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KA 307-10-14  
October 31, 2011

Ms. Christy Devore  
Bureau of Air Regulation  
Florida Dept. of Environmental Regulation  
2600 Blair Stone Road, MS 5500  
Tallahassee, Florida 32399-2400

**RE: Air Construction Permit Revision: FDEP Project No. 0530021-033-AC  
Request for revision to permit  
CEMEX Construction Materials Florida, LLC**

Dear Ms. Devore:

In review of the current air construction permit 0530021-033-AC conditions, the Federal NESHAP Subpart LLL requirements for mercury (Hg) testing of Emission Unit 044 (Kiln system no. 2) are noted to not be consistent to the air construction permit. Specific condition 18 of Section III of permit 0530021-033-AC states that annual Hg testing be required of EU 044 using Method 29 or the Ontario Hydro Method for Subpart LLL Hg tests. Section 40 CFR 63.1349(b)(5) (Subpart LLL as amended in 2006) states:

(5) The owner or operator of a kiln or in-line kiln/raw mill subject to the 41 µg/dscm mercury standard shall demonstrate compliance using EPA Method 29 of 40 CFR part 60. ASTM D6784-02, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), is an acceptable alternative to EPA Method 29 (portion for mercury only). If the kiln has an inline raw mill, you must demonstrate compliance with both raw mill off and raw mill on. You must record the hourly recycle rate of CKD during both test conditions and calculate an average hourly rate for the three test runs for each test condition.

The frequency of performance testing is stated in section 40 CFR 63.1349(c).

c) Except as provided in paragraph (e) of this section, performance tests required under paragraphs (b)(1) and (b)(2) of this section shall be repeated every five years, except that the owner or operator of a kiln, in-line kiln/raw mill or clinker cooler is not required to repeat the initial performance test of opacity for the kiln, in-line kiln/raw mill or clinker cooler.

As such, the requirement for Hg testing per the Federal NESHAP is upon permit renewal and not on an annual basis. Therefore, we are requesting that the permit correctly cite 40 CFR 63.1349(c) as the basis for testing and adjust the interval to reflect the rule requirement.

Please feel free to contact me at (352) 377-5822 or [mlee@kooglerassociates.com](mailto:mlee@kooglerassociates.com) if you have any questions regarding this request.

Best Regards,



Max Lee, Ph.D., P.E.  
KOOGLER AND ASSOCIATES, INC.

cc: George Townsend, CEMEX  
Lillian Deprimo, CEMEX (email only)

Enc: