

HOPPING BOYD GREEN & SAMS

ATTORNEYS AND COUNSELORS

123 SOUTH CALHOUN STREET

POST OFFICE BOX 6526

TALLAHASSEE, FLORIDA 32314

(904) 222-7500

FAX (904) 224-8551

CARLOS ALVAREZ
JAMES S. ALVES
BRIAN H. BIBEAU
ELIZABETH C. BOWMAN
WILLIAM L. BOYD, IV
RICHARD S. BRIGHTMAN
PETER C. CUNNINGHAM
WILLIAM, H. GREEN
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DOUGLAS S. ROBERTS
CECELIA C. SMITH
SAM J. SMITH
CHERYL G. STUART

July 13, 1990

OF COUNSEL
W. ROBERT FOKES

BY HAND DELIVERY

Dale H. Twachtmann, Secretary
c/o Office of General Counsel
Florida Department of Environmental
Regulation
2600 Blair Stone Road, Room 654
Tallahassee, Florida 32399-2400

Re: Florida Mining & Materials
Brooksville Cement Plant Kiln No. 2
Permit No. AC27-173474

Dear Secretary Twachtmann:

On April 30, 1990, Florida Mining & Materials ("FMM") received the Department's Notice of Intent to issue air construction permit No. AC27-173474 for Kiln No. 2 at its Brooksville Cement Plant located in Hernando County, Florida. The Department's Technical Evaluation and Preliminary Determination was received along with the Notice of Intent. Pursuant to your Order dated June 15, 1990, FMM has until July 13, 1990 to file a petition for administrative proceedings regarding the permit.

I am writing on behalf of FMM to request an extension of thirty-one (31) days, to and including August 13, 1990, in which to file a petition for administrative proceedings regarding the permit. This request is made pursuant to Florida Administrative Code Rule 17-103.070, which provides that a timely request for extension of time shall toll the running of the time period in which to file an appropriate petition. As good cause for granting the requested extension of time for filing, FMM would show the following:

Dale H. Twachtmann, Secretary
July 13, 1990
Page 2

1. The proposed permit contains fourteen specific conditions, several of which appear to warrant clarification or correction.

2. FMM representatives have discussed the proposed permit and accompanying Technical Evaluation and Preliminary Determination with the Chief of the Department's Bureau of Air Regulation. Based upon that discussion, FMM submitted a letter to the Department requesting certain revisions in the permit conditions.

3. This request is filed as a protective measure to avoid waiver of FMM's rights to challenge the permit as proposed. Grant of this request will allow the parties an opportunity to discuss the pertinent permit provisions and to achieve a mutually acceptable resolution of points in need of clarification or correction, without the initiation of formal administrative proceedings.

I hereby certify that I have attempted to contact Clair Fancy, Chief of the Department's Bureau of Air Regulation, regarding this matter.

Accordingly, I respectfully request that you formally extend the time for filing of a petition for administrative proceedings in regard to the Department's Notice of Intent to issue air construction permit No. AC27-173474 to and including August 13, 1990.

Sincerely,


Peter C. Cunningham

F1MinExt:PCC/gbb

cc: Clair Fancy, P.E.
Richard Donelan, Esquire
C. M. Coleman, Jr.
J. Reynolds



FLORIDA MINING & MATERIALS

A SOUTHDOWN COMPANY

P. O. BOX 6, BROOKSVILLE, FLORIDA 34605-0006
TELEPHONE (904) 796-7241

July 11, 1990

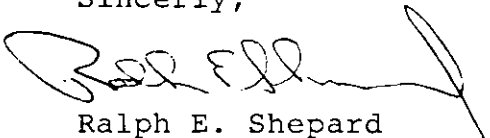
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. C.H. Fancy, P.E. Chief
Bureau of Air Regulations
Florida Dept. of Environmental Regulations
Twin Towers Office Bldg.
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Dear Mr. Fancy:

Attached is the Affidavit of Legal Publication, published in the Sun Journal on June 22, 1990. This Intent to Issue was for the modification to Florida Minings' #2 Kiln Permit.

