



FLORIDA MINING & MATERIALS

A SOUTHDOWN COMPANY

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

RECEIVED

JAN 7 1991

DER-BAQIM

January 2, 1991

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 Dec. 7, 1990. This Intent to Issue was for the modification to Florida Mining's Kiln #2 Auxiliary Sources.

Sincerely,

Ralph E. Shepard
Manager Environmental Affairs

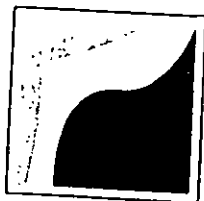
RES/jp

cc: Hank Andre
Don Kelly
Joe Tessitore

*G. Reynolds
1/2/91*

FLORIDA MINING & MATERIALS

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



**RETURN RECEIPT
REQUESTED**

CERTIFIED
P 237 527 181
MAE

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 Diane B. Toler, who on oath says she is Business 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
12-7

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 she 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.

Diane B. Toler (handwritten signature)

Diane B. Toler,
Business Manager, The Sun-Journal

Sworn to and subscribed before me this 7th day of
December 1990 A.D.

BY: (handwritten signature)
My Commission Expires Mar. 2, 1992 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 permits to Florida Mining and Materials, Post Office Box 6, Brooksville, Florida 34605-0006, to modify permits for kiln No. 2 auxiliary sources at their Brooksville cement plant. The permit modifications involve adjustments to current limits for production rate, operating hours and emissions, in order to make them consistent with recent permit changes for kiln No. 2 (Permit AC 27-173474). The net change in the proposed annual emissions vs. current actual emissions is essentially zero. These permit modifications do 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 applications 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 applications are 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. Barry Andrews 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: Dec. 7, 1990