



Brooksville Cement

A Southdown Company

November 18, 1996

Certified Mail - Return Receipt Requested

Mr. Al Linero, P.E.
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT
Draft Permit No.: 0530010-001-AC, (PSD-FL-233)

Dear Mr. Linero:

The Florida Department of Environmental Protection's notice of its intent to issue an air construction permit modifications to Southdown, Inc., for a revision of the emission limits applicable to its portland cement facility has been published in the Hernando, Pasco, and Citrus County sections of The Tampa Tribune. The notice of intent was published on November 12, 1996. This fulfills the FDEP's requirement to publish the "Notice of Intent to Issue" within the thirty day time period.

A copy of this Notice and affidavit are attached.

If further action is required in regards to issuance of this permit, please do not hesitate to contact me at (352) 796-7241.

Sincerely,

Don B. Kelly
Plant Manager

Attachment

RECEIVED

NOV 22 1996

BUREAU OF
AIR REGULATION

Southdown, Inc.
P.O. Box 6 ; Brooksville, Florida 34605-0006
(904) 796-7241 ; Fax: (904)754-9836

THE TAMPA TRIBUNE

Published Daily

Tampa, Hillsborough County, Florida

State of Florida }
County of Hillsborough } ss.

Before the undersigned authority personally appeared R. Putney, who on oath says that he is Accounting Manager of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of advertisement being a

LEGAL NOTICE

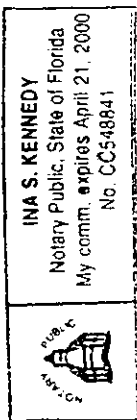
in the matter of _____

PUBLIC NOTICE OF INTENT

was published in said newspaper in the issues of _____

NOVEMBER 12, 1996

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant 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.



R. Putney

Sworn to and subscribed before me, this 12 day
of NOVEMBER, A.D. 1996

Personally Known _____ or Produced Identification _____
Type of Identification Produced _____

(SEAL) *Ina S. Kennedy*

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION Draft Permit No.: 0530010-001-AC, (PSD-FL-233) Southdown Brooksville Cement Manufacturing Facility Hernando County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Southdown, Inc., for a revision of the emission limits applicable to its portland cement facility located on Highway 98, Northwest of Brooksville, Hernando County. A Best Available Control Technology (BACT) determination was required for particulate matter (PM/PM₁₀) and carbon monoxide (CO) pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The applicant's name and address are: Southdown, Inc., Post Office Box 6, Brooksville, Florida 34605-0006.

The new permit will replace four current construction permits for Cement Plants No. 1 and No. 2 which were originally permitted in 1973 and 1980, respectively. Each plant includes a coal/liquid fuel/ gas-fired, dry process cement kiln with a preheater and clinker cooler. Air pollution control is achieved by fabric filters (baghouses) for PM/PM₁₀ from the kilns and coolers; absorption of sulfur compounds and metals into the product; and combustion controls for CO, volatile organic compounds (VOC), and nitrogen oxides (NO_x).

The permit will account for increases in the permitted emission of PM/PM₁₀ from Coolers No. 1 and No. 2 and Kiln No. 2; decrease of permitted emissions of PM/PM₁₀ from Kiln No. 1; establishment of or increase in permitted emission limits of CO and VOC from both kilns; and will set a permit limit for NO_x from Kiln No. 1. The final set of limits are among the lowest in Florida or any other state.

Total emissions of pollutants exhibiting PSD-significant increases shall not exceed the following limits:

Pollutant	Maximum Emissions per ton Year (TPY)
CO	1,441
PM/PM ₁₀	331
VOC	110

An air quality impact analysis was conducted. Emissions from the facility will consume PSD increment but will not significantly contribute to or cause a violation of any state or federal ambient air quality standards. The maximum predicted PSD Class II PM₁₀ increments consumed by all sources in the area, including this project, will be as follows:

PSD Class II Increment Consumed (ug/m ³)	Allowable Increment (ug/m ³)	Percent Increment Consumed
PM ₁₀		
24-hour	24.0	30
Annual	13.8	17
		80
		81

The project has an insignificant impact on the Chassahowitzka PSD Class I area for the PM₁₀ annual averaging time. The maximum predicted PSD Class II PM₁₀ increment consumed by the project for the 24 hour averaging time is 1.02 ug/m³ or 18% of the available 24 hour increment of 8ug/m³.

The Department will issue the FINAL Permit in accordance with the conditions of the DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments and requests for public meetings concerning the proposed DRAFT Permit issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments and requests for public meetings should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit, the Department shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.

The Department will issue FINAL Permit with the conditions of the DRAFT Permit unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. or a party requests mediation as an alternative remedy under Section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with 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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 904/488-9370, fax: 904/487-4938. Petitions 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. A petitioner must 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 (or a request for mediation, as discussed below) within the appropriate time period shall constitute a waiver of the person's right to request an administrative determination (hearing) under Section 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 motion in compliance with Rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number and the county in which the project is proposed; (b) 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 the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the Department's action or proposed action addressed in this notice of intent.

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 of intent. 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.

A person whose substantial interests are affected by the Department's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone numbers of the person requesting mediation and that person's representative, if any; (b) A statement of the preliminary agency action; (c) A statement of the relief sought; and (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following: (a) The names, addresses, and telephone numbers of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs and fees associated with the mediation; (d) The agreement of the parties on the confidentiality of discussions and comments introduced during mediation; (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen; (f) The name of each party's representative who shall have authority to settle or recommend settlement; and (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 904/488-1344
Fax: 904/922-6979

Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619
Telephone: 813/744-6100
Fax: 813/744-6458

The complete project file includes the application, technical evaluations, Draft Permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 904/488-1344, for additional information.

Nov. 12, 1996