



RTP ENVIRONMENTAL ASSOCIATES INC.®

AIR • WATER • SOLID WASTE CONSULTANTS

239 U.S. Highway 22 East
Green Brook, New Jersey 08812-1909

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January 16, 1997

Ms. Teresa Heron
Florida Dept. of Environmental Protection
Bureau of Air Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

BUREAU OF
AIR REGULATION

JAN 21 1997

RECEIVED

RE: Proposed "Reasonable Precautions" to prevent unconfined particulate matter emissions for Florida Crushed Stone draft permit

Dear Ms. Heron:

In our telephone conversation of January 9, 1997, you stated that the Department was amenable to all of the applicant's comments on the draft permit for a proposed precalciner kiln at Florida Crushed Stone (see December 13, 1996 letter from Donald F. Elias to Clair H. Fancy) except for number 3, which relates to unconfined particulate matter emissions (UPM). In response to your concerns, we have revised permit condition II.2.2(b) as follows based on reasonable preventions to control UPM at the facility:

(b) *The following reasonable precautions shall be implemented at the facility:*

- *All permanent haul roads and traffic areas at the plant site (with the exception of the coal storage area) shall be paved.*
- *A sweeper truck shall be maintained and operated at the plant to limit dust buildup on paved surfaces in and around the plant site, as well as internal areas of the plant.*
- *A water tanker truck shall be maintained and operated at the plant to water paved surfaces, raw material transfer points and other plant areas during dry meteorological periods as necessary to prevent fugitive emissions. Unpaved haul roads in and around the plant site shall be watered at regular intervals (or, alternately, treated with chemical dust suppressants at regular intervals).*
- *A vacuum truck shall be maintained and operated at the plant to "immediately collect" any spilled cement kiln dust.*

- 2 -

- *Dry materials (moisture content less than 10%) shall be stored below grade, in silos, or in covered structures.*
- *Limestone and gypsum shall be stored in the existing covered A-frame storage structure.*
- *Fly ash shall be charged directly into the storage silo via tank truck.*
- *Coal stored at or above natural grade shall be shaped, compacted, turned and/or watered as necessary to minimize wind erosion.*
- *A water sprinkler system shall be maintained and operated at the coal storage area to wet high traffic areas during hopper charging operations. The hopper and coal conveyor network shall be covered. Traffic in the coal storage area is limited to hopper charging operations.*
- *All cement products shall be transferred to transport vehicles with sealed pneumatic conveying systems which are either closed systems or exhausted through bag filters.*
- *All plant equipment operators will be trained in basic environmental compliance, and will perform visual inspections of materials before handling. If the visual inspections indicate a lack of excess surface moisture, the materials will be wetted. Such wetting will continue until the materials can be handled without generating unconfined particulate matter emissions.*

Please review our proposed permit language herein and incorporate as necessary into the draft permit. As we discussed, please provide us with another copy of the revised draft permit so that we may review the revisions made pursuant to this and our December 13th letters.

Thank you for your time and consideration.

Sincerely,

RTP ENVIRONMENTAL ASSOCIATES, INC.®

Donald F. Elias /wec

Donald F. Elias
Principal

DFE/WEC/wec

cc: C.Fancy, A.Linero, C.Holladay, H.Oven - Florida DEP
B.Adkins, C.Allen - Florida Crushed Stone
L.Curtin - Holland & Knight
W.Corbin, M.Hober, Proj.File-FCS - RTP Environmental Associates, Inc.

Florida Department of
Environmental Protection

Memorandum

TO: Al Linero *AL*

FROM: Buck Oven

DATE: January 9, 1997

SUBJECT: Florida Crushed Stone, PA 82-17, Module 8025
PSD FL 227A

Please have the appropriate staff review the attached draft Order for accuracy and compare it to the proposed amendment to the PSD Permit and Permit No AC27-274892. Advise me of any necessary changes.

