

Final Determination

Southdown, Inc./dba Florida Mining & Materials

Hernando County

Amendment to AO 27-213207

The amendment request package has been reviewed by the Department. Public Notice of the Department's Intent to Issue was published in The Tampa Tribune on January 15, 1993. The proposed amendment to the operation permit was distributed on December 18, 1992, and available for public inspection at the Department's Southwest District office and Bureau of Air Regulation office and the Hernando County Government Center Planning office.

There were no comments received during the public notice period. Therefore, it is recommended that the amendment to the operation permit be issued as drafted.



# Brooksville Cement

A Southdown Company

January 22, 1992

Mr. Bruce Mitchell  
FL Department of Environmental Regulation  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

RE: Southdown, Inc. d/b/a Florida Mining & Materials  
Publication of Notice of Intent to Issue Amendment to Permit  
#AO27-213207

Dear Mr. Mitchell:

Florida's Department of Environmental Regulation's notice of its intent to issue an amendment to the operation permit, No. AO 27-213207, authorizing performance tests while firing whole tires with coal in the No. 1 cement kiln, has been published in the Hernando County section of the Tampa Tribune. Notice of Intent was received on December 21, 1992 and published on January 15, 1993. This fulfills the requirement to publish the Notice of Intent to Issue within the thirty (30) day period.

A copy of this Notice and a receipt are attached.

If further action is required in regards to issuance of this Permit, please do not hesitate to contact me.

Sincerely,

Don B. Kelly,  
Plant Manager

DBK/sd  
Attachment  
RR# P 237 527 238

RECEIVED

JAN 28 1993

DIVISION of Air  
Resources Management

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 }

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 HERNANDO

in the matter of

STATE OF FLORIDA

was published in said newspaper in the issues of

JANUARY 15, 1993

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 15 day  
of JANUARY A.D. 1993

*I. M. Kennedy*

(SEAL)

STATE OF FLORIDA  
DEPARTMENT OF  
ENVIRONMENTAL  
REGULATION  
NOTICE OF INTENT TO ISSUE

SOUTHDOWN, INC.  
dba FLORIDA MINING  
& MATERIALS

Amendment to AO 27-213207

The Department of Environmental Regulation (Department) hereby gives notice of its intent to issue to Southdown, Inc. dba Florida Mining & Materials (FM&M) an amendment to the operation permit, No. AC 27-213207, authorizing performance tests for pollutant emissions while firing whole tires with coal in the facility's No. 1 cement kiln, as detailed in the application package. The Department is issuing this intent to issue for the reasons stated below and in the proposed amendment.

The applicant, FM&M, Post Office Box 6, Brooksville, Florida 34605-0006, submitted a request on August 18, 1992, to the Department's Bureau of Air Regulation (BAR) for authorization to conduct pollutant emissions tests on the cement kiln while firing whole tires with coal in the facility's No. 1 cement kiln. The performance tests for pollutant emissions will be conducted at baseline conditions (100% coal) and while firing whole tires at a maximum feed rate of 20.0% of the total Btu heat input, or 2.14 tons per hour (tire derived fuel @ 14,000 Btu/lb). The permitted maximum heat input is 300 MMBtu/hr. The cement kiln was permitted under the construction permit, No. AC 27-186923, and is not permitted to fire whole tires in accordance with the referenced permit.

Screening for a modification and Prevention of Significant Deterioration (PSD) will be in accordance with Chapter 403, Florida Statutes (F.S.); Florida Administrative Code (F.A.C.) Chapters 17-210 thru 17-297, and 17-4; and Title 40 Code of Federal Regulations (CFR); July, 1991 version).

If, after the performance test results are evaluated by the Department's BAR and affected parties (i.e., Department's Southwest District, U.S. EPA, National Park Service, Hernando County, etc.) and it is determined that actual pollutant emissions (baseline @ 100% coal vs. whole tire-coal combination) did not increase, then an amendment to the operation permit, No. AC 27-213207, will be issued with certain Specific Conditions authorizing continuous firing of whole tires with coal in the source. However, if there is an actual emissions increase in pollutant emissions, FM&M will not be permitted to fire whole tires in the source without further evaluation by the Department's BAR and involved parties.

The proposed project will occur at the applicant's facility located off U.S. Highway 98 NW of Brooksville, Hernando County, Florida.

The Department has permitting jurisdiction under Chapter 403, F.S.; F.A.C. Chapters 17-210 thru 17-297, and 17-4; and, 40 CFR (July, 1991 version). The project is not exempt from permitting procedures. The Department has determined that a permit amendment is required for the proposed activity.