Sincerely,


Ralph E. Shepard
Manager Environmental Affairs

RES/jp

cc: Hank Andre
Don Kelly
Joe Tessitore

John P. ...

RECEIVED

JUL 16 1990

DER-BAQ...

FLORIDA MINING & MATERIALS

P. O. BOX 6, BROOKSVILLE, FLORIDA 34605-0006

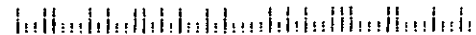


CERTIFIED

P 237 527 210

MAIL

Mr. C.H. Fancy, P.E. Chief
Bureau of Air Regulations
Florida Dept. of Environmental Regulations
Twin Towers Office Bldg.
2600 Blair Stone Road
Tallahassee, FL 32399-2400



AFFIDAVIT OF LEGAL PUBLICATION

The Sun-Journal
Published Tuesday thru Saturday
Brooksville, Hernando, Florida
STATE OF FLORIDA
COUNTY OF HERNANDO

Before the undersigned authority personally appeared David Poole, who on oath says he is General Manager of the Sun-Journal, a daily newspaper published at 703 Lamar Ave., Brooksville in Hernando County, Florida; that the attached copy of advertisement, being a legal advertisement in

the matter of Notice of Intent
in the Court
was published in said newspaper in the issues of
6-22

Affiant says that the said Sun-Journal is a newspaper published at 703 Lamar Ave., Brooksville, in said Hernando County, Florida, and that said newspaper has heretofore been continuously published in said Hernando County, Florida, each Tuesday thru Saturday and has been entered as second-class mail matter at the post office in Brooksville, in said Hernando County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

David Poole, General Manager, The Sun-Journal

Sworn to and subscribed before me this 22nd day of June 1990 A.D.

BY: Notary Public

Filed 19 at O'clock M. and Recorded in

Book No., Page

Record Verified

Clerk, Court, Hernando County, FL

By, D.C.

State of Florida
Department of
Environmental
Regulation
Notice of
Intent to Issue

The Department of Environmental Regulation hereby gives notice of its intent to issue a permit to Florida Mining and Materials, Post Office Box 6, Brooksville, Florida 34605-0006, to modify kiln No. 2 at their Brooksville cement plant. The modification involves increasing operation rate by approximately 8 percent and operating hours by about 6 percent. The modification also provides for operation of the No. 2 kiln without operating the raw mill and the use of re-refined oil for kiln startup. This permit does not involve processing or combustion of hazardous wastes or toxic materials. A determination of Best Available Control Technology (BACT) was not required. The applicant's facility is located off U.S. Highway 98 northwest of Brooksville, Hernando County, Florida. The Department is issuing this Intent to Issue for the reasons stated in the Technical Evaluation and Preliminary Determination.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at

the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes. The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department 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 facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
(f) A statement of which rules or statutes petitioner contends

require reversal or modification of the Department's action or proposed action; and
(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

The application is available for public inspection during business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Regulation
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
Department of Environmental Regulation
Southwest District
4520 Oak Fair Boulevard
Tampa, Florida 33610-7347
Any person may send written comments on the proposed action to Mr. C. H. Fancy at the Department's Tallahassee address. All comments mailed within 14 days of the publication

of this notice will be considered in the Department's final determination.

PUBLISH: June 22, 1990

RECEIVED
JUN 29 1990
DER-BAQJ

13424 Brooksville Rock Road
Brooksville, Florida 34614
Tel (904)7967037
June 26, 1990

Mr. H.C.Fancy
Florida Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: Florida Mining and Materials - Hernando County
Notice Of Intent To Issue - Kiln No. 2

Dear Mr. Fancy:

I read the public notice printed in the June 22nd edition of "The Brooksville Sun Journal" regarding your Department's intent to modify the permit for the No.2 kiln at Florida Mining and Materials(FM&M). The narrative statement in this ad did not mention whether or not there would be any additional impacts to air quality due to the proposed operation changes. I would like to know if the proposed changes will result in increased emissions from this facility. I would also like to know the reason that this permit modification is needed by FM&M.

Thank you for your attention.

