2/14 AL
Info from Southdown
making blower installed.
Clair

[redacted]

Southdown Inc.

FACSIMILE TRANSMITTAL SHEET Brooksville FL.

TO: Clair Fancy.

FROM: CHARLES WALZ.

COMPANY: FL. Dept of Environ Protection.

DATE:

FAX NUMBER: 850. 922 6979.

NO. OF PAGES INCLUDING COVER:

PHONE NUMBER:

RE: February 2, 2001 Meeting Information Request

☐ **URGENT** ☐ **FOR REVIEW** ☐ **PLEASE COMMENT** ☐ **PLEASE REPLY**

Notes/Comments

OUR **FAX** NUMBER IS (352)-754-9836. IF YOU DO NOT RECEIVE ALL OF THE ABOVE PAGES OR HAVE ANY PROBLEMS WITH RECEIVING, PLEASE CALL THE NUMBER LISTED.

(800)-727-8261, (352)-796-7241

February 12, 2001

Clair Fancy
Bureau Chief Title V Program
Air Resource Program
Florida Department of Environmental Protection
2600 Blairstone Road
Tallahassee, FL 32399-2400

Re: Southdown Clarification Meeting Regarding Warning Letter #WL00-0012AS27SWD

Dear Mr. Fancy

As discussed at our meeting on February 2, 2001, attached is a copy of the work order documenting the installation of a larger 10 X 30 blower and the replacing of the motor driver belt sheave on June 30, 2000. This allows the blower to produce the new designed air capacity for the #1 Kiln Feed System.

If you have additional questions please call me at (352) 799-2011.

Sincerely,

Charles Walz

Charles Walz
Environmental Manager

Don Kelly
Tom Ellison FDEP Southwest District
Jeet Gill
Dr. Ruth Arisman
Dr.John Koogler

Work Order No. 0000000392 Close Date 7/19/00 2/12/01 7:50:26PM Page 1

C/O BLOWER SHEAVE TO SAME AS MOTOR SHEAVE

Task No.		**Request Date**	6/23/00
Tenant		**Request Time**	00:00:00
Assigned By		**Originator**	PROD
Assigned To		**Telephone No.**	
Scheduled Start Date	1/ 1/00 00:00:00	**Extension**	
Scheduled Finish Date		**WO Type**	Replace
Perform by Warranty	No	**Completion Date**	7/19/00
Priority	3.00	**Completion Time**	00:00:00
Expense Class			

Craft	Crew Size	Estimated Labor Hours
Maint	2.00	4.00

Equipment No. 0514
Equipment Description Blower, Aeropol - #1 Kiln
Serial No.
Cost Center
General Ledger No.
Department #1 KF
Location #1 Compressor Room
Sub-location 1 -
Sub-location 2 -
Sub-location 3 -
Reason for Outage _____

User-defined Field 1
User-defined Field 2
User-defined Field 3
User-defined Field 4
User-defined Field 5
Must Be Down No
Down Time
Estimated Down Time

Safety Notes

Comments

INCREASE BLOWER SPEED SAME AS MOTOR SPEED.
installed 10 x 30 blower 5/30/00

Equipment No.	Meter Name	Meter Reading
0514	METER	

Item No.	Equipment No.	Description	Qty Required	Date Used	Qty Used	Total Unit Cost
92514-0001	0514	SHEAVE 14" / QD				
92514-0007	0514	QD BUSHING 2 1/4" BORE				

List extra parts and comments here

Employee Code	Equipment No.	Work Date	First Name	Last Name	Regular Hours	Overtime Hours

Deborah A. Getzoff
Director of District Management
Southwest District
Florida Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619

January 18, 2001

Re: Amended Warning Letter #WL00-0012AS27SWD

Dear Ms. Getzoff:

In response to the above referenced Amended Warning Letter, dated December 13, 2001, Southdown. Inc. wishes to present some background facts for your consideration.

Fact 1 - Compliance Testing Schedule

Starting in 1997, all required compliance testing was consolidated and conducted during the month of August, at a feed rate of 135 - 150 tons/hour. Test results for 1997, 1998, 1999 & 2000, for both kilns, are summarized in Attachment A.