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, 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 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, F.S.

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 request/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 of 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.

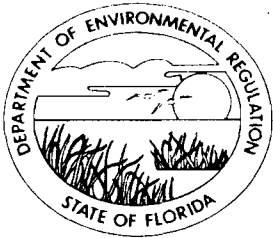
The request/application are available for public inspection during business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Regulation  
Bureau of Air Regulation  
2600 Blair Stone Road  
Tallahassee, Florida  
32399-2400

Department of Environmental Regulation  
Southwest District Office  
3804 Coconut Palm Drive  
Tampa, Florida 33619-8218

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. Preston Lewis at the Department's Tallahassee address. All comments received within 14 days of the publication of this notice will be considered in the Department's final determination.  
BV1291 1/15/93



# Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Carol M. Browner, Secretary

February 5, 1993

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Don Kelly  
Plant Manager  
Southdown, Inc. dba FM&M  
Post Office Box 6  
Brooksville, Florida 34605-0006

Dear Mr. Kelly:

Re: Letter Amendment to the Operation Permit, No. AO 27-213207, to Conduct Performance Tests for Pollutant Emissions on the Facility's No. 1 Cement Kiln While Firing Whole Tires with Coal

The Department has reviewed the request that you provided on August 18, 1992. We have also considered the Department's legal authority to allow Southdown, Inc. dba Florida Mining & Materials (FM&M) to conduct the performance tests. Paragraph 403.061(15), Florida Statutes (F.S.) authorizes the Department to consult with any person proposing to construct, install, or otherwise acquire a pollution control device or system concerning the efficacy of such device or system, or the pollution problem which may be related to the source, device, or system. Paragraph 403.061(16), F.S., authorizes the Department to encourage voluntary cooperation by persons in order to achieve the purposes of the state environmental control act. Paragraph 403.061(18), F.S., authorizes the Department to encourage and conduct studies, investigations, and research relating to the causes and control of pollution. Florida Administrative Code (F.A.C.) Rule 17-210.700(5) authorizes the Department to consider variation in industrial equipment and make allowances for excess emissions that provide practical regulatory controls consistent with the public interest.

In accordance with the provisions of Paragraphs 403.061(15), (16), and (18), F.S., and F.A.C. Rule 17-210.700(5), you are hereby authorized to conduct performance tests for pollutant emissions on FM&M's No. 1 cement kiln while firing whole tires with coal at a maximum firing rate of 20.0% of the total Btu heat input, or 2.14 tons per hour. The No. 1 cement kiln's maximum permitted heat input is 300 MMBtu/hr. The No. 1 cement kiln was permitted under the construction permit, No. AC 27-186923, and is not permitted to fire whole tires in accordance with the referenced permit.

The emissions tests are being proposed in order to gather data regarding pollutant emissions while firing whole tires with coal.

Mr. Don Kelly  
Amendment to AO 27-213207  
February 5, 1993  
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Screening for a modification and Prevention of Significant Deterioration (PSD) shall be in accordance with Chapter 403, F.S.; F.A.C. Chapters 17-210 thru 17-297, and 17-4; and, Title 40 Code of Federal Regulations (CFR; July, 1991 version), which will compare the actual pollutant emissions of the baseline tests (100% coal) to the actual pollutant emissions of the performance tests while firing whole tires with coal. The performance test results will be evaluated by the Department's BAR and involved parties (i.e., Department's Southwest District, U.S. EPA, National Park Service, Hernando County, etc.).

The performance tests shall be subject to the following conditions:

1. The permittee shall notify, in writing, the Department's Southwest District and Bureau of Air Regulation (BAR) offices at least 15 days prior to commencement of the performance tests. A written report shall be submitted to these offices within 45 days upon completion of the last test run.
2. The pollutant emission results from the baseline tests (100% coal) shall be compared to the whole tire-coal pollutant emission tests to determine if:
  - a) PSD or non-PSD emissions review is required where actual emissions increased (baseline versus whole tire-coal firing), which includes a construction permit application and the appropriate processing fee; or,
  - b) the construction permit, No. AO 27-213207, can be amended to allow the firing of whole tires with coal in the facility's No. 1 cement kiln on a continuous basis.
3. All pollutant emissions results shall be compared to "actual emissions" for PSD review purposes (see Region IV, U.S. EPA's letter dated April 4, 1990).
4. The contents of Dr. John B. Koogler's letter with enclosure received October 26, 1992, Mr. David S. Dee's letter with attachments received November 17, 1992, and Mr. C. Anthony Cleveland's letter received December 7, 1992, are adopted by reference, with the following exceptions:
  - o If additional time is needed, the permittee shall request an extension of time and provide the Department with documentation of the progress accomplished to date and shall identify what is left to be done to complete the performance tests.

