

Florida Department of Environmental Regulation

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

Lawton Chiles, Governor

Carol M. Browner, Secretary

March 31, 1992

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. Don Kelly
Plant Manager
Florida Mining & Materials
Post Office Box 6
Brooksville, Florida 34605-0006

Dear Mr. Kelly:

Re: Amendment to Construction Permit-Expiration Date Extension
AC 27-186923: Kiln No. 1

The Department has reviewed the above request contained in Mr. Amarjit S. Gill's letters received March 30 (FAX) and 31, 1992. The request is acceptable and the following will be changed and added:

1. Expiration Date

From: May 31, 1992
To: May 31, 1993

2. Attachments to be Incorporated

- o Mr. Amarjit S. Gill's letter received March 30, 1992, via FAX.
- o Mr. Amarjit S. Gill's letter and processing fee received March 31, 1992.

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 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.

Mr. Don Kelly
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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 Amendment 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;

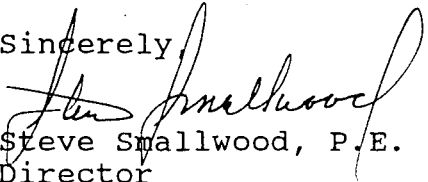
(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and,

(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 in 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.

This letter must be attached to the construction permit, No. AC 27-186923, and shall become a part of the permit.

Sincerely,


Steve Smallwood, P.E.

Director

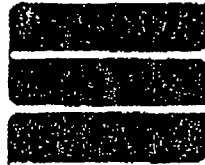
Division of Air Resources
Management

Mr. Don Kelly
Page 3

SS/BM/rbm

Attachments

cc: B. Thomas, SWD
C. Hetrick, HCBCC
J. Tessitore, P.E., C/T&A
J. Koogler, Ph.D., P.E., K&A
A. Gill, P.E., SI
G. Smallridge, Esq., DER



March 30, 1992

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

Subject: Florida Mining and Materials
Brooksville Cement Plant
Cement Kiln #1: Permit No. AC27-186923
Request For An Extension In Expiration Date

Dear Mr. Fancy:

In response to Mr. Peter Cunningham's letter dated September 26, 1991, the Florida Department of Environmental Regulation approved an extension in the expiration date, by letter dated October 8, 1991, from December 31, 1991 to March 31, 1992, for Florida Mining & Materials' construction permit AC27-186923 for Kiln No. 1.

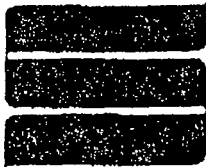
Emission testing, required by Specific Condition 12 was completed on February 28, 1992. In accordance with Specific Condition No. 10, Southdown will be submitting the test report by April 13, 1992. At that time an application for a permit-to-operate will also be submitted in accordance with Specific Condition 15.

Therefore, it is requested that the expiration date for construction permit AC27-186923 for Kiln No. 1, be extended by six months, from March 31, 1992 to September 30, 1992. A check for \$50.00 is enclosed as the processing fee for this minor modification. If you need additional information please call me at (713) 653-8098.

Sincerely,

Amarjit S. Gill, P.E.
Senior Air Permitting Engineer

c: Mr. Steve Smallwood, P.E., Director
Div. of Air Resources Management, FDER



ENVIRONMENTAL AFFAIRS DEPARTMENT
Telecopy Number (713) 653-8567

High Priority Medlum Priority Normal Priority

DATE: 3/30/92 TOTAL PAGES: 2

TO: MR. BRUCE MITCHELL

AT: FLORIDA DEPT. OF ENV. REGULATION

FAX NO: (904) 922-6979

FROM: AMARJIT SINGH GILL

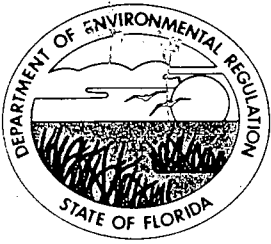
If problems occur during transmlsion, please phone (713) 653-6200.

MESSAGE: LETTER & CHECK WILL ALSO BE SENT
BY OVERNIGHT MAIL.

Jeet Gill

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipient(s) named above. If the reader of this message is not the intended recipient(s) or an agent responsible for delivering it to the intended recipient(s), you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.

Environmental Affairs Group: Barbara R. Berardi / Leslie M. Cook / Lillian F. DePrimo / Amarjit ("Jeet") S. Gill / Daniel W. Heintz / Linda Ingram / Janet Krolczyk / Beth Panuska / Phillip W. Sadowski / Victor Saufley / L. Diane Schenke / Carl Staszak / Mike A. Tilton



Florida Department of Environmental Regulation

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

Lawton Chiles, Governor

Carol M. Browner, Secretary

October 8, 1991

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Don Kelly, Plant Manager
Florida Mining & Materials
Post Office Box 6
Brooksville, Florida 34605-0006

Dear Mr. Kelly:

Re: Expiration Date Extension for Construction Permit
AC 27-186923

The Department has reviewed the above request contained in Mr. Peter C. Cunningham's letter received September 27, 1991. The request is acceptable and the following will be changed and added:

1. Expiration Date

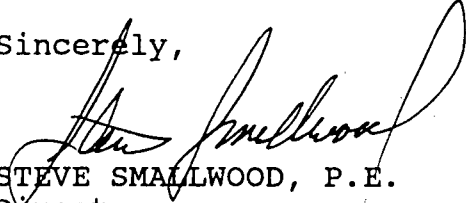
From: December 31, 1991
To: March 31, 1992

2. Attachment to be Incorporated

- o Mr. Peter C. Cunningham's letter received September 27, 1991.