Fact 2 - Prior Process Operating Limitations

Kiln 1 - AC27-258571 Kiln 2 - AC27-258572	Process Operating Limitations	
	30-Day Rolling Average Tons/Hour	1-Hour Maximum Tons/Hour
Kiln Preheater Feed Rate	145	165
Cement Kiln Feed Rate	130	148
Clinker Production	79.9	90

Fact 3 - New Process Operating Limitations

Kilns 1 & 2 0530010-003-AC PSD-FL-233	Process Operating Limitations	
	30-Day Rolling Average Tons/Hour	1-Hour Maximum Tons/Hour
Kiln Preheater Feed Rate	150	165
Cement Kiln Feed Rate	Not Established	Not Established
Clinker Production	Not Established	Not Established

Fact 4
Permit AC27-258571 for Kiln No. 1 and Permit AC27-258572 for Kiln No. 2 were issued by the Florida Department of Environmental Protection, Southwest District. These permits not only defined the "Process Operating Limitations" but also clarified that the compliance testing is conducted at the 30-day rolling feed rate average and not the one-hour maximum feed rate.

Permits AC27-258571 (Kiln #1)

4. The maximum material handling rates, **based upon a rolling 30 production-day average**, are as follows:

   Kiln preheater feed rate – 145 tons/hour.
   No. 1 Cement Kiln feed rate – 130 tons/hour.
   Clinker production (kiln discharge) rate – 79.6 tons/hour.

   The maximum material handling rates for any one hour of operation are as follows:

   Kiln preheater feed rate – 165 tons/hour.
   No. 1 Cement Kiln feed rate – 148 tons/hour.
   Clinker production (kiln discharge) rate – 90 tons/hour.

19. Testing of emissions must be conducted within 90-100% of the maximum hourly material input, as measured at the entrance to the No. 1 Kiln, attained within the period 30 production days prior to the test date, or 130 tons/hour, as measured at the entrance to the No. 1 Kiln, whichever is greater. ....

Permits AC27-258572 (Kiln #2)

4. The maximum material handling rates, **based upon a rolling 30 production-day average**, are as follows:

   Kiln preheater feed rate – 145 tons/hour.
   No. 1 Cement Kiln feed rate – 130 tons/hour.
   Clinker production (kiln discharge) rate – 79.6 tons/hour.

   The maximum material handling rates for any one hour of operation are as follows:

   Kiln preheater feed rate – 165 tons/hour.
   No. 1 Cement Kiln feed rate – 148 tons/hour.
   Clinker production (kiln discharge) rate – 90 tons/hour.

13. Testing of emissions must be conducted within 90-100% of the maximum hourly material input, as measured at the entrance to the No. 2 Kiln, attained within the period 30 production days prior to the test date, **or 130 tons/hour**, as measured at the entrance to the No. 2 Kiln, whichever is greater

Clearly the emphasis is on the "Operating Process Limit" based on the 30-day rolling average and not the hourly maximum of 165 tons/hour.

Based upon the above facts, the testing conducted in August of 1998, for both kilns satisfies the requirements for compliance testing specified in Specific Condition 5.1 of Permit 0530010-003-AC and PSD-FL-233.

Compliance Demonstration Under 0530010-003-AC

Permit No. 0530010-003-AC increased the kiln preheater feed rate to 150 tons per hour, **on a 30-day rolling average,** and retained the one-hour maximum of 165 tons per hour. Therefore, compliance testing must be performed at 90% to 100% of 150 tons per hour. i.e. 135 tons per hour to 150 tons per hour.

Specific Responses
Kiln #1/Clinker Cooler #1

1) **Southdown achieved the Kiln # 1 preheater permitted maximum one-hour feed rate of 165 tons per hour (TPH) by January 29, 1999 and was consequently obligated to test emissions no later than March 30, 1999. Southdown conducted compliance tests for particulate matter (PM), sulfur dioxide (SO2), oxides of nitrogen (NOx), carbon monoxide (CO) and visible emissions (VE) on August 10, 1999, approximately 133 days late, and also failed to conduct initial performance tests for mercury (Hg), beryllium (Be), lead (Pb) and volatile organic compounds (VOCs) as required by the permit.**

