



**KOOGLER & ASSOCIATES**  
**ENVIRONMENTAL SERVICES**  
4014 NW THIRTEENTH STREET  
GAINESVILLE, FLORIDA 32609  
352/377-5822 ■ FAX/377-7158

KA 263-94-04

March 3, 1998

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**BUREAU OF  
AIR REGULATION**

Mr. A. L. Linero, P.E.  
Administrator  
New Source Review Section  
Florida Department of  
Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

Subject: Rinker Materials Corporation  
Dade County, Florida  
Comments on Draft Permit Modification  
No. 0250014-006-AC  
Modernization Project, Revisions of  
Permit Conditions

Dear Al:

We have had the opportunity to review the draft permit modification for the Rinker Material Corporation (Rinker) Portland cement plant modernization project forwarded to Rinker under cover of your letter dated February 11, 1998. We appreciate the cooperation and effort of you and Teresa Heron in working with us to develop this permit and to draft these permit modifications in response to our earlier comments. We have a couple of questions regarding the most recent modifications. The questions and comments address:

1. the necessity of a second Public Notice,
2. the need to incorporate permit limits addressing the requirements of 40 CFR 60.51b, Subpart Eb (Municipal Waste Combustors),
3. compliance monitoring, and
4. minor editorial comments.

## 1. Necessity of Second Public Notice

Our first question and comments are related to the necessity of a second Public Notice. It is our opinion that none of the modifications requested and made in the subject permit are substantial enough to warrant a second Public Notice. None of the modifications substantially relax any permit condition nor do they allow for an increase in the emissions of any permitted air pollutant or result in the emissions of air pollutants not previously addressed. As stated in the Department's proposed second Public Notice, the permit revisions are limited to:

1. the handling of tires (the operating temperatures at which tires can be introduced into the kiln and the necessity of spraying the tires with an insecticide prior to receipt at the facility),
2. clarification that non-hazardous wastes used as fuel can be received from off-site sources as well as being generated on-site,
3. clarification of the halogen concentration limits in used oil,
4. clarification of the compliance calculation procedures, and
5. limits on the amount of non-hazardous solid wastes which may be combusted.

The necessity of the limit on the amount of non-hazardous solid waste is addressed in a separate section of this letter. As stated previously, it is our opinion that none of the modifications to the permit are substantial enough to require a second Public Notice.

The requirement for a Public Notice of an Intent to Issue an air construction permit is set forth in Chapter 403.815, F.S and Rule 62-103.150, F.A.C. Rule 62-103.150 (2)(a)1, F.A.C. states:

The Department shall require publication of Notice of the Department's proposed action on an application in the following circumstances:

All applicants for construction permits for ... air pollution sources shall publish ... a Notice of Intent to Issue a Permit.

Further on (62-103.500(2)(a)5, F.A.C.), the rule states:

After publication of the Notice of Intent to Issue ... the applicant shall publish an additional notice if the subject activity or project is substantially modified by the applicant and the Department proposes to issue the permit with the modifications.... For purposes of this subparagraph, the term "substantial modification" means a major relocation or modification of the activity or project that is reasonably expected to cause new or greater adverse environmental impacts on the substantial interests of a person other than the application [Emphasis added].

In this particular case, there is no relocation and no modification that could be expected to cause new or greater environmental impacts.

Based upon the referenced statute and rule and the extent of the modifications to the Rinker permit, it is our opinion that a second Public Notice is not necessary. I would appreciate your consideration of this matter.

**2. Necessity of Limiting Non-hazardous Solid Waste Combustion to Comply with 40 CFR 60.15b, Subpart Eb**

As stated in the Technical Evaluation and Preliminary Determination, the Department added new Specific Condition B.5(1)d to clarify the Department's intent regarding the burning of municipal solid waste and to address the requirements of NSPS, Subpart Eb, 40 CFR 60. Our further reading of 40 CFR 60.50b, Applicability and Delegation of Authority (at 40 CFR 60.50b.p.), exempts cement kilns firing municipal solid waste from the Subpart. This being the case, it is suggested that new Specific Condition B.5(1)b be reworded:

Combustion of the following materials which are non-hazardous municipal waste may be used as supplemental fuel: unused diapers, paper products and non-chlorinated plastic waste. These non-hazardous wastes raw materials shall not be used as start-up fuel.

The heat input provided by these materials is adequately limited by proposed Specific Condition B.5(1)e.

### 3. Compliance Monitoring Requirements

The requirements in the third paragraph of Specific Condition B.11 are inconsistent with Department rules. The condition specifically states:

However, emissions during start-up periods shall not exceed the pound per hour limits in Table 1-2. Data recorded during periods of shutdown, malfunction, load change and continuous operating periods shall be included in the daily average. [Emphasis added]

This condition is in conflict with Department rule 62-210.700, F.A.C. which is included as Common Specific Condition (CSC) 3.4 of the permit. The Department rule and CSC 3.4 authorize excess emissions during start-up, shutdown or malfunction provided, among other conditions, best operating practices are adhered to.

Based upon Department rule, it is requested that the third paragraph of Specific Condition B.11 be worded:

For compliance with the emission limits in Table 1-2, the daily average shall not include data from periods of start-up when no clinker is being produced. Also, emission data from periods that meet the requirements of Rule 62-210.700, F.A.C. shall not be included in the calculation of the daily average emission rate.

### 4. Editorial Comments

#### Specific Condition B.20.B(1)

To be consistent with our suggested change regarding 40 CFR 60, Subpart Eb, it is suggested that this specific condition be worded:

Record keeping on burning non-hazardous municipal solid waste shall include records of the amount of municipal solid waste fired on a daily basis.

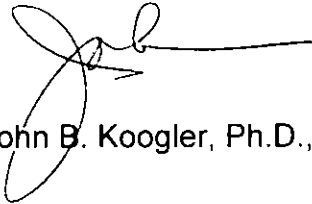
Specific Condition B.36

In the February 11, 1998, draft, this specific condition is referred to as Specific Condition B.35. The correct reference should be Specific Condition B.36.

We appreciate the opportunity to comment on the draft permit and appreciate your consideration of our comments. If you have any questions regarding these comments, please do not hesitate to contact me or Steve Cullen at 352-377-5822.

Very truly yours,

KOOGLER & ASSOCIATES



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

JBK:wa

c: Mr. Mike Vardeman, Rinker

cc: T. Heron  
C. Holladay  
Dade Co.  
SED  
EPA  
NPS