Sincerely,



Paul J. Furman

HOPPING BOYD GREEN & SAMS

ATTORNEYS AND COUNSELORS

123 SOUTH CALHOUN STREET

POST OFFICE BOX 6526

TALLAHASSEE, FLORIDA 32314

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CECELIA C. SMITH
SAM J. SMITH
CHERYL G. STUART

OF COUNSEL
W. ROBERT FOKES

RECEIVED

JUN 13 1990

DER-BAQ

June 12, 1990

BY HAND DELIVERY

Dale H. Twachtmann, Secretary
c/o Office of General Counsel
Florida Department of Environmental
Regulation
2600 Blair Stone Road, Room 654
Tallahassee, Florida 32399-2400

Re: Florida Mining & Materials
Brooksville Cement Plant Kiln No. 2
Permit No. AC27-173474

Dear Secretary Twachtmann:

On April 30, 1990, Florida Mining & Materials ("FMM") received the Department's Notice of Intent to issue air construction permit No. AC27-173474 for Kiln No. 2 at its Brooksville Cement Plant located in Hernando County, Florida. The Department's Technical Evaluation and Preliminary Determination was received along with the Notice of Intent. Pursuant to your Order dated June 13, 1990, FMM has until June 13, 1990 to file a petition for administrative proceedings regarding the permit.

I am writing on behalf of FMM to request an extension of thirty (30) days, to and including July 13, 1990, in which to file a petition for administrative proceedings regarding the permit. This request is made pursuant to Florida Administrative Code Rule 17-103.070, which provides that a timely request for extension of time shall toll the running of the time period in which to file an appropriate petition. As good cause for granting the requested extension of time for filing, FMM would show the following:

Dale H. Twachtmann, Secretary
June 12, 1990
Page 2

1. The proposed permit contains fourteen specific conditions, several of which appear to warrant clarification or correction.

2. FMM representatives have discussed the proposed permit and accompanying Technical Evaluation and Preliminary Determination with the Chief of the Department's Bureau of Air Regulation. Based upon that discussion, FMM submitted a letter to the Department requesting certain revisions in the permit conditions.

3. This request is filed as a protective measure to avoid waiver of FMM's rights to challenge the permit as proposed. Grant of this request will allow the parties an opportunity to discuss the pertinent permit provisions and to achieve a mutually acceptable resolution of points in need of clarification or correction, without the initiation of formal administrative proceedings.

I hereby certify that I have contacted Clair Fancy, Chief of the Department's Bureau of Air Regulation, regarding this matter and that he does not object to the grant of this request.

Accordingly, I respectfully request that you formally extend the time for filing of a petition for administrative proceedings in regard to the Departments Notice of Intent to issue air construction permit No. AC27-173474 to and including July 13, 1990.

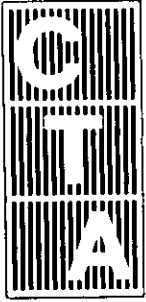
Sincerely,

Peter C. Cunningham / by *psv*

Peter C. Cunningham

FlMinExt:PCC/gbb

cc: Clair Fancy, P.E.
Carol Forthman, Esquire
C. M. Coleman, Jr.



CROSS/TESSITORE & ASSOCIATES, P.A.

4763 S. CONWAY ROAD, SUITE F
ORLANDO, FLORIDA 32812
407/851-1484

RECEIVED

JUN 04 1990

May 31, 1990

DER - BAQM

Mr. C.H. Fancy
Bureau of Air Regulation
Florida Department of Environmental Regulation
Twin Towers Office Building
2600 Blairstone Road
Tallahassee, FL 32399-2400

Subject: Florida Mining and Materials
No. 2 Kiln; Permit # AC 27-138850-PSD-FL-124
C/TA #F03.182

Dear Mr. Fancy:

Currently, Florida Mining and Materials is developing a response to a Technical Evaluation and Preliminary Determination issued by the Department on April 25, 1990 for the subject source. This letter is to verify that, while processing of the new permit continues, the existing Construction Permit # AC 27-138850-PSD-FL-124 is still in effect. The expiration date of April 1, 1990 for this permit has passed. However, the initial Application to Amend (modify) the construction permit was submitted in December, 1989 and since the modification is not yet complete, the permit should remain valid.

