

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

HERNANDO COUNTY,

Petitioner,

vs.

OGC CASE NO. 93-2128

FLORIDA CRUSHED STONE CO. and
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

**ORDER GRANTING SECOND REQUEST FOR EXTENSION
OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner Hernando County under rule 17-103.070 of the Florida Administrative Code to grant an extension of time to file a petition for an administrative hearing on Application No. AC27-222095. See Exhibit 1.

Although Counsel for Petitioner has not discussed this request with counsel for the Respondent State of Florida Department of Environmental Protection, the Department has no objection to it. Therefore,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until November 1, 1993, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

RECEIVED

SEP 10 1993

Division of Air
Resources Management

Department of Environmental Regulation
Routing and Transmittal Slip

To: (Name, Office, Location)

1.	Bruce Mitchell
2.	
3.	AIR
4.	

Remarks:

Do I need to send anyone else a copy of this order?

RECEIVED

SEP 10 1993

Division of Air
Resources Management

From	Holly Burnham	Date	9-10-93
		Phone	6-9730

DONE AND ORDERED on this 9th day of September 1993 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

W.H. Plante
KENNETH J. PLANTE
General Counsel

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9314

CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was mailed to:

C. Anthony Cleveland
OERTEL, HOFFMAN, FERNANDEZ,
& COLE, P.A.
2700 Blair Stone Road
Tallahassee, Florida 32301

on this 10th day of September 1993.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

W. Douglas Heason
W. DOUGLAS HEASON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED
AUG 27 1993

Dept. of Environmental Prot.
Office of General Counsel

HERNANDO COUNTY,

Petitioner,

v.

OGC CASE NO.: 93-2128

FLORIDA CRUSHED STONE CO. and
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

_____ /

MOTION FOR EXTENSION OF TIME

Pursuant to Rule 17-103.070, Fla. Admin. Code, Hernando County requests an extension of time in which to file a petition for formal administrative proceedings concerning DER Permit AC27-222095 (PSD-FL-091C/B). In support thereof, Hernando County states as follows:

1. On June 17, 1993, Hernando County filed its request for administrative point of entry. Hernando County was concerned that a request by Florida Crushed Stone (FCS) to the Department that its application for modification of a permit might, absent a waiver of the 90-day clock mandated by Section 120.60(2), Fla. Stat., result in a default.

2. Subsequent to the filing of Hernando County's motion, FCS executed a "waiver of 90-day time limit." This waiver shall expire on September 21, 1993. As a result of this waiver, it is unnecessary for Hernando County to file a petition for formal administrative proceedings at this time and the filing of such a petition may never become necessary.

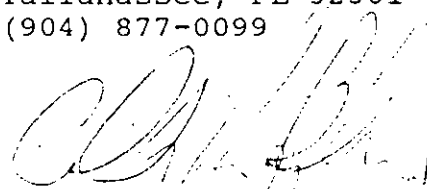
3. In view of the circumstances described above, Hernando County requests an extension of time to October 1, 1993, to file a petition for formal administrative proceedings in this matter.

4. The undersigned has attempted to contact W. Douglas Beason, Department Counsel in this matter, but has been unable to do so.

WHEREFORE, Hernando County respectfully requests that the Department enter an order granting an extension of time in which to file a petition for formal administrative proceedings with respect to this matter to and including October 1, 1993.

Respectfully submitted this 27th day of August, 1993.