Attach:

cc: Doug Beason

cc: J. Nelson

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In Re:)
Florida Crushed Stone Company)
Power Plant Certification)
Modification Request)
No. PA 82-17F)
Hernando County, Florida)

PROPOSED ORDER

MODIFYING CONDITIONS OF CERTIFICATION

The Department of Environmental Protection has received a request to modify the Conditions of Certification for the Florida Crushed Stone (FCS) power plant in Brooksville pursuant to the Florida Electrical Power Plant Siting Act, Section 403.516(1), Florida Statutes, and Condition XXV, Modification of Conditions, which delegates authority to modify conditions to the Department.

On September 11, 1996, a request for modification was filed to allow construction and operation of a revised, second cement plant and related facilities on the site. The Department is reviewing the proposed request. The Bureau of Air Regulation has prepared a Public Notice of Intent to Issue Air Construction Permit for publishing. Approval of the Air Construction Permit and issuance of a revision to PSD-FL-227A by the Department will require a corresponding modification to the Conditions of Certification in PA 82-17.

The following changes to the conditions are proposed:

I. Air - A. Emission Limitations

16. If the preheater kiln technology is selected, Sstack emissions from Cement Plant II shall not exceed the following site specific limitations for the cement kiln, clinker cooler, raw mill and preheater as given in Permit No. AC9527-274892:

(Dry basis) POLLUTANT	Emission Limits LBS./TON KILN FEED	MAX ALLOWABLE EMISSIONS	
		LBS./HR.	TONS/YR.
Particulate (Cooler)	0.1	12.7	55.6
Particulate (Kiln)	0.2	25.4	111.3
SO ₂	0.18	22.4	98.2
No _x	1.83	232.4	1018

If the precalciner kiln technology is selected, stack emissions from Cement Plant II shall not exceed the following site specific limitations for the cement kiln, clinker cooler, raw mill, shaft dryer heater, and precalciner as given in Permit No. AC27-274892(A):

(dry basis) POLLUTANT	Emission Limits LBS./TON KILN FEED	MAX ALLOWABLE EMISSIONS	
		LBS./HR.	TONS/YR.
Particulate (Cooler)	0.1	15.9	69.8
Particulate (Kiln)	0.2	31.9	139.6
SO ₂	0.15	24.0	104.9
No _x	1.83	291.7	1277.5

The measured emission rates will be the combined rates from the Unit II cement kiln stack. Visible emissions shall not be equal to or greater than 10% opacity, also determined at the Unit II cement plant stack. Permits No. AC9527-274892 and AC27-274892A also specifies specify:

- a. No change
- b. No change
- c. No change

17. Minor source Cement Plant II particulate emissions due to the storage and/or use of raw materials, intermediate (cement kiln dust) and final (clinker) products will be controlled through the use of silos and/or covered conveyors equipped with fabric filter baghouses designed for outlet grain loading of 0.01 gr/acfdscf. A visible emission reading of 5% opacity or less may be used to establish compliance with the lb/hour gr/dscf emission

limits for each source given in the permits. A visible emission reading greater than 5% opacity ~~will~~ may require the permittee to perform a stack test using EPA Methods contained in 40 CFR 60, Appendix A with minimum requirements for stack sampling facilities, source sampling and reporting in accordance with 62-297, F.A.C.

B. Air Monitoring Program

1. A flue gas oxygen meter shall be installed for the unit to continuously monitor a representative sample of the flue gas. The oxygen monitor shall be used with automatic feedback or manual controls to continuously maintain air/fuel ratio parameters at an optimum. Performance tests shall be conducted and operating procedures established. The document -- "*Use of Flue Gas Oxygen Meter as BACT for Combustion Controls*"-- may be used as a guide. The permittee shall ---.

H. Cement Kiln #2, and its associated equipment, shall be constructed and operated in accordance with PSD FL ~~22~~ 227 or 227(A).

XXV. Modification of Conditions

The conditions of this certification may be modified in the following manner:

A. The Board pursuant to 403.516(1), F.S. hereby delegates to the Secretary the authority to modify, after notice and opportunity for hearing, any conditions pertaining to consumptive use of water, monitoring of air or water, sampling, groundwater, mixing zones, zones of discharge, leachate control programs, effluent or emission limitations and transmission line construction.

