



Jeb Bush  
Governor

# Department of Environmental Protection

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
July 28, 2000

David B. Struhs  
Secretary

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Michael A. Leuck  
AmeriSteel Corporation  
P.O. Box 518  
Baldwin, FL 32234

Re: Extension Request/DEP File No. 0310157-004-AC (PSD-FL-261)

Dear Mr. Leuck:

The Department received your July 14 letter requesting a three-month extension of the permit expiration date to complete the referenced project. The reason given in your letter for the extension request was that "although PSD permits normally are issued for an 18-month period, the PSD modification in this case is scheduled to expire on December 31, 2000 (i.e., only fifteen months after the issuance of the permit modification."

The Department does not "normally" issue permits for 18 months. Permits are issued for a period of time sufficient to allow construction as well as operation while conducting tests and demonstrating initial compliance with the conditions of the construction permit (Rule 62-210.300(1), F.A.C.). This period was understood to be 15 months.

The 18 month period mentioned in your letter probably relates to a provision in the Federal PSD rules at 40CFR52.21(r)(2) that states "approval to construct shall become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time." There is also a requirement in both the federal and Department rules to review and modify the BACT "at the latest reasonable time which occurs no later than 18 months prior to commencement of construction of each independent phase of the project." [40CFR52.21(j)4 and Rule 62-212.400(6)(b)].

The permit expiration date is hereby extended to March 28, 2001. Any further extension shall require submittal of a revised detailed construction schedule and adherence to the applicant's obligations when requesting extensions in accordance with Rule 62-4.080(3), F.A.C.

A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes.

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, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (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. Mediation is not available in this proceeding.

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.

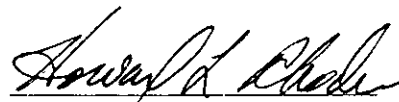
The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will 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 permitting decision 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 pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this order will not be effective until further order of the Department.

Any party to this permitting decision (order) has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, 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 must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

  
Howard L. Rhodes, Director  
Division of Air Resources  
Management


#### CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this PERMIT MODIFICATION was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 8/1/00 to the person(s) listed:

Michael A. Leuck, AmeriSteel Corporation\*  
James L. Manning, Jacksonville RESD  
David S. Dee, Esq.  
Doug Beason, Esq. DEP OGC  
Chris Kirts, DEP NWD  
Gregg Worley, EPA

Clerk Stamp

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

 8/1/00  
(Clerk) (Date)

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

Article Sent To:

Mr. Michael A. Leuck - AmeriSteel Corp.

Postage \$  
 Certified Fee  
 Return Receipt Fee (Endorsement Required)  
 Restricted Delivery Fee (Endorsement Required)  
 Total Postage & Fees \$

8/1/00

Postmark  
 Here

Name (Please Print Clearly) (to be completed by mailer)

Michael A. Leuck

Street, Apt. No., or PO Box No.

P. O. Box 518

City, State, ZIP+4

Baldwin, FL 32234

PS Form 3800, July 1999

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Michael A. Leuck  
 AmeriSteel Corp.  
 P. O. Box 518  
 Baldwin, FL 32234

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

*[Signature]*

☐ Agent  
☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7099 3400 0000 1453 3020

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789



**RECEIVED**

**JUL 17 2000**

**BUREAU OF AIR REGULATION**

July 14, 2000

Mr. Clair Fancy, P.E., Chief  
Bureau of Air Regulation  
Department of Environmental Protection  
Twin Towers Office Building  
2600 Blair Stone Road  
Mail Station 5505  
Tallahassee, FL 32399-2400

RE: AmeriSteel Corporation  
DEP File No. 0310157-004-AC; PSD-FL-261

Dear Mr. Fancy:

On September 28, 1999, the Department of Environmental Protection issued a permit modification (PSD-FL-261) to AmeriSteel for certain modifications to the Baldwin Mill that would enable AmeriSteel to increase its production rate at the mill from 600,000 to 720,000 billet tons of steel per year. Although PSD permits normally are issued for an 18-month period, the PSD permit modification in this case is scheduled to expire on December 31, 2000 (i.e., only fifteen months after the issuance of the permit modification). Accordingly, AmeriSteel respectfully requests the Department to extend the expiration date of the permit until March 28, 2001, pursuant to DEP Rule 62-4.080(3), Florida Administrative Code. This extension will

Jacksonville Steel Mill Division

Hwy 217 Yellow Water Road • P.O. Box 518 • Baldwin • Florida 32234 (904) 266-4261 Fax (904) 266-4244

provide AmeriSteel with the normal 18-month period to complete construction of the modifications to its facility. The extension of the permit will not change any of the other conditions or requirements contained in the permit and, therefore, the permit will continue to comply with all of the applicable DEP regulations.

The proposed Title V permit (No. 0310157-002-AV) for the mill was issued by the City of Jacksonville's Regulatory and Environmental Services Department on June 1, 2000. This Title V permit will become final within the next few days. Accordingly, it is our understanding that no fee will be required to process this request for a permit modification.

Please contact me at (904) 266-4261 (Ext. 133) if you have any questions or need any additional information. Thank you for your cooperation and assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Leuck". The signature is fluid and cursive, with the first name "Michael" being the most prominent part.

Michael A. Leuck

Environmental Manager

cc: David S. Dee