OERTEL, HOFFMAN, FERNANDEZ
& COLE, P.A.
2700 Blair Stone Road
Suite C
Tallahassee, FL 32301
(904) 877-0099

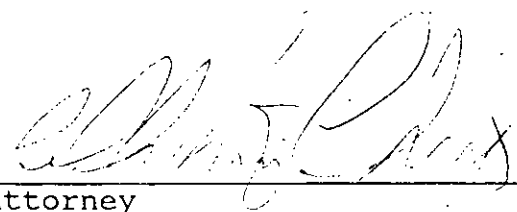


C. ANTHONY CLEVELAND
Fla. Bar ID #217859

Counsel for Hernando County

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one (1) copy of the foregoing have been furnished by Hand-Delivery to the AGENCY CLERK, Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, and true and correct copies have also been furnished by Hand-Delivery to W. Douglas Beason, Assistant General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, and by U. S. Mail to Thomas Mountain, Environmental Manager, Florida Crushed Stone Company, Post Office Box 490300, Leesburg, Florida 34749-0300, this 27th day of August, 1993.



Attorney

CAC/dg/
C:\Work1\HernanEx.CAC

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

HERNANDO COUNTY,

Petitioner,

vs.

OGC CASE NO. 93-2128

FLORIDA CRUSHED STONE CO. and
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

ORDER GRANTING REQUEST FOR ADMINISTRATIVE POINT OF ENTRY

This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner Hernando County under rule 17-103.155(5) of the Florida Administrative Code to grant an administrative point of entry on Application No. AC27-222095. See Exhibit 1.

Counsel for Petitioner has discussed this request with counsel for the Respondent State of Florida Department of Environmental Protection, which has no objection to it.

Therefore,

IT IS ORDERED:

The request for an administrative point of entry is granted. Petitioner shall have until August 30, 1993, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Department of Environmental Regulation
Routing and Transmittal Slip

To: (Name, Office, Location)

1.

Bruce Mitchell

2.

3.

AIR

4.

Remarks:

RECEIVED

AUG 10 1993

Division of Air
Resources Management

From

*Doug
Beason*

Date


8-9

Phone

5-9730

DONE AND ORDERED on this 6TH day of August 1993 in
Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


KENNETH J. PLANTE
General Counsel

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9314


CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was mailed to:

C. Anthony Cleveland
OERTEL, HOFFMAN, FERNANDEZ,
& COLE, P.A.
2700 Blair Stone Road
Tallahassee, Florida 32301

on this 6TH day of August 1993.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


W. DOUGLAS BEASON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

RECEIVED

JUN 17 1993

IN RE: FLORIDA CRUSHED STONE COMPANY
REQUEST FOR MODIFICATION OF
PERMIT NOS. AC27-222095 and
PSD-FL-091C

Dept. of Environmental Reg.
Office of General Counsel

OGC CASE NO. _____

REQUEST FOR ADMINISTRATIVE POINT OF ENTRY

HERNANDO COUNTY, by and through the undersigned attorney, and pursuant to the authority cited herein, hereby requests an administrative point of entry to formal administrative proceedings to challenge the Department's decision in the above-styled proceedings, if necessary, and in support thereof states as follows:

1. On March 23, 1993, Florida Crushed Stone Company (FCS) filed with the Department of Environmental Regulation (DER or Department) a letter requesting amendment of DER Permits AC27-222095 and PSD-FL-091C to authorize the continuous utilization/firing of on-site used oil. FCS proposed to fire the oil in the facility's kiln at a maximum firing rate of not more than 15% of the total Btu heat input from fuel oil use during startup of the unit. See Attachment "A".

2. Subsequent to filing of the request, representatives of Hernando County contacted FCS regarding the potential permit modification. As a result, it appears that the County and FCS are in agreement regarding certain conditions relevant to whether or not used oil to be utilized as proposed by FCS would constitute a hazardous waste as defined in 40 C.F.R. 261.21(1).

3. Subsequently, on May 21, 1993, FCS contacted Department staff and requested that their application for modification of the permit as referenced herein be placed "on hold" to allow FCS to determine whether it wished to meet all of the Department's proposed

conditions. By letter of May 24, 1993, the County requested Department notification in the event that FCS decides to move ahead with its request. See Attachment "B".