Mr. Don Kelly  
Amendment to AO 27-213207  
February 5, 1993  
Page 3

- o Daily accounting of the No. 1 cement kiln operations while firing whole tires with coal shall be required.
  - o A Type I audit is required and shall be coordinated with the Department's Southwest District office.
  - o Documentation of the firing rates of whole tires (i.e., actual firing rate by weight) shall be required.
  - o The Department will take the responsibility of providing a cover letter to and mailing the performance test results to the reviewing parties (i.e., Department's Southwest District, U.S. EPA, National Park Service, Hernando County, etc.).
5. These authorized performance tests shall not result in the release of objectionable odors pursuant to F.A.C. Rule 17-296.320(2).
  6. Performance testing shall immediately cease upon the occurrence of a valid environmental complaint by a citizen or other party, or a nuisance or danger to public health or welfare. Performance testing shall not resume until appropriate measures to correct the problem have been implemented.
  7. The performance tests for pollutant emissions shall be conducted under the direct supervision and responsible charge of a professional engineer registered in Florida.
  8. This Department action is just to authorize the performance tests for pollutant emissions on the facility's No. 1 cement kiln while firing whole tires with coal. Any firing of whole tires after the last performance test run is completed will be deemed a violation of the past construction permit, No. AC 27-186923, and operation permit, No. AO 27-213207.
  9. Complete documentation (recording) of any firing of whole tires in the facility's No. 1 cement kiln shall be required (i.e., testing results; materials utilized, by weight; etc.) and kept on file for a minimum of two years.
  10. The Department shall be notified in writing on the date of the last test run completion.
  11. The performance tests shall be conducted while the No. 1 cement kiln is operating at 90-100% of the permitted capacity.

Mr. Don Kelly  
Amendment to AO 27-213207  
February 5, 1993  
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12. Attachments (See Attachment Section) are incorporated.

The Department has relied on the information referenced in the attachments and conversations with representatives of the FM&M, U.S. EPA-Region IV, Department of Interior's National Park Service, and Hernando County in authorizing this permit amendment to the operation permit, No. AO 27-213207.

This letter amendment and its Attachments must be attached to the air operation permit, No. AO 27-213207, and shall become a part of the permit.

Sincerely,



Howard L. Rhodes  
Director  
Division of Air Resources  
Management

HLR/BM/rbm

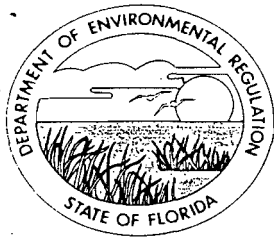
Attachments

cc: B. Thomas, SW District  
J. Koogler, Ph.D., P.E., K&A  
J. Harper, EPA  
J. Bunyak, NPS  
C. Hetrick, HCBCC  
D. Beason, Esq., DER  
D. Buff, P.E., KBN  
A. Lue, P.E., SI  
J. Gill, P.E., SI  
T. Cleveland, Esq., OHF&C  
D. Dee, Esq., CFWES&C

Attachment Section

1. Ms. D. Anetha Lue's letter with enclosure received August 18, 1992.
2. Dr. John B. Koogler's letter with enclosure received October 26, 1992.
3. Mr. David S. Dee's letter with attachments received November 17, 1992.
4. Mr. C. Anthony Cleveland's letter received December 7, 1992.
5. 40 CFR (July, 1991 version).
6. Ms. Jewell A. Harper's letter dated April 4, 1990.
7. Ms. Jewell A. Harper's letter dated August 20, 1990.
8. Intent to Issue package dated December 17, 1992.
9. Public Notice received January 28, 1993.
10. Final Determination dated February 5, 1993.





# Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Carol M. Browner, Secretary

December 17, 1992

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. Don Kelly  
Plant Manager  
Southdown, Inc. dba FM&M  
Post Office Box 6  
Brooksville, Florida 34605-0006

Dear Mr. Kelly:

Re: Request for Authorization to Conduct Pollutant Emissions Performance Tests While Firing a Combination of Whole Tires and Coal in Southdown, Inc. dba Florida Mining & Materials' No. 1 Cement Kiln

Attached is one copy of the proposed performance test authorization amendment to operation permit, No. AO 27-213207, for Southdown, Inc. dba Florida Mining & Materials (FM&M) to conduct pollutant emissions tests on the facility's No. 1 cement kiln. The proposed performance tests for pollutant emissions will be conducted at baseline conditions (100% coal) and while firing a combination of whole tires and coal. The whole tire maximum feed rate shall not exceed 20.0% of the total Btu heat input, or 2.14 tons per hour (tire derived fuel @ ~14,000 Btu/lb). The permitted maximum heat input is 300 MMBtu/hr. The No. 1 cement kiln was permitted under the construction permit, No. AC 27-186923, and is not permitted to utilize whole tires in accordance with the referenced permit.

The emissions tests are being proposed in order to gather data regarding pollutant emissions while firing whole tires with coal. Screening for a modification and Prevention of Signification (PSD) will be in accordance with Chapter 403, Florida Statutes; Florida Administrative Code (F.A.C.) Chapters 17-210 thru 17-297, and 17-4; and, Title 40 Code of Federal Regulations (CFR; July, 1991 version).

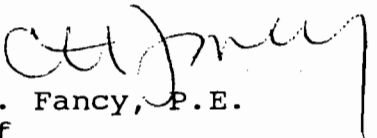
If, after the performance test results are evaluated by the Department's Bureau of Air Regulation and involved parties (i.e., Department's Southwest District, U.S. EPA, National Park Service, Hernando County, etc.) and it is determined that actual pollutant emissions [baseline @ 100% coal vs. whole tire-coal combination] did not increase, then the Department will issue an amendment to the operation permit, No. AO 27-213207, authorizing continuous utilization/firing of whole tires with coal in the facility's No. 1

Mr. Don Kelly  
Amendment to AO 27-213207  
December 17, 1992  
Page Two

cement kiln. However, if there is an actual emissions increase in pollutant emissions, FM&M will not be permitted to fire whole tires in the source without further emissions evaluation by the Department's Bureau of Air Regulation and involved parties.

If there are any questions, please call Mr. Bruce Mitchell at (904)488-1344 or submit any written comments you wish to have considered concerning the Department's proposed action to me.

Sincerely,

  
C. H. Fancy, P.E.  
Chief  
Bureau of Air Regulation

CHF/BM/rbm

Attachments

c: B. Thomas, SW District  
J. Koogler, Ph.D., P.E., K&A  
J. Harper, EPA  
B. Mitchell, NPS  
C. Hetrick, HCBCC  
D. Beason, Esq., DER  
D. Buff, P.E., KBN  
A. Lue, P.E., SI  
J. Gill, P.E., SI  
T. Cleveland, Esq., OHF&C  
D. Dee, Esq., CFWES&C

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

In the Matter of  
Application for Permit Amendment by:

Southdown, Inc. dba FM&M  
P. O. Box 6  
Brooksville, Florida 34605-0006

DER File No. AO 27-213207

---

INTENT TO ISSUE

The Department of Environmental Regulation (Department) hereby gives notice of its intent to issue to Southdown, Inc. dba Florida Mining & Materials (FM&M) an amendment to the operation permit, No. AO 27-213207, authorizing performance tests for pollutant emissions while firing whole tires with coal in the facility's No. 1 cement kiln, as detailed in the application package specified above. The Department is issuing this Intent to Issue for the reasons stated below and in the attached proposed amendment.

The applicant, FM&M, submitted a request on August 18, 1992, to the Department's Bureau of Air Regulation (BAR) for authorization to conduct pollutant emissions tests on the cement kiln while firing whole tires with coal in the facility's No. 1 cement kiln. The performance tests for pollutant emissions will be conducted at baseline conditions (100% coal) and while firing whole tires at a maximum feed rate of 20.0% of the total Btu heat input, or 2.14 tons per hour (tire derived fuel @ ~14,000 Btu/lb). The permitted maximum heat input is 300 MMBtu/hr. The cement kiln was permitted under the construction permit, No. AC 27-186923, and is not permitted to fire whole tires in accordance with the referenced permit.

Screening for a modification and Prevention of Signification (PSD) will be in accordance with Chapter 403, Florida Statutes (F.S.); Florida Administrative Code (F.A.C.) Chapters 17-210 thru 17-297, and 17-4; and, Title 40 Code of Federal Regulations (CFR; July, 1991 version).

