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BUREAU OF AIR REGULATION

May 2, 2002

Ms. Cindy Phillips, P.E.
FDEP Bureau of Air Regulation
MS 5505
2600 Blair Stone Rd.
Tallahassee, FL 32399-2400

**RE: Hazardous Air Pollutants – MACT “Hammer”
Title V Permit - 0310072-007-AV**

Dear Ms. Phillips:

In response to Scott Sheplak’s letter of April 5, 2002 concerning HAPs and MACT, United States Gypsum Co. – Jacksonville, FL Plant does not think that our facility is a major source of HAPs. We do not believe that we are subject to MACT regulations. Our plant has several Emission Units subject to the MACT “Hammer” due May 15, 2002. The units are in the source category of **Industrial, Commercial & Institutional Boilers and Indirect-fired Process Heaters**. These Emission Units are summarized below:

<u>Emission Unit No.</u>	<u>Description</u>
083	Natural Gas-Fired Steam Boiler No. 4
084	Natural Gas-Fired Steam Boiler No. 3
085	Natural Gas-Fired Steam Boiler No. 2
086	Natural Gas-Fired Steam Boiler No. 1
092	Seven (7) Gypsum Calcining Kettles and Three (3) Gypsum Wallboard Drying Kilns – All are natural gas-fired.

Note: The calcining kettles are the only equipment in Emission Unit 092 that fall into this source category.

Our current Title V Permit states that our plant is not a major source of hazardous air pollutants. U.S. Gypsum Co. requests that FDEP and USEPA make a determination of the MACT applicability to our plant.

Should you have any questions, contact Jim Parnell at 904-768-2501 ext. 223.

Sincerely,

Robert J. Thompson, Plant Manager
United States Gypsum Co.



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

May 31, 2002

Mr. Robert J. Thompson
Plant Manager
United States Gypsum Company
P.O. Box 9579
Jacksonville, FL 32208-0579

Re: MACT "Hammer" - Request for Determination of MACT Applicability

Dear Mr. Thompson:

In response to your letter dated May 2, 2002 which requests that the Department make a determination of MACT applicability for your plant, I have attached Chapter 28-105, F.A.C., Declaratory Statements, which specifies the procedure that you must follow in order for us to comply with your request.

The Department's Agency Clerk is Kathy Carter. Her address is:

Kathy Carter, Agency Clerk
Florida Department of Environmental Protection
MS 35
3900 Commonwealth Boulevard
Tallahassee FL 32399-3000

If you have any questions, concerning this matter, please contact me at 850/921-9534.

Sincerely,

Cindy L. Phillips, P.E.
Bureau of Air Regulation

attachment

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CHAPTER 28-105, F.A.C.

DECLARATORY STATEMENTS

28-105.001 Purpose and Use of Declaratory Statement.

A declaratory statement is a means for resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority. A petition for declaratory statement may be used only to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory statement is not the appropriate means for determining the conduct of another person or for obtaining a policy statement of general applicability from an agency. A petition for declaratory statement must describe the potential impact of statutes, rules, or orders upon the petitioner's interests.

28-105.002 The Petition.

A petition seeking a declaratory statement shall be filed with the clerk of agency that has the authority to interpret the statute, rule, or order at issue and shall provide the following information:

(1) The caption shall read:

Petition for Declaratory Statement

Before (Name of Agency)

(2) The name, address, telephone number, and any facsimile number of the petitioner.

(3) The name, address, telephone number, and any facsimile number of the attorney or qualified representative (if any) of the petitioner.

(4) The statutory provision(s), agency rule(s), or agency order(s) on which the declaratory statement is sought.

(5) A description of how the statutes, rules, or orders may substantially affect the petitioner in the petitioner's particular set of circumstances.

(6) The signature of the petitioner or of the petitioner's attorney or qualified representative.

(7) The date.

28-105.003 Agency Disposition.

The agency may hold a hearing to consider a petition for declaratory statement. If the agency is headed by a collegial body, it shall take action on a petition for declaratory statement only at a duly noticed public meeting. If a hearing is held, it shall be conducted in accordance with Sections 120.569 and 120.57(2), F.S. The agency may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts. Within 90 days of the filing of the petition, the agency shall render a final order denying the petition or issuing a declaratory statement.