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RECEIVED

MAR 05 2009

BUREAU OF AIR REGULATION

KA 308-07-03
March 4, 2009

Mr. Tom Cascio
Bureau of Air Regulation
Florida Dept. of Environmental Regulation
2600 Blair Stone Road, MS 5500
Tallahassee, Florida 32399-2400

**RE: *Public Notice of Intent to Issue Title V Air Operation Permit Revision
Central Power and Lime, Inc. Power Plant – CAIR Program
Facility ID: 0530021***

Dear Tom,

Enclosed please find the Public Notice for incorporating the CAIR provisions for which the Central Power and Lime power plant is subject into the Title V air operation permit for the facility, ID: 0530021.

Please feel free to contact me at (352) 377-5822 or mlee@koooglerassociates.com if you have any questions regarding this submittal.

Regards,

Max Lee, PhD., P.E.
Senior Engineer
KOOGLER AND ASSOCIATES, INC.

Enclosure: Public Notice

cc: Terry Woodard/Larry Roberts, CPL

St. Petersburg Times

Published Daily

St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA
COUNTY OF Pinellas

} S.S.

Before the undersigned authority personally appeared **L. Compton** who on oath says that he/she is **Legal Clerk** of the **St. Petersburg Times** a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a **Legal Notice** in the matter **RE: Permit Legal** was published in said newspaper in the issues of **Classified Hernando**, 2/27/2009.

Affiant further says the said **St. Petersburg Times** is a newspaper published at St. Petersburg, in said Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as second class mail matter at the post office in St. Petersburg, in said Pinellas 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/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.

L M Compton

Signature of Affiant

Sworn to and subscribed before me
this 27th day of February A.D.2009



Mary Fanter
Commission # DD503974
Expires January 4, 2010
Bounded by Rain Insurance Inc. 000-300-7010

Mary Fanter

Signature of Notary Public

Personally known or produced identification

Type of identification produced _____

LEGALS

LEGALS

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION

Florida Department of Environmental Protection
Division of Air Resource Management, Bureau of Air Regulation
Draft /Proposed Air Permit No. 0530021-013-AV
Florida Crushed Stone Company (Cemex, Inc.)
Hernando County, Florida

Applicant: The applicant for this project is DPS Florida LLC, which is the operator of the existing Central Power and Lime plant at the Florida Crushed Stone (CEMEX, Inc.) facility. The applicant's Responsible Official and mailing address are: Terry Woodward, Power Plant Manager, DPS Florida LLC, Central Power and Lime, 10311 Cement Plant Road, Brooksville, Florida 34605.

Facility Location: DPS Florida LLC operates the existing Central Power and Lime, 150-megawatt (MW), coal fired power plant, which is a portion of the operations of the Florida Crushed Stone Company (Cemex, Inc) facility located in Hernando County at 10311 Cement Plant Road in Brooksville, Florida.

Project: The applicant has submitted a complete and certified Clean Air Interstate Rule (CAIR) Part Form and an SO₂ Opt-In Acid Rain Part Form for the 150-MW coal-fired power plant and has requested their incorporation into the existing Title V air operation permit.

The existing facility consists of the following emissions units:

The facility is an integrated facility that includes a Portland cement manufacturing plant, a power plant, and a coal yard. The power boiler is a coal fired unit that is allowed to generate a net delivered 150 megawatt (MW). The cement kiln, in-line kiln/raw mill and clinker cooler share a common baghouse fabric filter system (for particulate matter emissions control) and stack with the power plant; and, dry limestone injection is used to control SO₂ emissions from the power boiler, which is then collected in the common baghouse fabric filter system. All of the materials handling activities are controlled by fabric filter baghouse control systems, except for the Clinker Receiving/Handling System and the coal yard activities. Water sprays or chemical wetting agents and stabilizers are used at the coal receiving area, the coal storage area, and the coal transfer system to control fugitive particulate matter emissions and minimize visible emissions.

Permitting Authority: Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite 4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, Mail Station (MS) 5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above. In addition, electronic copies of these documents are available by entering the file number provided above where indicated on the following web site: <http://www.dep.state.fl.us/air/eproducts/apds/default.asp> and entering the permit number shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

Notice of Intent to Issue Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft/Proposed Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the Draft/Proposed Title V air operation Permit for a period of thirty (30) days from the date of publication of the Public Notice. Written comments must be post marked by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the official web site for notices at Florida Administrative Weekly (FAW) at <http://faw.dos.state.fl.us/> and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments received result in a significant change to the Draft/Proposed Permit, the Permitting Authority shall revise a revised Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the 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 with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 14 days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall 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 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 the proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.206, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information:

- The name and address of each agency affected and each agency's file or identification number, if known.
- The name, address, and telephone number of the petitioner; the name, address, and telephone numbers of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination.
- A statement of when and how each petitioner received notice of the agency action or proposed decision.
- A statement of all disputed issues of material fact. If there are none, the petition must so state.
- A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action.
- A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes.
- A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's actions is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

Mediation: Mediation is not available in this proceeding.

EPA Review: EPA has agreed to treat the Draft/Proposed Title V air operation permit as a Proposed Title V air operation permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period. Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended: The Final Title V air operation permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received that results in a different decision or significant change of terms or conditions. The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following website address: <http://www.epa.gov/region4/air/permit/Florida.htm>.

Objections: Finally, pursuant to 42 United States Code (U.S.C) Section 7661d(b)(2), any person may petition the Administrator of the EPA within sixty (60) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the thirty (30) day public comment period provided in the Public Notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W. Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at: <http://epa.gov/region4/air/permits/Florida.htm>.

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