4. FCS has not provided any written waiver of the 90-day permit activity time clock, as provided in Section 120.60(2), Florida Statutes. The County is concerned that, in absence of a written waiver, an argument may be created that the requested permit modification was issued by default through expiration of the 90-day time clock in Section 120.60(2), Florida statutes. In any such instance, pursuant to its rights under Section 120.57(1), Florida Statutes, and Section 403.412(5), Florida Statutes, the County wishes to preserve its right to challenge any departmental decision-making, notwithstanding the operation of Section 120.60(2), Florida Statutes.

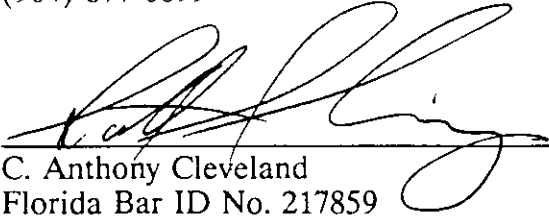
5. In addition, although it appears that the County and FCS are in agreement as to permit conditions of significance to the County's interests, the County wishes to preserve its right to review and challenge any and all proposed agency action in the event that it fails to incorporate the County's understanding with FCS. Thus, this request is filed in an abundance of caution to preserve the County's rights.

6. Accordingly, pursuant to its rights under the Administrative Procedures Act and Florida Administrative Code Rule 17-103.155(5), Hernando County specifically requests that it be provided with notice of intended agency action and a clear point of entry to formal administrative proceedings so that it may, if necessary, file a petition for administrative proceedings with respect to the Department's proposed action.

Respectfully submitted,

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

2700 Blair Stone Road, Suite C
Post Office Box 6507
Tallahassee, Florida 32314-6507
(904) 877-0099


For C. Anthony Cleveland
Florida Bar ID No. 217859

Attorneys for HERNANDO COUNTY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of the foregoing have been furnished by Hand Delivery to the Agency Clerk, Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and that a true copy of the foregoing has been furnished by United States Mail this 17th day of June, 1993 to:

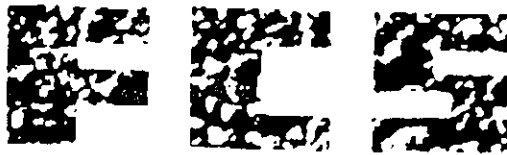
Dan Thompson, General Counsel
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Bruce Mitchell, P.E. (HAND DELIVERY)
Bureau of Air Regulation
Department of Environmental Regulation
111 South Magnolia Ave.
Tallahassee, FL 32301

Thomas Mountain, Environmental Manager
Florida Crushed Stone Company
Post Office Box 490300
Leesburg, FL 34749-0300


Attorney

SS:cjb/1579.poc



FLORIDA CRUSHED STONE COMPANY
CEMENT / POWER / LIME PLANT

March 18, 1993

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

RECEIVED

MAR 23 1993

DIVISION OF
Resources Management

Re: Used Oil Utilization/Firing

Mr. Mitchell,

As previously discussed, the FCS Cement Plant located in Hernando County, Florida is considering utilizing the used oil generated at the FCS Brookeville Operations for firing the kiln during start up operations. In response to Mr. Clair Fancy's letter dated January 26, 1993, the following information is provide for you review.

- * The used oil to be utilized would come from the used oil tanks located at the FCS Gregg Mine and the FCS CPL Plant mobile shops only. These sources contain a mixture of mobile, gearbox and bearing oils.
- * The used oil would be mixed with purchased fuel oil used to warm up the kiln in start up operations. The fuel oil tank is a 20,000 gallon tank; inventory is kept above 13,000 gallons at all time. Maximum total used oil generated for both sources combined averages at 30,000 gallons a year. Average fuel use in kiln warm up operations is 300,000 gallons a year. Monthly use of fuel oil varies between 17,000 gals to 32,000 gals. During warm up operations fuel oil firing rates range from 120 gph and gradually increase to 600 gph during the last two hours of a start up. The maximum rate of used oil fired during warm up operations would be between 10 to 15 percent.
- * The heating value of the used oil is roughly the same as for the purchased fuel oil; therefore, the percent of heat input of the used oil would equal the use rate percentage and would range from 10 to 15 percent.