This letter must be attached to the construction permit, No. AC 27-186923, and shall become a part of the permit.

Sincerely,


STEVE SMALLWOOD, P.E.
Director
Division of Air Resources
Management

SS/BM/rbm

Attachment

cc: B. Thomas, SW District
J. Tessitore, P.E., C/T&A
C. Hetrick, HCBCC
P. Cunningham, Esq., HBG&S

HOPPING BOYD GREEN & SAMS

ATTORNEYS AND COUNSELORS

123 SOUTH CALHOUN STREET

POST OFFICE BOX 6526

TALLAHASSEE, FLORIDA 32314

(904) 222-7500

FAX (904) 224-8551

CARLOS ALVAREZ
JAMES S. ALVES
BRIAN H. BIBEAU
KATHLEEN BLIZZARD
ELIZABETH C. BOWMAN
WILLIAM L. BOYD, IV
RICHARD S. BRIGHTMAN
PETER C. CUNNINGHAM
THOMAS M. DeROSE
WILLIAM H. GREEN
WADE L. HOPPING
FRANK E. MATTHEWS
RICHARD D. MELSON
WILLIAM D. PRESTON
CAROLYN S. RAEPPLE
GARY P. SAMS
ROBERT P. SMITH, JR.
CHERYL G. STUART

RICHARD W. MOORE
ANGELA R. MORRISON
MARIBEL N. NICHOLSON
DIANA M. PARKER
LAURA BOYD PEARCE
GARY V. PERKO
MICHAEL P. PETROVICH
DAVID L. POWELL
DOUGLAS S. ROBERTS
CECELIA C. SMITH

OF COUNSEL
W. ROBERT FOKES

September 26, 1991

RECEIVED

SEP 27 1991

Division of Air
Resources Management

BY HAND DELIVERY

Clair Fancy, P.E., Bureau Chief
Bureau of Air Regulation
Florida Department of Environmental
Regulation
2600 Blair Stone Road, Room 338
Tallahassee, Florida 32399-2400

Re: Florida Mining & Materials
Brooksville Cement Plant
Kiln No. 1; Permit No. AC27-186923

Dear Clair:

I am writing on behalf of Florida Mining & Materials ("FMM") regarding the referenced air construction permit for Kiln No. 1 at the Brooksville Cement Plant, which was issued by the Department on March 12, 1991. The expiration date for this permit is December 31, 1991. Pursuant to Specific Condition 14 of the permit, and for the reasons set forth below, FMM hereby requests an extension of the permit expiration date to March 31, 1991.

As you will recall, the construction permit authorized use of Flolite in Kiln No. 1 and revised certain restrictions on production rate and annual hours of operation, in accordance with FMM's application. Specific Condition 12 of the permit provides as follows:

12. For PSD purposes and one time requirement, the permittee shall test for all pollutant emissions expected from the No. 1 kiln while firing the Flolite in all of its firing modes. At a minimum, the permittee shall test for the pollutants PM, PM₁₀, SO₂, NO_x, CO, and VOC using EPA Methods 5,

Clair Fancy, P.E., Bureau Chief
September 26, 1991
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201 or 201A, 6, 7, 10, and 25, respectively, or any other test method or equivalent that has received prior approval by the Department. An ultimate analysis of the particulate filter shall also be required. The test methods shall be in accordance with F.A.C. Rule 17-2.700 and 40 CFR (July, 1989 version).

In addition, Specific Condition 15 of the permit requires FMM to submit an application for an air operation permit for Kiln No. 1 at least 90 days prior to the construction permit expiration date. That application must include, among other items, "compliance test reports as required by this permit".

Assuming that the emissions testing required by Specific Condition 12 of the permit is considered "compliance testing", the test reports would have to be included in FMM's application for an operation permit, which is to be submitted by September 30, 1991. Unfortunately, completion of this emissions testing has been precluded because of delays in the issuance of Department permits that would adjust certain production rate restrictions for four "auxiliary sources" associated with Kiln No. 1. While the Department proposed issuance of these permits (AC27-191611 for Clinker Cooler No. 1; AC27-191616 for the Clinker Storage Silo; AC27-191615 for the Blending and Storage Silos; AC27-191612 for Raw Mill No. 1), final agency action has not been taken on them due to a third party request for an administrative hearing that is still pending. The production rate restrictions in the air operation permits for these sources thus remain in effect. As a result, Kiln No. 1 cannot be operated at the increased production rate authorized under permit No. AC27-186923, and emissions testing of Kiln No. 1 at the newly permitted capacity cannot be performed.

These circumstances constitute good cause for an extension of the expiration date for the Kiln No. 1 construction permit. An extension of 90 days, to March 31, 1991 will allow time for the required emissions testing and submission of an operation permit application by December 31, 1991, assuming the auxiliary source permit proceedings are resolved in the near future.

Please do not hesitate to call me if you or members of your staff have any questions regarding this request. As

Clair Fancy, P.E., Bureau Chief
September 26, 1991
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always, your consideration in this matter is much appreciated.

Sincerely,

Peter C. Cunningham lds
Peter C. Cunningham

FancyLtr:PCC/gbb

cc: Bruce Mitchell
Douglas Beason, Esquire
Bill Thomas
Joe Tessitore
Diane Schenke, Esquire
CHF/BA/PL