If, after the performance test results are evaluated by the Department's BAR and affected parties (i.e., Department's Southwest District, U.S. EPA, National Park Service, Hernando County, etc.) and it is determined that actual pollutant emissions [baseline @ 100% coal vs. whole tire-coal combination] did not increase significantly (see Table 17-212.400-2), then an amendment to the operation permit, No. AC 27-213207, will be issued with certain Specific Conditions authorizing continuous utilization/firing of whole tires with coal in the source. However, if there is an actual significant emissions increase in pollutant emissions, FM&M will not

be permitted to utilize/fire whole tires in the source without further evaluation by the Department's BAR and involved parties.

The proposed project will occur at the applicant's facility located off U.S. Highway 98 NW of Brooksville, Hernando County, Florida.

The Department has permitting jurisdiction under Chapter 403, F.S.; F.A.C. Chapters 17-210 thru 17-297, and 17-4; and, 40 CFR (July, 1991 version). The project is not exempt from permitting procedures. The Department has determined that a permit amendment is required for the proposed activity.

Pursuant to Section 403.815, F.S. and DER Rule 17-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue a Permit Amendment. The notice shall be published one time only within 30 days, in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used must be the one with significant circulation in the area that may be affected by the permitting action. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the amendment.

The Department will issue the permit amendment with the attached conditions unless a petition for an administrative proceeding (hearing) is filed pursuant to the provisions of Section 120.57, F.S.

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, 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 at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Petitions filed by the permit amendment applicant and the parties listed below must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of receipt of this intent, whichever first occurs. 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, F.S.

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;

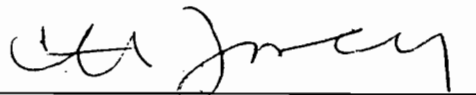
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Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION



C. H. Fancy, P.E.

Chief

Bureau of Air Regulation

Copies furnished to:

B. Thomas, SW District  
J. Koogler, Ph.D., P.E., K&A  
J. Harper, EPA  
B. Mitchell, NPS  
C. Hetrick, HCBCC  
D. Beason, Esq., DER

D. Buff, P.E., KBN  
A. Lue, P.E., SI  
J. Gill, P.E., SI  
T. Cleveland, Esq., OHF&C  
D. Dee, Esq., CFWES&C

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this NOTICE OF INTENT TO ISSUE and all copies were mailed before the close of business on 12-18-92.

FILING AND ACKNOWLEDGMENT  
FILED, on this date, pursuant to  
§120.52(9), Florida Statute, with  
the designated Department Clerk,  
receipt of which is hereby  
acknowledged.

Karin Ober  
Clerk

12-18-92  
Date

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

Southdown, Inc. dba Florida Mining & Materials

Amendment to AO 27-213207

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The proposed project will occur at the applicant's facility located off U.S. Highway 98 NW of Brooksville, Hernando County, Florida.

The Department has permitting jurisdiction under Chapter 403, F.S.; F.A.C. Chapters 17-210 thru 17-297, and 17-4; and, 40 CFR (July, 1991 version). The project is not exempt from permitting procedures. The Department has determined that a permit amendment is required for the proposed activity.

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, 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 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, F.S.

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 request/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.

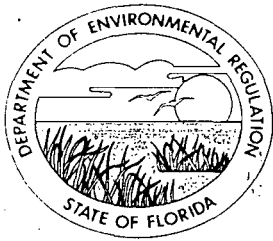
The request/application are available for public inspection during business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Regulation  
Bureau of Air Regulation  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Department of Environmental Regulation  
Southwest District Office  
3804 Coconut Palm Drive  
Tampa, Florida 33619-8218

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. Preston Lewis at the Department's Tallahassee address. All comments received within 14 days of the publication of this notice will be considered in the Department's final determination.



# Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Carol M. Browner, Secretary

January xx, 1993

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Don Kelly  
Plant Manager  
Southdown, Inc. dba FM&M  
Post Office Box 6  
Brooksville, Florida 34605-0006

Dear Mr. Kelly:

Re: Letter Amendment to the Operation Permit, No. AO 27-213207, to Conduct Performance Tests for Pollutant Emissions on the Facility's No. 1 Cement Kiln While Firing Whole Tires with Coal

The Department has reviewed the request that you provided on August 18, 1992. We have also considered the Department's legal authority to allow Southdown, Inc. dba Florida Mining & Materials (FM&M) to conduct the performance tests. Paragraph 403.061(15), Florida Statutes (F.S.) authorizes the Department to consult with any person proposing to construct, install, or otherwise acquire a pollution control device or system concerning the efficacy of such device or system, or the pollution problem which may be related to the source, device, or system. Paragraph 403.061(16), F.S., authorizes the Department to encourage voluntary cooperation by persons in order to achieve the purposes of the state environmental control act. Paragraph 403.061(18), F.S., authorizes the Department to encourage and conduct studies, investigations, and research relating to the causes and control of pollution. Florida Administrative Code (F.A.C.) Rule 17-210.700(5) authorizes the Department to consider variation in industrial equipment and make allowances for excess emissions that provide practical regulatory controls consistent with the public interest.