B. This certification shall be automatically modified to conform to any subsequent amendments, modifications, or renewals made by DEP under a federally delegated or approved program to any separately issued Prevention of Significant Deterioration (PSD) permit, Title V Air Permit, or National Pollutant Discharge elimination System (NPDES) permit for the certified facility. Florida Crushed Stone shall send each party to the original certification proceedings (at the party's last known address as shown in the record of such proceeding) notice of requests for

modifications or renewals of the above listed permits if the request involves a relief mechanism (e.g., mixing zone, variance, etc.) from standards, a relaxation of conditions included in the permit due to state permitting requirements, or the inclusion of less restrictive air emission limitations in the air permits. DEP shall notify all parties to the certification proceeding of any intent to modify conditions under this section prior to taking final agency action.

C. All other modifications shall be made in accordance with Sections 403.516, F.S.

Copies of the department's proposed action are hereby being distributed to all parties to the certification proceeding and made available for public review. All of the parties to the original proceeding are hereby advised of the intent to modify. A hearing may be held if a party to the original certification hearing objects within 45 days from receipt of the proposed notice of modification or if a person whose substantial interests will be affected by the proposed modification objects in writing within 30 days after issuance of the public notice.

DONE AND ENTERED this _____ day of _____, 1997, in Tallahassee, Florida.

**STATE OF FLORIDA, DEPARTMENT
OF ENVIRONMENTAL PROTECTION**

HAMILTON S. OVEN, P.E.
ADMINISTRATOR, SITING
COORDINATION OFFICE
2600 Blair Stone Road, MS 48
Tallahassee, Florida 32399-2400

Tallahassee, FL 32399-3000



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RECEIVED

DEC 15 1996

**BUREAU OF
AIR REGULATION**

December 13, 1996

Mr. Clair H. Fancy, P.E.
Bureau of Air Regulation
Florida Dept. of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Dear Mr. Fancy:

We appreciate the Department's efforts in reviewing our application and preparing a draft permit. After careful review, Florida Crushed Stone (FCS) has the following comments on the draft air permit for a second kiln at their Brooksville facility:

- (1) As noted in the application, FCS is requesting authority to construct either a gepol tower (previously permitted) or a precalciner kiln (subject of this draft permit). We request that the permit be worded to allow construction of either kiln to begin within 18 months of the effective date of this permit. This could be accomplished by a minor modification of the original permit (i.e., extending its date) or incorporating the original gepol tower permit into the new precalciner permit.
- (2) The expiration date of this construction permit, November 30, 1998 (i.e., less than two years), is insufficient to allow for construction and shakedown of the proposed facility prior to applying for the operating permit. Therefore, we request that the expiration date be set at five years from the effective date of the final permit.
- (3) Permit condition II.2.2(b) on page 5 is much more restrictive than requirements in the previous permit for the gepol tower kiln. Specifically, the applicant requests that the third through fifth bullet items be deleted. First, the permit application already specifies which materials will be stored in enclosed structures/silos. Also, determination of which materials required special storage was based on 10% moisture content in the previous permit application, not 14% as specified in the draft permit. Second, alignment of the coal pile with the predominant wind direction may not be possible given operational restrictions in the coal handling

- 2 -

area. Third, the requirement for revegetating haul roads and other disturbed areas is burdensome and may be interpreted to apply to mining operations. In summary, annual visible emission testing is being required as part of this permit for minor and fugitive PM sources, which will ensure that visible emissions are controlled to the degree necessary. Further, FCS maintains an ambient monitoring network that includes particulate monitoring as a further check on particulate emissions and impacts.

- (4) Permit condition III.B11 on page 14 is much more restrictive than requirements in the previous permit for the gepol tower kiln. In the previous permit, production and feed rates were to be calculated and recorded daily, which is reflected in current condition III.B7. It is impractical, if not impossible, to calculate and record hourly production and feed rates. Even if it were somehow possible, the production and feed rates could not be calculated on a real-time basis for use by CEM systems.

