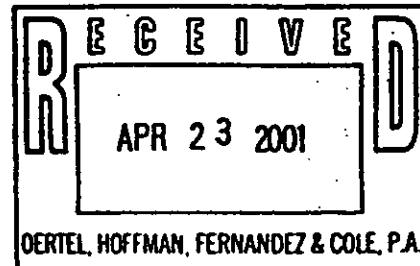
If you have any questions regarding this letter, please call me at (305) 372-6925.

Sincerely,

*Frank Echanique*

Frank Echanique, Supervisor  
Air Facilities Section

cc: Alvaro Linero, FDEP



**OERTEL, HOFFMAN, FERNANDEZ & COLE, P.A.**

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KENNETH S. OERTEL  
PATRICIA A. RENOVITCH

April 12, 2001

Frank Echanique, Project Manager  
Miami-Dade County  
Department of Environmental Resource Management  
Air Quality Management Division  
33 Southwest 2d Avenue  
Miami, Florida 33130

Re: CSR Rinker Materials Corporation  
Miami, Florida  
Permit No. 0250014-002-AC

Dear Frank:

Thank you very much for meeting with me to discuss the status of regulatory authority to include a beryllium emission limit in the above referenced permit.

As we discussed, we represent CSR Rinker Materials Corporation with respect to its Miami, Florida portland cement plant. Through this letter we are summarizing our position that Permit No. 0250014-002-AC should be amended to delete the emission limitation for beryllium, as beryllium is no longer a regulated pollutant subjecting stationary sources to PSD Preconstruction Review.

As we discussed, on December 21, 2000, Koogler & Associates, Inc. conducted emission measurements for beryllium to demonstrate initial compliance with Permit No. 0250014-002-AC. During the test period, the beryllium emission rates averaged 0.000135 pounds per hour. Permit No. 0250014-002-AC limits the beryllium emission rate to 0.000090 pounds per hour. This limit was included in the permit at the time that there was a beryllium standard in the rules.

Rule 62-212.400, Florida Administrative Code, "Prevention of Significant Deterioration" or "PSD," includes Table 212.400-2 "REGULATED AIR POLLUTANTS – SIGNIFICANT EMISSION RATES," which provides the threshold emission rates in tons per year of pollutants which trigger a PSD review in a stationary source permit application. In the current rule, beryllium is not a PSD pollutant listed in Table 212.400-2, and is therefore not regulated by the State of Florida. Beryllium is also not listed in the de minimus ambient impacts table, Table 212.400-3.

In October of 1997, the State Department of Environmental Protection modified Rule 62-212.400, F.A.C., to eliminate beryllium from the PSD preconstruction review list in Table 212.400-2. Prior to October of 1997, the significant emission rate for beryllium was 0.8 lbs. per year. Please see attached a copy of the *Florida Administrative Weekly*, dated October 31, 1997, Volume 23, No. 44, pages 5914, which modified Table 62-212.400 to eliminate beryllium as a regulated air pollutant. FDEP again amended Table 212.400-2 in December of 1997, which retained the elimination of the beryllium standard. See attached, December 19, 1997, *Florida Administrative Weekly*, Vol. 23, No. 51.

The emission limit for beryllium in Rinker's permit was established to keep the facility from becoming PSD for beryllium, by keeping emissions below the threshold in the then-existing rules. With that rule threshold now repealed, there is no technical or legal basis for continuing the emission limit.

The 1997 FDEP rule amendment was made to reflect changes in EPA rule amendments and guidance relating to pollutants subject to PSD review. The 1990 Amendments to the Clean Air Act completely overhauled the regulatory approach used for air toxics. Title III of the 1990 Amendments shifted from a pollutant-by-pollutant approach to regulation of air toxics to a category of sources approach using technology-based standards.

Based on the foregoing, we agreed that Permit No. 0250014-002-AC should be amended to delete the emission limitation for beryllium for its portland cement plant in Miami, Florida. I also spoke with Frank Delgado after we met, and he concurred on the appropriateness of deleting the beryllium emission limit.

Koogler and Associates is the engineer of record for these permits, and he will submit a formal request for modification of the Rinker permit, as outlined in this letter.

Department of Environmental Resource Management  
April 12, 2001  
Page 3

Thank you for your attention and consideration. Please let me know if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Segundo J. Fernandez', written in a cursive style.

Segundo J. Fernandez

**Attachments**

c: John Koogler, Ph.D, P.E.  
Scott Benyon  
Michael Vardamann  
Frank Delgado - DERM