-Permit PSD-FL-233, Specific Condition 5.1, states the facility shall conduct performance tests within 60 days after achieving maximum production rate.
Southdown's Response

Specific Condition 5.1 states: "Within 60 days after achieving the maximum production rate at which this facility will be operated, but not later than 180 days after initial startup and annually thereafter, (except for VOC), the owner or operator shall simultaneously conduct performance test(s) for PM/PM10, NOx, SO2, CO, VE and VOC (initial) pursuant to 40 CFR 60.8, Performance Tests, Rule 62-296.310 F.A.C., 40CFR60, Appendix A and 40 CFR 51, Appendix M. [Rule 62-204.800, F.A.C. and Rule 62-297.310, F.A.C.]"

As in previous permits, "the maximum production rate at which this facility will be operated is a kiln preheater feed rate of 150 tons per hour, 30-day rolling average". To achieve this, Southdown had identified several modifications for each kiln in the permit application. Each one of these modifications contributed, in part, towards achieving the long term feed average of 150 tons per hour. Any one of them could have contributed to achieving the 165 tons per hour on a short-term basis, but could not be relied upon to sustain that rate for a 30-day average. Southdown expressed its intent clearly, in the permit application, to achieve an "operating average of 150 tons per hour on a 30-day rolling average basis" Based on the clarifying language of Condition 19 of Permit AC27-258571, this would establish an operating range of 135 – 150 tons per hour, for the purpose of conducting the compliance test.

If one assumes that the 180 clock started on the expiration date of June 30, 1998 for permit 0530010-003-AC, compliance testing had to be completed December 28, 1998 or within 60 days of achieving a 30-day rolling average of 150 tons per hour 30-day rolling average defined as "the maximum production rate at which this facility will be operated".

Southdown conducted the required emission testing for Kiln No. 1 and clinker cooler No. 1 on August 26, 1998 at a feed rate of 144 tons per hour. This feed

rate is within the range of 135 and 150 tons per hour. Compliance with emission limits for PM/PM10, NOx, SO2, CO, and VOC, specified in Permit No. 0530010-003-AC, was demonstrated and so stated by Koogler & Associates in the test report. Attachment C summarizes the results of PM, SO2, Nox, CO and VOC conducted in August of 1997, 1998, 1999 and 2000. It should be noted that testing for VOC was conducted in August 1997 and 1998 and was not repeated in in 1999 and 2000, since it was not required to be measured after the initial test.

2) **Southdown completed the initial test for Hg, Be and Pb on August 31, 2000, approximately 519 days late.**

-Permit PSD-FL-233, Specific Condition 5.1, states the facility shall conduct performance tests within 60 days after achieving maximum production rate.

Southdown's Response

Specific Condition 5.1 states: "Within 60 days after achieving the maximum production rate at which this facility will be operated, but not later than 180 days after initial startup and annually thereafter, (except for VOC), the owner or operator shall simultaneously conduct performance test(s) for PM/PM10, NOx, SO2, CO, VE and VOC (initial) pursuant to 40 CFR 60.8, Performance Tests, Rule 62-296.310 F.A.C., 40CFR60, Appendix A and 40 CFR 51, Appendix M. [Rule 62-204.800, F.A.C. and Rule 62-297.310, F.A.C.]"

Specific Condition 5.1 does not include the testing requirements for mercury (Hg), Beryllium (Be) and Lead (Pb) to be completed within the 60-day/180-day time line. Further, the permit does not establish any emission limits for Hg, Be and Pb against which compliance is required to be demonstrated. Therefore, it cannot be stated that the testing conducted on August 21, 2000 is late.

3) **Southdown has not yet conducted an initial VOC test.**

-Permit PSD-FL-233, Specific Condition 5.1, states the facility shall conduct performance tests within 60 days after achieving maximum production rate.

Southdown's Response

Southdown conducted VOC emission testing on August 26, 1998 and demonstrated compliance with the emission limit specified in Permit No. 0530010-003-AC. Testing for VOC is required "initially" only. Therefore, no testing for VOC was required or performed during the testing conducted in August 1999 and August 2000.

