



CROSS/TESSITORE & ASSOCIATES, P.A.

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

D. E. R.

April 30, 1991

MAY 2 1991

SOUTHWEST DISTRICT
TAMPA

Mr. Bill Thomas, P.E.
Air Engineering Section
FDER - Southwest District
4520 Oak Fair Blvd.
Tampa, Florida 33610-7347

Subject: Florida Mining & Materials
Performance Testing on Kilns No. 1 and No. 2
Proof of Publication
C/TA # F03.669

Dear Mr. Thomas:

Please find enclosed the affidavit of legal publication,
dated April 24, 1991, on the subject notice of Intent to
Issue for Performance Testing on Kilns No. 1 and No.2
located in Brooksville, Florida.

Should you have any questions, please do not hesitate to
contact me.

Sincerely,

Gregory R. Gonzales
Environmental Specialist

GRG:slw
Enc: a/s
cc: Ralph Shepard - FM&M

B. Mitchell ✓
O. Harper, EPA
E. Houch, OPS

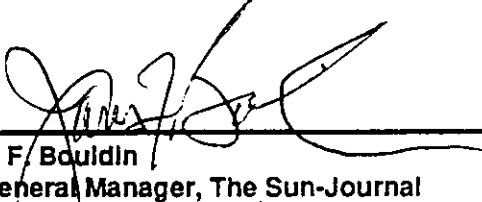
AFFIDAVIT OF LEGAL PUBLICATION

The Sun-Journal
Published Wednesday
Brooksville, Hernando, Florida
STATE OF FLORIDA
COUNTY OF HERNANDO

Before the undersigned authority personally appeared J.F. Bouldin, who on oath says he is General Manager of the Sun-Journal, a weekly 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 _____
4-24

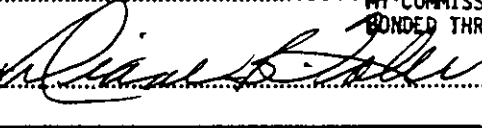
Affiant says that the said Sun-Journal is a newspaper published at 703 Lamar Ave., Brooksville, in said Hernando County, Florida, and that said newspaper has heretofore been continuously published in said Hernando County, Florida, each Wednesday and has been entered as second-class mail matter at the 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.



J. F. Bouldin
General Manager, The Sun-Journal

Sworn to and subscribed before me this 24th day of April

1991 **NOTARY PUBLIC STATE OF FLORIDA**
MY COMMISSION EXP. SEPT. 27, 1994
BONDED THRU GENERAL INS. UND.

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.

Regulation

Notice of Intent

to issue

The Department of Environmental Regulation hereby gives notice of its intent to issue a permit amendment to Florida Mining & Materials (FM&M), Post Office Box 6, Brooksville, Florida 34805-0006, to conduct performance tests on the Nos. 1 and 2 Cement Kilns for pollutant emissions while firing: 1) 100% coal for baseline conditions (actuals); 2) 80% coal and 20% tire derived fuel (TDF); 3) 50% coal and 50% on-specification used oil fuel; and, 4) 30% coal, 20% TDF and 50% on-specification used oil fuel. All of the percentages (%) referenced above relate to the maximum total (100%) fuel input of the Nos. 1 and 2 Cement Kilns. The on-specification used oil fuel shall be as defined in 40 CFR 266.40 (July, 1990 version).

Although the applicant, FM&M, expects that there will be no actual pollutant emission increases, the Nos. 1 and 2 Cement Kilns are not permitted to fire these fuel mixtures and such claims will have to be verified. The purpose of this amendment is to allow FM&M the opportunity to obtain the data necessary to determine whether the Nos. 1 and 2 Cement Kilns are capable of accommodating TDF and/or on-specification used oil fuel with coal under the Nos. 1 and 2 Cement Kilns present physical configurations and what regulations the Nos. 1 and 2 Cement Kilns will be subject to if they are to be permitted to fire TDF and/or on-specification used oil fuel with coal on a continuous basis. The proposed project will occur at the applicant's facility located on U.S. Highway 98 NW of Brooksville, Hernando County, Florida. The Department is issuing this intent to issue for the reasons stated in the proposed letter amendment to air construction permits, Nos. AC 27-186923 & AC 27-173474 and PSD-FL-124B.