In accordance with the provisions of Paragraphs 403.061(15), (16), and (18), F.S., and F.A.C. Rule 17-210.700(5), you are hereby authorized to conduct performance tests for pollutant emissions on FM&M's No. 1 cement kiln while firing whole tires with coal at a maximum firing rate of 20.0% of the total Btu heat input, or 2.14 tons per hour. The No. 1 cement kiln's maximum permitted heat input is 300 MMBtu/hr. The No. 1 cement kiln was permitted under the construction permit, No. AC 27-186923, and is not permitted to fire whole tires in accordance with the referenced permit.

The emissions tests are being proposed in order to gather data regarding pollutant emissions while firing whole tires with coal.

Mr. Don Kelly  
Amendment to AO 27-213207  
January xx, 1993  
Page 2

Screening for a modification and Prevention of Significant Deterioration (PSD) shall be in accordance with Chapter 403, F.S.; F.A.C. Chapters 17-210 thru 17-297, and 17-4; and, Title 40 Code of Federal Regulations (CFR; July, 1991 version), which will compare the actual pollutant emissions of the baseline tests (100% coal) to the actual pollutant emissions of the performance tests while firing whole tires with coal. The performance test results will be evaluated by the Department's BAR and involved parties (i.e., Department's Southwest District, U.S. EPA, National Park Service, Hernando County, etc.).

The performance tests shall be subject to the following conditions:

1. The permittee shall notify, in writing, the Department's Southwest District and Bureau of Air Regulation (BAR) offices at least 15 days prior to commencement of the performance tests. A written report shall be submitted to these offices within 45 days upon completion of the last test run.
2. The pollutant emission results from the baseline tests (100% coal) shall be compared to the whole tire-coal pollutant emission tests to determine if:
  - a) PSD or non-PSD emissions review is required where actual emissions increased (baseline versus whole tire-coal firing), which includes a construction permit application and the appropriate processing fee; or,
  - b) the construction permit, No. AO 27-213207, can be amended to allow the firing of whole tires with coal in the facility's No. 1 cement kiln on a continuous basis.
3. All pollutant emissions results shall be compared to "actual emissions" for PSD review purposes (see Region IV, U.S. EPA's letter dated April 4, 1990).
4. The contents of Dr. John B. Koogler's letter with enclosure received October 26, 1992, Mr. David S. Dee's letter with attachments received November 17, 1992, and Mr. C. Anthony Cleveland's letter received December 7, 1992, are adopted by reference, with the following exceptions:
  - o If additional time is needed, the permittee shall request an extension of time and provide the Department with documentation of the progress accomplished to date and shall identify what is left to be done to complete the performance tests.

Mr. Don Kelly  
Amendment to AO 27-213207  
January xx, 1993  
Page 3

- o Daily accounting of the No. 1 cement kiln operations while firing whole tires with coal shall be required.
  - o A Type I audit is required and shall be coordinated with the Department's Southwest District office.
  - o Documentation of the firing rates of whole tires (i.e., actual firing rate by weight) shall be required.
  - o The Department will take the responsibility of providing a cover letter to and mailing the performance test results to the reviewing parties (i.e., Department's Southwest District, U.S. EPA, National Park Service, Hernando County, etc.).
5. These authorized performance tests shall not result in the release of objectionable odors pursuant to F.A.C. Rule 17-296.320(2).
  6. Performance testing shall immediately cease upon the occurrence of a valid environmental complaint by a citizen or other party, or a nuisance or danger to public health or welfare. Performance testing shall not resume until appropriate measures to correct the problem have been implemented.
  7. The performance tests for pollutant emissions shall be conducted under the direct supervision and responsible charge of a professional engineer registered in Florida.
  8. This Department action is just to authorize the performance tests for pollutant emissions on the facility's No. 1 cement kiln while firing whole tires with coal. Any firing of whole tires after the last performance test run is completed will be deemed a violation of the past construction permit, No. AC 27-186923, and operation permit, No. AO 27-213207.
  9. Complete documentation (recording) of any firing of whole tires in the facility's No. 1 cement kiln shall be required (i.e., testing results; materials utilized, by weight; etc.) and kept on file for a minimum of two years.
  10. The Department shall be notified in writing on the date of the last test run completion.
  11. The performance tests shall be conducted while the No. 1 cement kiln is operating at 90-100% of the permitted capacity.