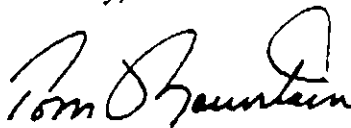
Page 2.

- * As mentioned above, the only source that will fire/utilize the used oil is the kiln during start up operations.
- * Analyses of the used oil generated at both sources are included. According to the analyses, the used oil from both sources meets RCRA specifications for the fuel recovery of used oil according to 40 CFR 266.4.
- * The two sources mentioned will be the only used oil sources. No off-site generated used oil will be used.

Based on the information provided above, the FCS Cement Plant requests that FDER permits AC27-222095 and PSD-FL-091C be amended to authorize the continuous utilization/firing of on-site used oil in the facility's kiln at a maximum utilization/firing rate not to exceed 15% of the total Btu heat input derived from the use of fuel oil during start up operations. As a specific condition to guarantee compliance, the FCS Cement Plant would be required to record and maintain on file the amount of used oil and purchased fuel oil transferred to the Cement Plant fuel oil tank each month. FCS would be allowed to transfer used oil in amount equal to or less than 15% of the fuel oil purchased at the time in which the purchased fuel oil is delivered. This data would be reported on a quarterly basis in the fuel use and analysis data report currently submitted to the FDER Southwest District Office Air Section.

Please contact me at (904) 799-7881 ext. 205 should have any questions.

Sincerely,



Tom Mountain
Environmental Manager



Progress Environmental Laboratories

4420 Pendola Point Road
Tampa, Florida 33618
(813) 247-2805
FAX: (813) 248-1537

- CERTIFICATE OF ANALYSIS -
(HRS #B84207 and FDER CompQap #900306G)

To: Florida Crushed Stone
10311 Cement Plant Road
Brooksville, FL 34601

Report Date: 03/02/93

Attn: Butch Wheeler

PEL LAB # : 504236
Client ID : Motor Oil; Gregg Mine
Project ID :
Location : Gregg Mine
Matrix : Oil

Collection Information:
Sample Date: 02/09/93
Sample Time:
Sampled By : K.D.

ND = Less than MDL

***NOTE: EPA Method 602 analyzed on 02/26/93 by B.S.

Lab#	Parameter	Method	Results	Units	MDL
504236	Barium	EPA 6010	12.19	ug/g	0.96
	Cadmium	EPA 6010	0.70	ug/g	0.35
	Chromium	EPA 6010	1.23	ug/g	0.79
	Silver	EPA 6010	ND	ug/g	1.23
	Arsenic	EPA 7060	ND	ug/g	0.21
	Lead	EPA 7421	4.81	ug/g	0.07
	Mercury	EPA 7471	ND	ug/g	0.20
	Selenium	EPA 7740	0.24	ug/g	0.09
	Carbon	LECO CHN 600	77.02	wt%	0.00
	Hydrogen	LECO CHN 600	12.91	wt%	0.00
	Total Nitrogen	LECO CHN 600	0.20	wt%	0.00

Respectfully submitted, Vincent M. Giampa
Vincent M. Giampa, Laboratory Supervisor



Progress Environmental Laboratories

4420 Pendola Point Road
Tampa, Florida 33618
(813) 247-2606
FAX: (813) 248-1927

- CERTIFICATE OF ANALYSIS -
(HRS #E84207 and FDER CompQap #700306G)

To: Florida Crushed Stone
10311 Cement Plant Road
Brooksville, FL 34601

Report Date: 03/02/93

Attn: Butch Wheeler

PBL LAB # : 504235
Client ID : Motor Oil; C.P.L.
Project ID :
Location : C.P.L.
Matrix : Oil

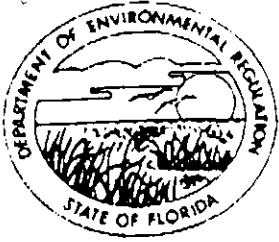
Collection Information:
Sample Date: 02/09/93
Sample Time:
Sampled By : K.D.

ND = Less than MDL

***NOTE: EPA Method 602 analyzed on 02/26/93 by B.S.

Lab#	Parameter	Method	Results	Units	MDL
504235	Barium	EPA 6010	ND	ug/g	0.77
	Cadmium	EPA 6010	ND	ug/g	0.28
	Chromium	EPA 6010	ND	ug/g	0.63
	Silver	EPA 6010	ND	ug/g	0.98
	Arsenic	EPA 7060	ND	ug/g	0.24
	Lead	EPA 7421	7.14	ug/g	0.08
	Mercury	EPA 7471	ND	ug/g	0.20
	Selenium	EPA 7740	0.12	ug/g	0.07
	Carbon	LECO CHN 600	84.47	wt%	0.00
	Hydrogen	LECO CHN 600	13.31	wt%	0.00
	Total Nitrogen	LECO CHN 600	0.10	wt%	0.00

Respectfully submitted, Vincent M. Giampa
Vincent M. Giampa, Laboratory Supervisor



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 26, 1993

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Randy Thompson
Environmental Department
Florida Crushed Stone Company
Post Office Box 490300
Leesburg, Florida 34749-0300

Dear Mr. Thompson:


Re: Inquiry on the Utilization/Firing of Used Oil

On January 19, 1993, Mr. Tom Mountain spoke with Mr. Bruce Mitchell on the potential use of "used oil". Since the facility is not permitted to fire/utilize "used oil", then submit the following information to the Department's Bureau of Air Regulation and the permitting requirements will be established and you will be advised:

- o What is the source(s) of the "used oil"?
- o What is the maximum quantity of "used oil" that will be fired/utilized (i.e., gals/hr) on a per source basis?
- o On a per source basis, what is the "percent" of the heat input that will be supplemented by the "used oil"?
- o Identify the source or sources that will potentially fire/utilize the "used oil"?
- o Provide an elemental and ultimate analysis of the "used oil" that you plan on firing/utilizing.
- o Will there be any "used oil" generated off-site for this proposal? If so, please explain fully.

If there are any questions, please call Mr. Bruce Mitchell at (90)488-1344 or write to me at the above address.

Sincerely,


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

CHF/BM/rbm

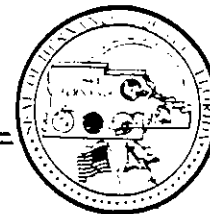
cc: B. Thomas, SWD
C. Hetrick, HCBCC
D. Beason, Esq., DER
T. Mountain, FCSC

Board of County Commissioners

Hernando County

PLANNING DEPARTMENT

Government Center / Administration Building
20 North Main Street, Room 262
Brooksville, Florida 34601-2807



Planning - (904) 754-4057
Fax - (904) 754-4420

May 24, 1993

RECEIVED

MAY 27 1993

Mr. Bruce Mitchell
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

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

Dear Mr. Mitchell:

Mr. Larry Jennings, Planning Department Director, and I met with Mr. Tom Mountain of Florida Crushed Stone on Friday, May 21. At that time, Mr. Mountain informed us to hold up our review of the letter of modification to burn on-spec used oil as Florida Crushed Stone was unsure it wished to meet the modification's conditions. Staff intends to inform the Board of County Commissioners on May 25 that the company has requested that our review be suspended at this time.

The County is concerned that if action is anticipated at a later date, our opportunity to comment remains. To this end, I am asking that DEP notify the County should Florida Crushed Stone decide to move ahead with its request.

Your assistance is appreciated.

Sincerely,

Katherine P. Liles
Environmental Planner

KPL/mfs

pc: Charles B. Hetrick, County Administrator
Tony Cleveland, OHFC

E:\WPDATA\KATHYL\FCSOIL.LTR