4) **Southdown submitted the test results for Hg, Be and Pb on November 6, 2000, approximately 22 days late.**

-Permit PSD-FL-233, Specific Condition B19, states the results of emissions tests shall be submitted within 45 days of the last sampling run.

Southdown's Response

Upon learning that the Laboratory performing the metals analysis was backed up and would not be able to provide a turn-around time to support the required submittal date, Koogler & Associates informed the FDEP Southwest District that the report would be delayed. Further, Koogler & Associates was given an indication that this delay would be acceptable. This situation was out of the control of Southdown, Inc.

5) **Southdown exceeded the Kiln #1 preheater maximum one-hour feed rate of 165 TPH on approximately 101 days between January 26, 1999 and October 18, 2000.**

-Permit PSD-FL-233, specific Condition B4, limits the Kiln #1 preheater feed rate to 165 TPH (one-hour maximum).

Southdown's Response

Specific Condition 4.1(b) states: "Equipment and/or instruments used to directly or indirectly determine such process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variables to be determined within 10% of its true value. [Rule 62-297.310(5), F.A.C.]"

While the allegation made by the Southwest District is true of the "indicated" readings, these readings are well within the +/- 10% error allowed for belt scales, weight hoppers, etc. in accordance with Rule 62-297.310(5), F.A.C. and specific condition 4.1(b). As a matter of fact, only 2 one-hour "indicated" readings are above 5% greater than the 165 tons per hour. Therefore, no penalties should be assessed since all testing conducted in 1997, 1998, 1999 & 2000 shows that the specific emission limits (lbs/ton of feed) for all the criteria pollutants were met in each case.

6) **Southdown's letter dated November 7, 2000, stated the facility completed construction on various modifications authorized by Permit PSD-FL-233 on November 11, 1998 and on the preheater feed capacity upgrade on June 28, 2000. Southdown's entitlement to complete construction modifications authorized by Permit PSD-FL-233 expired on June 30, 1998.**

-Florida Administrative Code Rule 62-4.030 states that any stationary source which will reasonably be expected to be a source of pollution shall not be operated, maintained, constructed, expanded, or modified without the appropriate and valid permits issued by the Department, unless the source is exempted by Department rule.

Southdown's Response

Specific Condition 1.5 states: "Expiration: This air construction permit shall expire on June 30, 1998. [Rule 62-210.300(1), F.A.C.] The permittee may, for good cause, request that this construction permit be extended. Such a request shall be submitted to the Bureau of Air Regulation prior to 60 days before the expiration of the permit. However, the permittee shall promptly notify the Southwest District office of any delays in completion of the of the project which would affect the startup by more than 90 days. [Rule 62-4.090, F.A.C.]

Southdown submitted its applications for these amendments on February 22, 1996. The FDEP Tallahassee office performed a thorough and rigorous review of the application, provided the general public an opportunity to comment on the application and the "draft" permit before it issued Permit No. 0530010-003-AC and PSD-FL-233 on June 27, 1997. It was an oversight on the part of Southdown for not requesting and obtaining an extension in accordance with Specific Condition 1.5.

7) **Southdown's undated letter, received on November 17, 2000, indicates plant operators did not record maximum preheater feed rates on approximately 30 days between June 10, 1999 and July 18, 2000.**

-Permit PSD-FL-233, Specific Condition B20, states plant operators shall keep a daily log to include records on daily feed rates. This condition further states such records shall be maintained for at least five years following the date on which such data are recorded.

Southdown's Response

Specific Condition B20 states: "This facility shall maintain a central file containing all measurements, records, and other data that are required to be collected pursuant to the various specific conditions of this permit. Operators shall keep a daily O&M log to include, at a minimum, the following information:

(b) The records on daily feed rates and clinker production rate,

All measurements, records, and other data required to be maintained by Southdown, shall be retained for at least (5) years following the data on which such measurements, records or data are recorded. This data shall be made available to the Department upon request. The Department's Southwest District

office shall be notified in writing at least 15 days prior to the testing (auditing) of any instrument required to be operated by this facility to allow witnessing by authorized personnel. [Rule 62-4.070(3), F.A.C.]"

This permit condition requires the operator to keep a daily O&M log to include "daily" feed rates and not "hourly" feed rates. Hourly feed rates may be monitored and recorded but the records are not required to be kept. The daily feed rates are available and are attached to this response as Attachment A.