Also, the requirement to calculate 24-hour rolling-hourly CEM averages is burdensome and not necessary. As written, we interpret the permit for the gepol tower kiln to require compliance with 24-hour limits to be based on daily block averages consistent with the requirement for production and feed rates to be recorded daily. Most existing permits with CEM requirements or new federal directives require that compliance with 24-hour permit limits based on CEM data be calculated as daily (i.e., block) rather than 24-hour running averages. For example, the recent Emission Guidelines/New Source Performance Standards (EG/NSPS) for municipal waste combustors (MWCs) at 40 CFR Subparts Cb and Eb require compliance based on CEM data to be determined with the daily (i.e., block) averaged geometric mean of hourly arithmetic mean concentrations, which are even less stringent than daily (i.e., block) averaged arithmetic mean averages.

Finally, this condition requires that startup be limited to 2 hours without notifying the Department. As noted in our May 10, 1995 responses for the previous permit, startup from cold conditions can take up to 24 hours (a large amount of time is necessary to heat the large thermal mass of the kiln). Thus, every cold startup would require notification and potentially prior Department approval. We believe that the language in the draft permit is a misinterpretation of FAC 62-210.700, which limits the duration of excess emissions due to startup, shutdown, and malfunctions to two hours in a 24 hour period. During startup and shutdown, emissions will be less than permit limits given in lb/hour values. However, since no feed stock is introduced or clinker produced during the initial warmup phases of a startup, permit limits given in lb/ton are meaningless. We suggest that this condition be reworded as follows:

B11. Compliance with the emission limits for NO_x and SO₂ in Table 1-2 shall be demonstrated by the continuous emission monitoring system (CEMS). The CEMS shall calculate and record emission rates in units of pounds of NO_x and SO₂ per hour. Clinker production rates shall be recorded daily. The permittee may establish a relationship between material feed rates and production rates of clinker if material feed rates are measured more accurately than clinker production rates and the relationship is accurate within 10%.

Every day, the 24-hour average NO_x and SO₂ emission rate for the previous day must be calculated. Emissions must be calculated in units of pounds per hour and pounds per ton of clinker. Daily averages are to be calculated as the arithmetic mean of each monitored operating hour. A monitored operating hour is each hour in which fuel is fired in the unit and at least two emission measurements are recorded at least 15 minutes apart. Data taken during periods of startup, or when fuel is not fired to the unit, or when the CEMS is not calibrated shall be excluded from the daily average.

For compliance with the emission limits in Table 1-2, the daily average shall not include data from periods of startup when no clinker is being produced. However, emissions during startup periods shall not exceed the pound per hour limits in Table 1-2. Data recorded during periods of shutdown, malfunction, load change, and continuous operating periods shall be included in the daily average.

- (5) There are numerous rounding errors in Table 1-2. Please revise these values to the correct numbers shown below:

SO ₂ = 24.0 lb/hour	VOC = 0.085 lb/ton clinker
H ₂ SO ₄ = 1.46 lb/hr	Be = 8.5E-07 lb/ton clinker ^a
Cooler PM = 15.94 lb/hr and 69.81 tpy (could be rounded to 70 tpy)	
Hours of operation should include "per year"	

In addition, the table does not include the footnote noting that the applicant has 18 months to achieve the NO_x permit limit. There is no mention of the 18 month period anywhere in the draft permit, although the supporting documents discuss this. As we noted in previous correspondence, it is important that FCS have this period to optimize the kiln operation in order to minimize NO_x emissions.

^aEmission limit should also be corrected on page 10 of Appendix BD (BACT Determination).

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- (6) On Table 2-1, please change the required test method for beryllium to Method 29 from Method 104. Thus, compliance with the beryllium emission limit can be determined during the same multi-metals test as required for mercury and lead in order to simplify the initial stack tests procedures and minimize testing costs.
- (7) Permit condition III.C5 on pages 20 and 21 notes that Department establishes a visible emission limitation of 5% opacity in lieu of particulate stack tests. Like specific condition 13 in the gepol tower permit, it should be explicitly stated that visible emissions in excess of 5% opacity are not permit violations, but only require that particulate stack tests be performed.
- (8) Permit condition III.C10(c) on pages 21 and 22 specifies an opacity limit for coal handling equipment and fugitive emissions from coal storage piles, etc. to less than 5% except when adding, moving, or removing coal (during which opacity shall be no more than 20%). To maintain consistency with opacity limits for other fugitive emissions, FCS requests that the "less than 5% opacity" be changed to "10% opacity or less" and revise the entry in the opacity column of Table 1-1 for coal handling and storage fugitive emissions accordingly (i.e., from "5/20/10" to "20/10").