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

- 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 Office
4520 Oak Fair Boulevard
Tampa, Florida 33610-7347
Hernando County Board of County Commission
20 North Main Street, Room 460
Brooksville, Florida 34601

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: April 24, 1991



CROSS/TESSITORE & ASSOCIATES, P.A.

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

April 19, 1991
F03.182

D. E. R.

APR 22 1991

SOUTHWEST DISTRICT
TAMPA

Mr. Bill Thomas, P.E.
Air Engineering Section
FDER-Southwest District
4520 Oak Fair Blvd.
Tampa, Florida 33610-7347

SUBJECT: Florida Mining & Materials
Kiln No. 1 Auxiliary Sources
Proof of Publication

Dear Mr. Thomas:

Please find enclosed the affidavit of legal publication, dated April 17, 1991, on the subject notice of Intent to Issue for modification of Kiln No. 1 auxiliary sources located in Brooksville, Florida.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Gregory R. Gonzales
Environmental Specialist

GRG:kim
Enc.a/s
cc: Ralph Shepard FM&M

J. Reynolds

AFFIDAVIT OF LEGAL PUBLICATION

The Sun-Journal
Published Wednesday
Brooksville, Hernando, Florida
STATE OF FLORIDA
COUNTY OF HERNANDO

Before the undersigned authority personally appeared J.F. Bouldin, who on oath says he is General Manager of the Sun-Journal, a weekly 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
4-17

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 Wednesday 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.

J. F. Bouldin
General Manager, The Sun-Journal

Sworn to and subscribed before me this 17th day of April 1991 A.D.
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. SEPT. 27, 1994
BONDED THRU GENERAL INS. UMD.
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 Environ-
mental Regulation hereby
gives notice of its intent to is-
sue permits to Florida Mining
and Materials, P.O. Box 6,
Brooksville, Florida, 34605-
6000, to modify permits for kiln
No. 1 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
other recent permit changes.
The net change in the pro-
posed annual emissions ver-
sus current actual emissions is
essentially zero. These permit
modifications do not involve
processing or combustion of
hazardous wastes or toxic
materials. The applicant's fac-
ility is located off U.S. 98
Highway 98 northwest of
Brooksville, Florida 33823. A
determination of Best Avail-
able Control Technology
(BACT) was required. The De-
partment 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 peti-
tion for an administrative pro-
ceeding (hearing) in accord-
ance with Section 120.57,
Florida Statutes. The peti-
tion must contain the informa-
tion set forth below and must be
filed (received) in the Office of
General Counsel of the De-
partment 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 ap-
plicant at the address indi-
cated above at the time of fil-
ing. Failure to file a petition
within this time period shall
constitute a waiver of any right
such person may have to re-
quest an administrative deter-
mination (hearing) under Sec-
tion 120.57, Florida Statutes.
The Petition shall contain the
following information:
(a) The name, address, and
telephone number of each peti-
tioner, 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 ac-
tion or proposed action;
(c) A statement of how each
petitioner's substantial inter-
ests are affected by the
Department's action or pro-
posed 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 pro-
posed 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 re-
sought by petitioner, stating
precisely the action petiti-
wants the Department to te
with respect to the D
partment's action or propos-
action.
If a petition is filed, the adr
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designed to formulate agen-
action. Accordingly, the D
partment's final action may
different from the positi
taken by it in this Notice. P
sons whose substantial int-
ests will be affected by a
decision of the Departme
with regard to the applica-
have the right to petition to
come a party to the procee-
ing. The petition must confo
to the requirements specifi-
above and be filed (receive
within 14 days of publication
this notice in the Office
General Counsel at the abo-
address of the Departme-
Failure to petition within the
lowed time frame constitute
waiver of any right such pers-
has to request a hearing unc-
Section 120.57, F.S., and
participate as a party to th-
proceeding. Any subseque
intervention will only be at t
approval of the presiding off-
cer upon motion filed pursua-
to Rule 28-5.207, F.A.C.
The application is available
public inspection during bu-
ness hours, 8:00 a.m. to 5:
p.m., Monday through Frida-
except legal holidays, at
Department of Environmen-
Regulation
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, Florida 3239-
2400
Department of Environmen-
Regulation
Southwest District
4520 Oak Fair Blvd.
Tampa, Florida 33610-7347
Any person may send writte
comments on the propos-
action to Mr. Barry Andrews
the Department's Tallahas-
address. All comments mail-
within 14 days of the public
tion of this notice will be co-
sidered in the Department's
nal determination.
PUBLISH: April 17, 1991