Mr. Don Kelly  
Amendment to AO 27-213207  
January xx, 1993  
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12. Attachments (See Attachment Section) are incorporated.

The Department has relied on the information referenced in the attachments and conversations with representatives of the FM&M, U.S. EPA-Region IV, Department of Interior's National Park Service, and Hernando County in authorizing this permit amendment to the operation permit, No. AO 27-213207.

This letter amendment and its Attachments must be attached to the air operation permit, No. AO 27-213207, and shall become a part of the permit.

Sincerely,

Carol M. Browner  
Secretary

CB/rbm

Attachments

c: B. Thomas, SW District  
J. Koogler, Ph.D., P.E., K&A  
J. Harper, EPA  
B. Mitchell, NPS  
C. Hetrick, HCBCC  
D. Beason, Esq., DER  
D. Buff, P.E., KBN  
A. Lue, P.E., SI  
J. Gill, P.E., SI  
T. Cleveland, Esq., OHF&C  
D. Dee, Esq., CFWES&C

Attachment Section

1. Ms. D. Anetha Lue's letter with enclosure received August 18, 1992.
2. Dr. John B. Koogler's letter with enclosure received October 26, 1992.
3. Mr. David S. Dee's letter with attachments received November 17, 1992.
4. Mr. C. Anthony Cleveland's letter received December 7, 1992.
5. 40 CFR (July, 1991 version).
6. Ms. Jewell A. Harper's letter dated April 4, 1990.
7. Ms. Jewell A. Harper's letter dated August 20, 1990.
8. Intent to Issue package dated December 17, 1992.

ATTACHMENTS 1 through 3

Available Upon Request

Attachment 4



OERTEL, HOFFMAN, FERNANDEZ & COLE, P. A.

ATTORNEYS AT LAW

SUZANNE BROWNLESS  
M. CHRISTOPHER BRYANT  
R. L. CALEEN, JR.  
C. ANTHONY CLEVELAND  
TERRY COLE  
ROBERT C. DOWNIE, II  
SEGUNDO J. FERNANDEZ  
KENNETH F. HOFFMAN  
NORMAN H. HORTON, JR.  
KENNETH G. OERTEL  
PATRICIA A. RENOVITCH  
SCOTT SHIRLEY  
THOMAS G. TOMASELLO  
W. DAVID WATKINS

SUITE C  
2700 BLAIR STONE ROAD  
TALLAHASSEE, FLORIDA 32301

MAILING ADDRESS:  
POST OFFICE BOX 6507  
TALLAHASSEE, FLORIDA 32314-6507

TELEPHONE (904) 877-0099  
FACSIMILE (904) 877-0981

JOHN H. MILLICAN  
ENVIRONMENTAL CONSULTANT  
(NOT A MEMBER OF THE FLORIDA BAR)

J. P. SUBRAMANI, PH. D., P. E.  
ENVIRONMENTAL CONSULTANT  
(NOT A MEMBER OF THE FLORIDA BAR)

December 7, 1992

HAND DELIVERY

Mr. R. Bruce Mitchell  
Engineer IV  
Department of Environmental  
Regulation  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

RECEIVED

DEC 7 1992

Division of Air  
Resources Management

Dear Bruce:

This letter will confirm our telephone conversation of last Friday, December 4, 1992. At that time I informed you that Florida Mining and Materials/Southdown, Inc. had agreed to the following provisions relating to access to the facility during any test burn period:

The County staff and the County's consultant shall be allowed access at all times during any of the test period, including base line period.

County staff and the County's consultants shall have the right to examine, sample, and analyze the quality of klinker produced at any time during the test procedures.

Southdown shall provide an opportunity for the Citizens Advisory Committee on Burning Hazardous Waste Fuel to view the burning of tire derived fuel during base line periods.

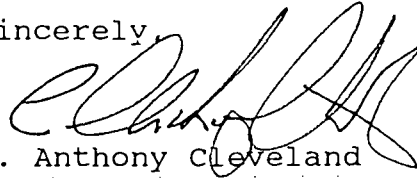
Mr. R. Bruce Mitchell  
December 7, 1992  
Page 2

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Southdown shall allow the Citizens Advisory Committee on Burning Hazardous Waste Fuel to observe the second day of the emission data recording.

Please give me a telephone call if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Anthony Cleveland', written in a cursive style.