If you have any questions concerning this, please do not hesitate to contact me.

Sincerely,

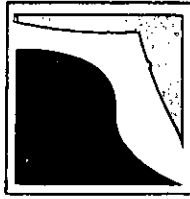
Joseph L. Tessitore
Joseph L. Tessitore, P.E.
Vice President

JLT/kp

cc: B. Coleman
P. Cunningham

C5479.Doc

J. Reynolds
B. Thomas, SW Dist.
CHF/BA



FLORIDA MINING & MATERIALS

CONSTRUCTION MATERIALS DIVISION

P. O. BOX 6, BROOKSVILLE, FLORIDA 34605-0006
TELEPHONE (904) 796-7241

C. M. COLEMAN, JR.
VICE PRESIDENT & GENERAL MANAGER

May 21, 1990

RECEIVED

MAY 22 1990

DER-BAQM

Mr. C. H. Fancy, P.E.
Chief, Bureau of Air Regulation
Department of Environmental Regulation
Twin Towers Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Mr. Fancy:

This letter is in response to the Technical Evaluation and Preliminary Determination and proposed permit for Florida Mining & Materials' No. 2 kiln near Brooksville, Florida.

Please consider making the following changes to the language in the proposed permit:

1. The owner of the facility is Moore McCormack Resources, Inc., a subsidiary of Southdown, Inc. Florida Mining & Materials is a dba name. Please issue the permit in the name of Moore McCormack Resources, Inc. dba Florida Mining & Materials. The required public notification will be in the name of Florida Mining & Materials.
2. Our application requests an amendment to the No. 2 kiln permit. We have not made, and do not propose any, modifications to the No. 2 kiln itself. Please change the description on the title page and throughout the document from "Modification to Kiln No. 2" to "Amendment to No. 2 Kiln Permit."
3. Specific condition #3 -- add the following language after (dry basis), "averaged over 8,200 hours per year."
4. Specific condition #5 -- Change 2,069 lbs/hour to "2,069 gallons/hour." Line #2, after the word stopped, add -- "or when coal is excessively wet."
5. Specific condition #6 -- The emission limits for PM, SO₂, NO_x, and VOC do not agree with the limits shown in the table included in the Technical Evaluation section.

Mr. C. H. Fancy, P.E.
May 21, 1990
Page Two

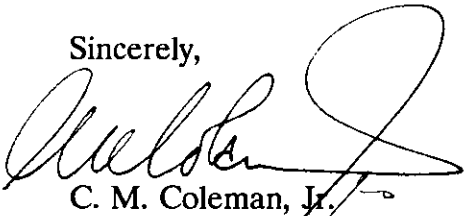
Please change the table in specific condition #6 to conform to the values shown in the Technical Evaluation section.

6. Specific condition #10c -- after the words shall be stored, add -- "below natural grade."
7. Specific condition #10d -- Delete - "The coal storage pile shall be" and add -- "Coal stored at or above natural grade shall be."

In order to ensure these specific requested changes are communicated to you properly, I've also included a marked-up copy of the proposed permit.

Finally, the new proposed emission limits on NO_x of 162.3 lbs/hour are severely restrictive and difficult to achieve. Previous compliance testing since 1986 has resulted in emissions of 403 lbs/hr (April 1986), 244 lbs/hr (May 1986), 111.9 lbs/hr (Aug. 1986), 172.8 lbs/hr (April 1987), 117 lbs/hr (June 1988), 127.2 lbs/hr (May 1989, and 181.8 lbs/hr (May 1989). The current allowable rate of 250 lbs/hr is tight, but achievable and we will pursue this limit with EPA Region IV personnel.

Sincerely,



C. M. Coleman, Jr.
Vice President and
General Manager

CMC,Jr:gm

Enclosure

cc: J. Reynolds
B. Andrews
B. Thomas, SW Dist.