Specific Responses
Kiln #2/Clinker Cooler #2

1) **The Southwest District requested Southdown provide one-hour maximum preheater feed rates for Kiln #2 for the period March 31, 1998 through October 15, 2000. In its undated letter, received on November 17, 2000, Southdown provided one-hour maximum preheater feed rates for Kiln #2 for the period July 29, 1999 through October 17, 2000. Southdown further stated that prior to July 1999, the facility collected the requested data on a strip chart and that plant staff had been unable to locate the data for the period March 31, 1998 to July 28, 1999.**

-Permit PSD-FL-233, Specific Condition C19, states plant operators shall keep a daily log to include records on daily feed rates. This condition further states such records shall be maintained for at least five years following the date on which such data are recorded.

Southdown's Response

Specific Condition C19 states: "This facility shall maintain a central file containing all measurements, records, and other data that are required to be collected pursuant to the various specific conditions of this permit. Operators shall keep a daily O&M log to include, at a minimum, the following information:

(b) The records on daily feed rates and clinker production rate,

All measurements, records, and other data required to be maintained by Southdown, shall be retained for at least (5) years following the data on which such measurements, records or data are recorded. This data shall be made available to the Department upon request. The Department's Southwest District office shall be notified in writing at least 15 days prior to the testing (auditing) of any instrument required to be operated by this facility to allow witnessing by authorized personnel. [Rule 62-4.070(3), F.A.C.]"

This permit condition requires the operator to keep a daily O&M log to include "daily" feed rates and not "hourly" feed rates. Hourly feed rates may be monitored and recorded but the records are not required to be kept. The daily feed rates are available and are attached to this response as Attachment B.

2) **A review of compliance tests conducted in August and September 1998 confirmed Kiln #2 operated at a preheater feed rate of 150 TPH, or approximately 91 percent of the one-hour maximum preheater feed rate. Under Department rules and Permit PSD-FL-233, Specific Condition C14, Southdown therefore tested at permitted capacity and would not have been required to retest Kiln #2 upon achieving an actual preheater feed rate of 165 TPH. Consequently, the Southwest District accepts the August and**

September 1998 PM, VE, VOC, NO_x and SO_2 tests as the initial compliance tests required by Permit PSD-FL-233. Because of the missing records, the Southwest District can not determine when Southdown first achieved the Kiln #2 preheater permitted maximum one-hour maximum one-hour feed rate of 165 TPH. Therefore, the Southwest District will not pursue further enforcement for late testing for PM, VE, VOC, NO_x and SO_2 as alleged in Warning Letter #WL00-0012AS27SWD, dated September 22, 2000. However, Southdown did not conduct initial tests for Hg, Be, and Pb until August 30, 2000, approximately 734 days after the August 25, 1998 performance test.

-Permit PSD-FL-233, Specific Condition 5.1, states the facility shall conduct performance tests within 60 days after achieving maximum production rate.

Southdown's Response

Since Specific Condition 5.1 applies equally to kilns 1 & 2, our response is the same as that provided above for Kiln #1. Southdown conducted the required emission testing for Kiln No. 2 and clinker cooler No. 2 on August 25, 1998 at a feed rate of 150 tons per hour and demonstrated compliance with emission limits for PM/PM10, NOx, SO2, CO, and VOC, specified in Permit No. 0530010-003-AC. Attachment C summarizes the testing conducted in August of 1997, 1998, 1999 and 2000, and in each year compliance with Permit No. 0530010-003-AC has been demonstrated. VOC was not measured in 1999 and 2000, since it was not required to be measured after the initial test.

3) **Southdown submitted the test results for Hg, Be and Pb on November 6, 2000, approximately 23 days late.**

-Permit PSD-FL-233, Specific Condition B19, states the results of emissions tests shall be submitted within 45 days of the last sampling run.

RESPONSE

Upon learning that the Laboratory performing the metals analysis was backed up and would not be able to provide a turn-around time to support the required submittal date, Koogler & Associates informed the Southwest District that the report would be delayed. Further, Koogler & Associates was given an indication that this delay would be acceptable. This situation was out of the control of Southdown, Inc.