If you have any questions or need any additional information, please feel free to contact either Bryan Adkins of Florida Crushed Stone at 352-799-7881 or myself at 908-968-9600.

Sincerely,

RTP ENVIRONMENTAL ASSOCIATES, INC.®

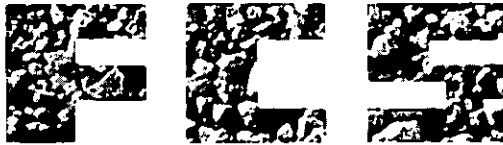
Donald F. Elias/wec

Donald F. Elias
Principal

DFE/WEC/wec

cc: A. Linero, T. Heron, C. Holladay, H. Oven/FDEP
B. Adkins, C. Allen/FCS
L. Curtin, Esq./Holland & Knight
M. Hober, W. Corbin, M. Lewis, FCS3 Project File/RTP

*EPA
NPS
SWD
Deason, OGC
L. Jennings, Hernando Co.*



FLORIDA CRUSHED STONE COMPANY

RECEIVED

DEC 2 1996

BUREAU OF
AIR REGULATION

November 26, 1996

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

Re: Proof of Publication- Public Notice of Intent To Issue Air Construction Permit.
Draft Permit No. AC27-274892(A), PSD-FL-227, PA82-17 Florida Crushed
Stone, Portland Cement Plant No.2 and Associated Equipment.

Mr. Fancy:

Enclosed is the newspaper affidavit from the Hernando Today for the above referenced public notice published on November 22, 1996.

Please call me at the number below if you have any questions.

Sincerely,

Tom Mountain
Environmental Manager

cc: D. Deals, EPA
G. Cunniff, TPS
B. Owen, PPS
B. Thomas, SWD
D. Reason, OGC
J. Jennings, Hernando Co
J. Neron, BAR

**HERNANDO
TODAY**

Published Daily

**BROOKSVILLE, HERNANDO, FLORIDA
STATE OF FLORIDA
COUNTY OF HERNANDO:**

Before the undersigned authority personally appeared Sally Parmerter, who on oath says that she is Legal Ad Coordinator of the Hernando Today/Hernando Sunday, a daily newspaper published at Brooksville in Hernando County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of Public Notice of Intent to Issue Air Construction Permit

in the N/A Court, was published in said newspaper in the issues of Nov. 22, 1996

Affiant further says that the said Hernando Today/Hernando Sunday is a newspaper published at Brooksville, in said Hernando County, Florida, and that the said newspaper has heretofore been continuously published in said Hernando County, Florida, each week 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 affiant further says that she 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.

Sally Parmerter
(Signature of Affiant)

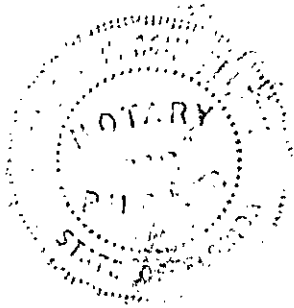
Sworn to and subscribed before me this 25th day of November, 19 96

Kathleen R. Schiefelbein
(Signature of notary public)

Kathleen R. Schiefelbein
(Name of Notary typed, printed or stamped)

Personally Known or
Produced Identification _____
Type of Identification Produced

OFFICIAL NOTARY SEAL
KATHLEEN R SCHIEFELBEIN
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC478140
MY COMMISSION EXP. JULY 5, 1999



PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DRAFT Permit No.: AC27-274892(A), PSD-FL-227(A)
Florida Crushed Stone
Brooksville Cement Manufacturing Facility
Hernando County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit to Florida Crushed Stone Company (FCS). The permit will provide for a change in kiln technology and a production increase for the previously proposed and permitted Portland Cement Plant No. 2 to be located at 10311 Cement Plant Road in Brooksville, Hernando County, Florida. A Best Available Control Technology (BACT) determination was required for particulate matter (PM₁₀), sulfur dioxide (SO₂), nitrogen oxides (NO_x), and carbon monoxide (CO) pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The applicant's name and address are: Florida Crushed Stone Company, 10311 Cement Plant Road, Brooksville, Florida 34601.

The project changes consist of adding a precalcining vessel and a different preheater prior to the kiln in lieu of the previously approved Geopol preheater. The capacity of the plan will increase from 83 to 104 tons per hour of clinker. The revised project, therefore, will consist of a dry process kiln with a preheater/precalciner, clinker cooler, crushers, raw mill, finish mill, material and fuel handling equipment, silos, and shipping facilities. Pollution control equipment includes a common fabric filter system (baghouse) for particulate emissions from the kiln and cooler, absorption of sulfur compounds and metals into the product, combustion controls for volatile organic compounds (VOC) and CO, indirect firing, multiple burn points and other combustion controls for NO_x, and baghouses for particulate emissions from other process emission units.

Total emissions of PSD Significant pollutants for the revised Portland Cement Plant No. 2 project will be greater than those predicted for the original project due to the production increase:

Pollutant	Revised Project Tons Per Year	Original Project Tons Per Year
PM/PM ₁₀	300	250
SO ₂	105	98
NO _x	1278	909
CO	913	727

An air quality impact analysis was conducted. SO₂ and NO₂ emissions will not have a significant impact in the PSD Class II area; therefore, no PSD Class II increment consumption for SO₂ and NO₂ was calculated. The maximum predicted PSD Class II PM₁₀ increments consumed by this project will be as follows:

PSD Class II Increment Consumed (µg/m ³)	Allowable Increment (µg/m ³)	Percent Increment Consumed
PM ₁₀		
24-hour 28	30	93
Annual 3	17	18

The project will not have a significant impact on the Chassahowitzka PSD Class I area with respect to SO₂, PM₁₀ and visibility; therefore, no increment consumption for SO₂ and PM₁₀ was calculated. The maximum predicted PSD Class I NO₂ increment consumed by this project is as follows:

PSD Class I Increment Consumed (µg/m ³)	Allowable Increment (µg/m ³)	Percent Increment Consumed
NO ₂ Annual 0.99	2.5	40

Coal and tires will be the primary fuels consumed. A blend of fuel oil and on spec used oil will be burned during startup with occasional use of natural gas. No RCRA hazardous waste will be burned. Cement Kiln Dust (CKD) collected in the kiln/cooler baghouse will be returned to the process. Any CKD not returned to the process will be stored in silos for sale and ultimately handled in accordance with Subtitle C rules under development by EPA.

The Department will issue the FINAL Permit, in accordance with the conditions of the DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments and requests for public meetings concerning the proposed DRAFT Permit issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments and requests for public meetings should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit, the Department shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.

The Department will issue FINAL Permit with the conditions of the DRAFT Permit unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. or a party requests mediation as an alternative remedy under Section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below followed by the procedures for requesting mediation.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 904/488-9370, fax: 904/487-4938. Petitions must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition (or a request for mediation, as discussed below) within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 F.S. or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-5.267 of the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the 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 the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the Department's action or proposed action addressed in this notice of intent.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A person whose substantial interests are affected by the Department's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any; (b) A statement of the preliminary agency action; (c) A statement of the relief sought; and (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following: (a) The names, addresses, and telephone numbers of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs and fees associated with the mediation; (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation; (e) The date, time and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen; (f) The name of each party's representative who shall have authority to settle or recommend settlement; and (g) The signature of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

The complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida, 32301
Telephone: 904/488-1344
Fax: 904/922-6979

Department of Environmental
Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619
Telephone: 813/744-6100
Fax: 813/744-6458

Hernando County Planning Department
20 North Main Street, Room 262
Brooksville, Florida 34601-2807
Telephone: 352/754-4057
Fax: 352/754-4420

The complete project file includes the application, technical evaluations, Draft Permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Resource Review Section at 111 south Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 904/488-1344, for additional information.