



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

July 3, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Scott Quaas
Environmental Manager
Tarmac America, Inc.
455 Fairway Drive
Deerfield Beach, Florida 33441

Re: Amendment of Permit No. 0250020-001-AC, PSD-FL-236
Tarmac Pennsuco Portland Cement Plant Slag Dryer

Dear Mr. Quaas:

The Department has reviewed Golder Associates's June 17 letter requesting revisions to Specific Condition No. A.8 of the referenced permit for a new slag dryer and baghouse to be built at Tarmac's Pennsuco Portland cement plant. The plant is located at 11000 N.W. 121 Way, Medley, Dade County. This request is acceptable and the permit is amended as follows:

- A.8 Except for the new slag dryer, PM emissions from the other processing equipment handling blast furnace slag shall not exceed the quantities listed in Table 1 (attached). Unconfined PM emissions from the yard shall be minimized by applying one or more of the following reasonable precautions:
- a) Paved parking and traffic areas shall be well maintained and kept free of particulate matter build-up. Water trucks or vacuum type sweeper(s) shall be used to clean the paved areas. Sweeper(s) shall be maintained and operated such that visible emissions from the sweeper(s) do not exceed 5% opacity.
 - b) Water sprinklers and wind breaks, enclosures, or covers shall be used when necessary to control unconfined particulate matter emissions from the yard, unpaved roads, and work areas.
 - c) Bulk Cement (railcar/truck) Loadout Unit 1, Bulk Cement (truck) Loadout Unit 2 and Transfer Pump Hopper (under Silos 10-12), equipped with Baghouses B-110, B-210, and B-323 respectively, exhaust particulate emissions to the interior of enclosed areas. Fugitive emissions shall be contained in this manner so as not to exceed 5% opacity from the vents, doors, etc.
 - d) ~~Water sprinklers and wind breaks, enclosures, or covers shall be used to control unconfined PM emissions from the yard.~~

A DERM license may be required for the slag storage operation.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

A person whose substantial interests are affected by this permit amendment may petition for an administrative hearing in accordance with 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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 850/488-9730, fax: 850/487-4938. Petitions must be filed within fourteen days of receipt of this permit amendment. A petitioner must 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 28-5.207 of the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the action or proposed action.

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 amendment. 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 person whose substantial interests are affected by the Department's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any; (b) A statement of the preliminary agency action; (c) A statement of the relief sought; and (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following: (a) The names, addresses, and telephone numbers of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs and fees associated with the mediation; (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation; (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen; (f)

The name of each party's representative who shall have authority to settle or recommend settlement; and (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

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 permit amendment 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 and conforms to Rule 62-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this permit amendment will not be effective until further order of the Department.

Mr. Scott Quass
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Tarmac America, Inc.

When the Order (Permit Amendment) is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Legal Office; 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 of appeal must be filed within 30 (thirty) days from the date this Notice is filed with the Clerk of the Department.

A copy of this letter shall be filed with the referenced permit and shall become a condition to that permit.

Sincerely,

A handwritten signature in cursive script, appearing to read "Howard L. Rhodes".

Howard L. Rhodes, Director
Division of Air Resources
Management

Attachment: Golder Assoc. June 17, 1997 letter

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this AMENDMENT was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 7-3-97 to the person(s) listed:

Mr. Isidore Goldman, SED *
Mr. David Buff, Golder Assoc.
Mr. Pat Wong, DERM

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Keri Ober
(Clerk)

7-3-97
(Date)

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

Fold at line over top of envelope to the right of the return address

Also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

SCOTT QUASS, Enr. Mgr.
 Tarmac America, Inc.
 455 Fairway Dr.
 Deerfield Bch, FL
 33441

4a. Article Number

P 265 659 237

4b. Service Type

- Registered Certified
- Express Mail Insured
- Return Receipt for Merchandise COD

7. Date of Delivery

7-7

5. Received By: (Print Name)

RB

6. Signature: (Addressee or Agent)

X *Ruthy G...*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

P 265 659 237

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to	
SCOTT QUASS	
Street & Number	
Tarmac America	
Post Office, State, & ZIP Code	
Deerfield Bch, FL	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	
0250020-001AC 7-2-97	
PSD-FL-236	

PS Form 3800, April 1995

Florida Department of
Environmental Protection

Memorandum

TO: Howard Rhodes
~~Clair Fancy~~

THRU: Al Linero *Al Linero* 7/2

FROM: Willard Hanks *wh*

DATE: June 26, 1997

SUBJECT: Tarmac America, Inc.
AIRS No. 0250020-001-AC, PSD-FL-236

Kim

Attached for approval and signature is a letter that amends the recently issued construction permit for a slag dryer to be located at Tarmac's Portland cement plant in Medley, Dade County.

The amendment makes minor changes to the requirements to control fugitive emissions from this operation.

I recommend approval and signature of the attached amendment letter.

Attachment

CHF/wh