4) **Southdown exceeded the Kiln #2 preheater maximum one-hour feed rate of 165 TPH on approximately 23 days between July 29, 1999 and October 13, 2000.**

-Permit PSD-FL-233, specific Condition B4, limits the Kiln #1 preheater feed rate to 165 TPH (one-hour maximum).

Southdown's Response

Specific Condition 4.1(b) states: "Equipment and/or instruments used to directly or indirectly determine such process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variables to be determined within 10% of its true value. [Rule 62-297.310(5), F.A.C.]"

While the allegation made by the Southwest District is true of the "indicated" readings, these readings are well within the +/- 10% error allowed for belt scales, weight hoppers, etc. in accordance with Rule 62-297.310(5), F.A.C. and specific condition 4.1(b). As a matter of fact, only 7 one-hour "indicated" readings are above 5% greater than the 165 tons per hour. Therefore, no penalties should be assessed since all testing conducted in 1997, 1998, 1999 & 2000 shows that the specific emission limits (lbs/ton of feed) for all the criteria pollutants were met in each case.

5) **Southdown exceeded the Kiln #2 preheater maximum 30-day average feed rate of 150 TPH on approximately 47 days between August 30, 1998 and December 20, 1998.**

-Permit PSD-FL-233, Specific Condition C4, limits the Kiln #2 preheater feed rate to 150 TPH on a 30-day average basis.

RESPONSE

While the allegation made by the Southwest District appears to true of the "indicated" readings, these readings are well within the +/- 10% error allowed for belt scales, weight hoppers, etc. in accordance with Rule 62-297.310(5), F.A.C. and specific condition 4.1(b). Therefore, no penalties should be assessed since all testing conducted in 1997, 1998, 1999 & 2000 shows that the specific emission limits (lbs/ton of feed) for all the criteria pollutants were met in each case.

6) **Southdown's letter dated November 7, 2000, stated the facility completed construction which increased the preheater feed capacity on July 31, 1999. Southdown's entitlement to complete construction modifications authorized by Permit PSD-FL-233 expired on June 30, 1998.**

-Florida Administrative Code Rule 62-4.030 states that any stationary source which will reasonably be expected to be a source of pollution shall not be operated, maintained, constructed, expanded, or modified without the appropriate and valid permits issued by the Department, unless the source is exempted by Department rule.

RESPONSE

Specific Condition 1.5 states: "Expiration: This air construction permit shall expire on June 30, 1998. [Rule 62-210.300(1), F.A.C.] The permitte may, for good cause, request that this construction permit be extended. Such a request shall be submitted to the Bureau of Air Regulation prior to 60 days before the expiration of the permit. However, the permittee shall promptly notify the Southwest District office of any delays in completion of the of the project which would affect the startup by more than 90 days. [Rule 62-4.090, F.A.C.]

It was an oversight on the part of Southdown for not requesting and obtaining an extension in accordance with Specific Condition 1.5.

On October 13, 2000, the Southwest District received VE test reports for 21 auxiliary material handling processes at the facility. The results indicated the Clinker Silos #1 and #2 operated at 87 TPH on September 1, 2000; Clinker Silo #3 operated at 87 TPH on August 30, 2000; and the Kiln #2 feed system operated at 150 TPH on September 1, 2000.

_The permits in force at the time of the tests for these processes limited their operating rates to 84 TPH, 84 TPH and 145 TPH respectively.

RESPONSE

At a Portland Cement Manufacturing facility, the kiln and clinker cooler are the heart of the manufacturing process. All conveyor belts carrying the feed to the kiln or carrying the clinker away from the kiln are auxiliary equipment to support the kiln/clinker cooler system. Southdown was told that the permits for the kilns and clinker coolers would be processed by the Florida Department of Environmental Protection (FDEP) in Tallahassee, FL. Once these permits were issued, we were to apply for permit amendments for all the auxiliary equipment to the FDEP Southwest District in Tampa, FL.

We were led to believe that these amendments could be accomplished through the TITLE V permitting program. So, Southdown amended the Operating Permit application. We later learned that that was not the proper way to handle those permit changes. Subsequently, revised permit applications were submitted to the Southwest District requesting the harmonized feed rates for clinker storage silos.

