

Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

FACSIMILE TRANSMISSION SHEET

DATE 7/21/99

TO: BRUCE MITCHELL
Department TIRE SECTION
Phone SC 291-9506 Fax 850-922-6979

FROM: TOM ELLISON
DEP Southwest District Office - Air Program
Phone: (813) 744-6100 (SunCom 512-1042) Ext. 123

OPERATOR: _____

SUBJECT: KOOGLER & ASSOCIATES, LETTER DATED 3/30/98
SUBT: FLS/CPL

Total Number of Pages, Including Cover Page: 6

DEP SWD AIR PROGRAM FAX NUMBERS: (813) 744-6458
(Suncom) 512-1073



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

RECEIVED
APR 0 2 1998
Department of Environmental Protection
SOUTHWEST DISTRICT

March 30, 1998
Mr. Hamilton S. "Buck" Oven, Jr., P.E.
Administrator, Power Plant Siting
Florida Department of
Environmental Protection
2600 Blair Stone Road, Mail Stop 48
Tallahassee, Florida 32399-2400

SUBJECT: Florida Crushed Stone Company/Central Power & Lime
Hernando County
Permits AO27-231888A and AC27-222095 - Cement Plant
PA82-17D - Power Plant
Permit PSD-FL-090B - Project

Dear Mr. Oven:

On behalf of Florida Crushed Stone Company (FCS) and Central Power & Lime (CPL), I would like to clarify by permit amendment the compliance testing requirements for the FCS cement plant and the CPL power plant. This request was previously submitted to Mr. David Zell of the Florida Department of Environmental Protection's Southwest District. Mr. Zell, in consultation with John Reynolds (FDEP Tallahassee DARM) and Pat Comer (FDEP Tallahassee OGC), concluded that this request should be refiled with your office.

As you are aware, the cement kiln, clinker cooler, raw mill, and limestone dryer associated with the cement plant and the CPL power plant all discharge through a common baghouse and stack. The permits for the facility specify emission limiting standards for the cement plant while operating alone, the power plant while operating alone, and for the cement plant and power plant when operating together. By far, the most common operating scenario is for the cement plant and power plant to operate together.

The current cement plant operating permit (AO27-231888A at Specific Condition 19) requires compliance testing on an annual basis (within 60 days prior to May 1) when only the cement plant sources are operating (the kiln, cooler, raw mill and limestone dryer). The permits are less specific regarding compliance testing requirements for the power plant and for the power plant and cement plant operating together.

Historically, FCS/CPL has conducted annual compliance testing for the regulated air pollutants (particulate matter, sulfur dioxide, nitrogen oxides and opacity) with the cement plant and power plant operating together. This is shown in the following table:

March 30, 1998 Letter to Mr. Buck Oven
 Florida Crushed Stone/Central Power & Lime
 Page 2 of 5

CALENDAR YEAR	OPERATING SCENARIO DURING COMPLIANCE TESTING
1987	Cement Plant Only
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1997	Cement Plant and Power Plant Together
1998 (Anticipated)	Cement Plant and Power Plant Together Cement Plant Only

Difficulties have arisen in scheduling annual compliance testing with only the cement plant operating because of the reliability factor associated with the power plant. The fact is the power plant has a scheduled six-week outage only every two years for maintenance. With this schedule, it is impossible to conduct compliance testing with the cement plant sources only operating every year. This matter has been discussed with the Department in the past and the Department has been understanding of operational conditions at FCS/CPL and has either waived or delayed compliance testing of the cement plant sources only (see attached FDEP letter dated April 5, 1995).

Central Power & Lime recently received a letter from the FDEP Southwest District (see attached FDEP letter dated December 8, 1997). This letter outlined specific testing problems being experienced by the Southwest District. Two of these problems are pertinent to FCS/CPL and this request:

March 30, 1998 Letter to Mr. Buck Oven
Florida Crushed Stone/Central Power & Lime
Page 3 of 5

- Testing outside the time period specified in the permit
- Tests delayed because of operational requirements

It is hoped that all of the applicable requirements, regulations, and permit conditions relating to compliance testing can be clarified and reconciled. FCS/CPL believe that this should be accomplished before issuance of any of the various Title V permits for this facility.

Regarding compliance testing when the power plant only is operating, FCS/CPL has had an informal understanding with the Department that if emissions measured with the cement plant and power plant operating together were less than, or "near", the limits permitted for the power plant operating alone, the presumption would be that the power plant operating alone was in compliance. This understanding has never been committed to writing and no specific limits have been established to evaluate how this understanding would be implemented if emissions measured during joint operations fell outside of "near" as referenced in the verbal understanding.