HOPPING BOYD GREEN & SAMS

ATTORNEYS AND COUNSELORS

123 SOUTH CALHOUN STREET

POST OFFICE BOX 6526

TALLAHASSEE, FLORIDA 32314

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DOUGLAS S. ROBERTS
CECELIA C. SMITH
SAM J. SMITH
CHERYL G. STUART

May 14, 1990

OF COUNSEL

W. ROBERT FOXES

BY HAND DELIVERY

Dale H. Twachtman, Secretary
c/o Office of General Counsel
Florida Department of Environmental
Regulation
2600 Blair Stone Road, Room 654
Tallahassee, Florida 32399-2400

Re: Florida Mining & Materials
Brooksville Cement Plant Kiln No. 2
Permit No. AC27-173474

Dear Secretary Twachtman:

On April 30, 1990, Florida Mining & Materials ("FMM") received the Department's Notice of Intent to issue air construction permit No. AC27-173474 for Kiln No. 2 at its Brooksville Cement Plant located in Hernando County, Florida. The Department's Technical Evaluation and Preliminary Determination was received along with the Notice of Intent. Pursuant to the Notice of Intent, FMM has until May 14, 1990 to file a petition for administrative proceedings regarding the permit.

I am writing on behalf of FMM to request an extension of thirty (30) days, to and including June 13, 1990, in which to file a petition for administrative proceedings regarding the permit. This request is made pursuant to Florida Administrative Code Rule 17-103.070, which provides that a timely request for extension of time shall toll the running of the time period in which to file an appropriate petition. As good cause for granting the requested extension of time for filing, FMM would show the following:

Dale H. Twachtman, Secretary
May 14, 1990
Page 2

1. The proposed permit contains fourteen specific conditions, several of which appear to warrant clarification or correction.

2. FMM representatives will be discussing the proposed permit and accompanying Technical Evaluation and Preliminary Determination with permitting staff of the Department's Bureau of Air Regulation in the near future.

3. This request is filed as a protective measure to avoid waiver of FMM's rights to challenge the permit as proposed. Grant of this request will allow the parties an opportunity to discuss the pertinent permit provisions and to achieve a mutually acceptable resolution of points in need of clarification or correction, without the initiation of formal administrative proceedings.

I hereby certify that I have contacted Clair Fancy, Chief of the Department's Bureau of Air Regulation, regarding this matter and that he does not object to the grant of this request.

Accordingly, I respectfully request that you formally extend the time for filing of a petition for administrative proceedings in regard to the Departments Notice of Intent to issue air construction permit No. AC27-173474 to and including June 13, 1990.

Sincerely,


Peter C. Cunningham

FlMinExt:PCC/gbb

cc: Clair Fancy, P.E.
Gary Smallridge, Esquire
C. M. Coleman, Jr.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

RECEIVED
MAY 11 1990
DER-BAQM

MAY 9 1990

4APT/AE

Mr. C. H. Fancy, P.E., Chief
Bureau of Air Regulation
Florida Department of Environmental
Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: Florida Mining and Materials (PSD-FL-124A)

Dear Mr. Fancy:

This is to acknowledge receipt of your preliminary determination and draft permits for the proposed modification to the above referenced facility, dated April 25, 1990. We have reviewed the package as requested and have the following comments.

Our comments concerning the netting calculation performed by the applicant, as expressed in our letter to you dated January 10, 1990, have been satisfactorily addressed. The change in emissions has been correctly determined from old actual emissions to new allowable emissions. Therefore, we concur with the Bureau of Air Regulation's conclusion that the proposed modification would be a minor modification and not subject to the best available control technology requirements (BACT) of prevention of significant deterioration (PSD) review.

Thank you for the opportunity to review this package and for addressing our previous comments. If you have any questions or comments on this issue, please contact Mr. Gregg Worley of my staff at (404) 347-2864.

Sincerely yours,

Jewell A. Harper, for

Jewell A. Harper, Chief
Air Enforcement Branch
Air, Pesticides, and Toxics
Management Division

cc: C.M. Coleman Jr., V.P.
Florida Mining and Materials
P.O. Box 6
Brooksville, Florida 34605-0006

J. Reynolds
B. Thomas, SWD
CHF/BA