While it is true that the permits in force at the time of the tests were limited to 84 TPH, 84 TPH and 145 TPH, amendments to the appropriate permit applications had been submitted to the FDEP Southwest District during the same time period. This situation has resulted from the confusion arising from the TITLE V Operating Permit program.

Sincerely,

Amarjit Singh Gill, PE
Director, Air Permitting
Southdown, Inc.

Reaction to Southdown's Responses to
Amended Warning Letter #WL00-0012AS27SWD

Compliance Testing Process Rates

At issue is whether the requirement to test at "maximum production rate" refers to the 165 TPH one-hour maximum (SWD position) or the 150 TPH 30-day rolling average (Southdown position).

1. To demonstrate compliance with the emission limits on 30-day average basis would require 30-day tests. Permit and DEP rules clearly specify one-hour runs.
2. Intent of testing is to demonstrate that control device can control emissions under most stringent conditions, i.e., highest allowable hourly rates.
3. Under Southdown's concept, plant could operate at an hourly rate far below the maximum permitted during the three one-hour runs and still be operating at 150 TPH on a 30-day average basis.
4. For Kiln #1 and Clinker Cooler #1, Southdown states the 8/26/98 test was the initial test because the kiln operated at 144 TPH which is within 10% of the allowable 150 TPH. However, the 144 TPH is an average of three 0ne-hour runs and can not be compared to the 150 TPH 30-day average limit.

Metals Testing

Southdown correctly states that the initial testing requirement in Specific Condition 5.1 did not specify metals. From this, Southdown draws the conclusion that metals testing conducted in August 2000 can not be considered late.

1. The omission in SC 5.1 appears to be an oversight by the DEP. Nevertheless, the requirement to conduct initial metals testing is contained in Table 2-1 and 2-2.
2. K & A letter, dated 8/15/97, acknowledged need to conduct metals testing when Southdown completed modifications needed to achieve higher production rates.
3. Southdown's Title V permit included a compliance plan for the metals testing.

Late Submission of Metals Test Reports

Southdown reports that K & A was given indication that delayed test reports would be acceptable. Further, Southdown contends situation was out of its control.

1. The SWD did acknowledge K & A's notice that the reports would be late but does not have authority to extend the 45 days in which a facility must submit a test report.
2. Whether or not the situation was out of Southdown's control is not germane.

Process Rate Exceedances

Southdown contends that penalties are not warranted because the alleged rate exceedances were within the 10% accuracy tolerances allowed by DEP for devices used to measure process variables.

1. The penalty matrix takes the 10% accuracy into account because rate exceedances of 10 % or less are considered minor potential for harm.
2. The SWD also did not pursue economic benefit related to the process rate exceedances.

	0530010-003-AC		19-Aug-97		25-Aug-98		12-Aug-99		30-Aug-00	
POLLUTANT	150		142.7 *		150		150		150	
	Lbs/Hr	Lbs/Ton Fd.	Lbs/Hr	Lbs/Ton Fd.	Lbs/Hr	Lbs/Ton Fd.	Lbs/Hr	Lbs/Ton Fd.	Lbs/Hr	Lbs/Ton Fd.
PM/PM10, KILN	27.0	0.18	8.1	0.06	10.2	0.07	3.0	0.02	4.5	0.03
PM/PM10, Cooler	13.5	0.09	8.1	0.06	2.1	0.01	6.8	0.05	5.6	0.04
SO2	15.0	0.10	2.5	0.02	0.8	0.01	0.9	0.01	0.9	0.01
NOx	258.0	1.72	187.5	1.31	217.3	1.45	159.7	1.06	221.9	1.48
CO	180.0	1.20	154.8	1.08	107.7	0.72	156.0	1.04	176.6	1.18
VOC	13.5	0.09	9.0	0.06	2.7	0.02	no test		no test	
Beryllium	TBD								0.0003	
Lead	TBD								0.00059	
Mercury	TBD								0.00003220	

* "Based on the above results, it can be concluded that during the period of testing on August 19, 1997, the No. 2 Kiln was operating in compliance with the emission limiting standards set forth in Permit 0530010-003-AC."