The flexibility the Department has granted in past compliance testing is within the jurisdiction of the Department. Rule 62-297.310(7)(a)(4), F.A.C. states:

During each federal fiscal year (October 1-September 30), unless otherwise specified by rule, order or permit, the owner or operator of each emission unit shall have a formal compliance test conducted for:

- Visible emissions, ...
- Each of the following pollutants, if there is an applicable standard, and if the emission unit emits or has the potential to emit; ... 100 tons per year or more of any other regulated air pollutant; and
- Each NESHAP pollutant, ...

[Emphasis added]

Rather than continuing to address the necessity of waivers on a case-by-case basis and consistent with the request in the Department's April 5, 1995, letter, we are requesting that the compliance testing requirements of the cement plant and power plant be amended in the existing permits, and prior to the Title V operation permits which will be issued in the not too distant future.

March 30, 1998 Letter to Mr. Buck Oven
Florida Crushed Stone/Central Power & Lime
Page 4 of 5

In proposing amended compliance test requirements, we looked at the planned operating schedule of the FCS/CPL cement plant and power plant. Annually, the cement plant is scheduled for a 7-10 day outage for maintenance, normally during the last quarter of the calendar year. With the power plant, there is a planned outage of approximately six weeks every two years for maintenance. A power plant outage is in effect at the time of this writing, and the cement plant only will be tested during this outage.

Consistent with the requirements of Rule 62-297.310(7)(a)4, F.A.C. and the planned operating schedules of the cement plant and the power plant, the following compliance test requirements are proposed:

Combined Cement Plant/Power Plant Operation

- Test the main plant stack emissions for the following pollutants during each federal fiscal year (October 1-September 30):

Particulate Matter (PM)
Opacity (VE)
Nitrogen Oxides (NO_x)
Sulfur Dioxide (SO₂)

All emission testing should be performed at the main plant stack during a period when the cement plant, clinker cooler, raw mill and limestone dryer are operating simultaneously and under normal operating conditions (as currently defined in Specific Condition No. 23 of Permit AO27-231888A), and when the power plant is operating under normal operating conditions and within 90-100 percent of the rate defined in Specific Condition G.1. of PSD-FL-090 as amended August 8, 1995.

Note 1: The note pertaining to the operation of the limestone dryer included as part of Specific Condition 19 of Permit AO27-231888A should be incorporated here.

Note 2: If it is necessary to specify a test date either in amendments to existing permits or in the forthcoming Title V operating permit, it is requested that the period be specified as "within 60 days prior to the date of May 1".

Cement Plant

- Test the main plant stack emissions for the following pollutants every two years during the scheduled outage of the CPL power plant: (the remainder of Specific Condition 19 of Permit AO27-231888A should be incorporated here).

March 30, 1998 Letter to M. Luck Oven
Florida Crushed Stone/Central Power & Lime
Page 5 of 5

Power Plant

- It is suggested that there be no specific test requirements for the power plant when operating alone as the power plant is scheduled to operate jointly with the cement plant approximately 97 percent of the time (all but 7-10 days per year) and because of the fact there are no New Source Performance Standards applicable to the power plant. Demonstration of compliance with the cement plant and power plant operating jointly, coupled with the compliance demonstration for the cement plant every two years, should provide the Department with reasonable assurance that the joint FCS/CPL facility is operating in compliance with applicable emission limiting standards.

I appreciate your review and consideration of this request. If you have any questions regarding these matters or if additional information is required, please do not hesitate to contact me.

Very truly yours,

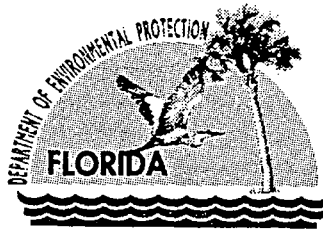
KOOGLER & ASSOCIATES


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

JBK:scc

Enclosures: FDEP letter dated April 5, 1995
FDEP letter dated December 8, 1997

Copies to: Mr. Joe Piermatteo, FCS
Mr. Ron Aliff, FCS
Mr. Charles Allen, FCS
Mr. David Zell, FDEP-SWD



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

NOTICE OF PERMIT AMENDMENT

Mr. Nolan R. Aliff
Environmental Manager
Chemical Lime, Inc.
P.O. Box 1508
Brooksville, FL 34605-1508 /

Dear Mr. Aliff:

Re: Application For Permit Amendment Received 4/19/99
DEP Current Permit No.: A027-187371
DEP Permit Processing No.: 0530005-003-AO

On 4/19/99 the Department received from Mr. Ken Conwell, Project Engineer, of Koogler & Associate, a request for an amendment to the above current DEP operating permit. As requested, the permit is amended as follows:

Specific Condition No. 2:

Change from:

2. Test the baghouse and loading spouts for visible emissions at interval of 12 months from the date April 18, 1990 and submit a copy of the test data to the Air Section of the Southwest District Office of the Department of Environmental Regulation within forty-five days of such testing (Rule 17-2.700, F.A.C.).