C. Anthony Cleveland

CAC:nhg

cac\1579\mitchel-.ltr

ATTACHMENT 5  
AVAILABLE UPON REQUEST

ATTACHMENT 6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

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

APR 4 1990

4APT-AEB

RECEIVED

APR 09 1990

DER-BAQM

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 Crushed Stone (PSD-FL-091)

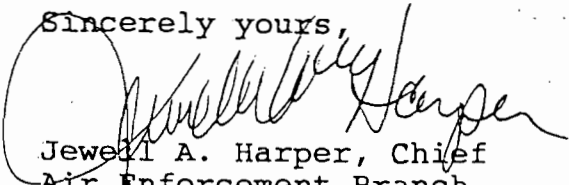
Dear Mr. Fancy:

This is to acknowledge receipt of your letter dated March 15, 1990, transmitting a request by Florida Crushed Stone to amend their prevention of significant deterioration (PSD) permit to allow the burning of tire derived fuel (TDF) in their cement kiln. The current permit for the source limits the fuel of the kiln to coal only. As discussed between Mr. Bruce Mitchell of your staff and Mr. Gregg Worley of my staff on March 30, 1990, we have the following comments.

Under the scenario presented by the source, the switch to the use of TDF in the kiln would not constitute a major modification for the purposes of PSD provided that the increase in pollutants due to the fuel switch did not exceed significant emissions increase levels. It is important to note that the change in emissions must be evaluated from "old actual" to "new allowable" emissions. The old actual emissions must be based on the previous two years of operating data unless some other period is deemed to be more representative of normal operating conditions. The new allowable emissions will be those emissions which are reflected in the amended permit. Also, it was noted that the list of pollutants to be tested did not include benzene. Since benzene is a pollutant regulated under the Clean Air Act for which a significant emissions rate has not been established, any increase of emissions of benzene would subject the source to PSD.

Thank you for the opportunity to review and comment on this package. If you have any further questions or comments, please do not hesitate to contact Mr. Gregg Worley of my staff at 404/347-2864.

Sincerely yours,

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

ATTACHMENT 7



BEST AVAILABLE COPY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

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

AUG 20 1990

4APT-AE

Mr. Clair 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

RECEIVED

AUG 24 1990

LEN-BAQW

RE: Florida Crushed Stone (PSD-FL-091)

Dear Mr. Fancy:

This is to acknowledge receipt of your letter dated June 27, 1990, concerning the above referenced source's request to process wastewater treatment sediment in their existing cement kiln. As discussed between Mr. Bruce Mitchell of your staff and Mr. Gregg Worley of my staff on July 26, 1990, we have the following comments to offer.

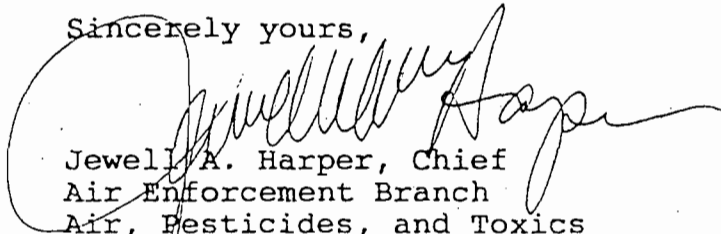
As presented in my letter to you dated April 4, 1990, concerning a proposed switch in fuel at the above referenced facility, the change in the method of operation of the kiln would not be a "major" modification for the purposes of Prevention of Significant Deterioration (PSD) unless the switch resulted in a "significant" increase in emissions. It was noted that emissions would be tested both prior to and after the fuel switch in order to correctly determine emissions increases.

Similarly, the addition of the capability to process wastewater treatment sediments would not constitute a "major" modification unless there was a significant increase in pollutants. Based on the lack of emission factors for this material, your plan of testing pollutant emissions before and after the modification should be sufficient to determine applicability of new source review. Also, a determination should be made as to whether this project is related to the earlier fuel switch and whether the increases in emissions from both modifications should be considered together in determining applicability.

The cement kiln will be subject to 40 C.F.R. Part 61, Subpart E which regulates stationary sources that incinerate or dry wastewater treatment sludge (sediment). This regulation will apply regardless of the mercury content of the sediment. Approval for processing the sediment by the Florida DER is necessary under 40 C.F.R. § 61.08.

Thank you for the opportunity to review and comment on this package. If you have any questions on these comments, please contact Mr. Gregg Worley of my staff at (404) 347-2904.

Sincerely yours,



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

cc'd:

BA/CHF

B. Thomas, SW Dist.

} 8-27-90 RM