Change to:

2. Test the baghouse and loading spouts for visible emissions within six months prior to the date of application for the renewal of this operating permit. A report of the test data shall be submitted to the Air Compliance Section of the Department's Southwest District Office within 45 days of the testing. [Rules 62-297.310(4) and 62-297.310(8), F.A.C.]

Specific Condition No. 10

Change from:

10. The visible emission compliance tests shall be conducted by a certified observer and be a minimum of 30 minutes in duration.

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

Tallahassee

--ATTENTION MAIL ROOM--

PLEASE ROUTE THIS DOCUMENT TO:

RECEIVED

JUL 14 1999

Bruce Mitchell

Name of Individual **REGULATION**
BUREAU OFFICE

5505

Mail Station Number

Change to:

10. Each baghouse exhaust point and loading spout shall be tested by a certified observer in accordance with DEP Method 9 for a minimum of 30 minutes or, if the operation is normally completed within less than 30 minutes and does not recur within that time, the test shall last for the length of the batch cycle or operation completion time. [Rule 62-297.310(4(a), F.A.C.]

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, 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 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. 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, F.A.C.

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, as well as the rules and statutes which entitle the petitioner relief; and
- (f) A demand for relief.

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, F.A.C.

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.

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.

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 EPA and by the 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 timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. or unless a request for an extension of time in which to file a petition is filed within the time specified for filing a petition. Upon timely filing of a petition or a request for an extension of time to file the petition, this permit amendment will not be effective until further Order of the Department.

Any party to the Order (Permit Amendment) has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by the filing of 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, Douglas Building, 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 of Appeal must be filed within 30 days after this Order is filed with the Clerk of the Department.

This NOTICE OF PERMIT AMENDMENT must be attached to and becomes a part of permit number A027-187371. If you have any questions, please call Mr. George Richardson of my staff at (813)744-6100, ext. 105.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

W.C. Thomas, P.E.
FOR _____
W.C. Thomas, P.E.
District Air Program
Administrator
Southwest District

cc: Ken Conwell, Koogler & Associates
✓ Bruce Mitchell, Title V, Tallahassee

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT AMENDMENT was sent to the addressee by certified mail and all copies were sent by regular mail before the close of business on JUL 12 1999 to the listed persons, unless otherwise noted.

Clerk Stamp

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

Patricia Duckett
(Clerk)

JUL 12 1999
(Date)

DEP ROUTING AND TRANSMITTAL SLIP

TO: (NAME, OFFICE, LOCATION)

3. _____

1. Bruce Mitchell DARM Tallahassee

2. _____ 5. _____

PLEASE PREPARE REPLY FOR:

- SECRETARY'S SIGNATURE
- DIV/DIST DIR SIGNATURE
- MY SIGNATURE
- YOUR SIGNATURE
- DUE DATE _____

ACTION/DISPOSITION

- DISCUSS WITH ME
- COMMENTS/ADVISE
- REVIEW AND RETURN
- SET UP MEETING
- FOR YOUR INFORMATION
- HANDLE APPROPRIATELY
- INITIAL AND FORWARD
- SHARE WITH STAFF
- FOR YOUR FILES

COMMENTS:

I was discussing Florida Crushed Stone / Central Power & Line with Scott Sheplak. I mentioned the attached letter and Scott requested I send you a copy. You may have already seen it.

RECEIVE

JUL 14 1999

BUREAU OF AIR REGULATION

FROM:

Bill Paves

DATE:

7/12/99

PHONE:

119



KOOGLER & ASSOCIATES
ENVIRONMENTAL SERVICES

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

March 30, 1998

Mr. Hamilton S. "Buck" Oven, Jr., P.E.
Administrator, Power Plant Siting
Florida Department of
Environmental Protection
2600 Blair Stone Road, Mail Stop 48
Tallahassee, Florida 32399-2400

RECEIVED
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Department of Environmental Protection
SOUTHWEST DISTRICT

SUBJECT: Florida Crushed Stone Company/Central Power & Lime
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[Emphasis added]

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Cement Plant

- Test the main plant stack emissions for the following pollutants every two years during the scheduled outage of the CPL power plant: (the remainder of Specific Condition 19 of Permit AO27-231888A should be incorporated here).

Power Plant

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Very truly yours,

KOOGLER & ASSOCIATES



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

JBK:scc

Enclosures: FDEP letter dated April 5, 1995
FDEP letter dated December 8, 1997

Copies to: Mr. Joe Piermatteo, FCS
Mr. Ron Aliff, FCS
Mr. Charles Allen, FCS
Mr. David Zell, FDEP-SWD