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August 3, 2011

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DIVISION OF AIR
RESOURCE MANAGEMENT

Cindy Zhang-Torres, Air Permitting Supervisor
Florida Department of Environmental Protection
Southwest District Office
13051 N Telecom Pkwy
Temple Terrace, FL 33637-0926

Subject: *American Cement Company
Application for Draft TV Permit 1190042-007-AV
Sumter County, Florida*

Dear Cindy:

As a follow-up to our recent telephone conversation, I am submitting an abbreviated application converting the original application for the initial Title V Air Operating Permit for the American Cement Company plant in Sumter County to a concurrently processed Air Construction Permit/TV Permit Application. The purpose for converting the application to a concurrently processed AC/AV Application is to request the removal of a single permit condition that appeared in both the original air construction permit for the plant and in the draft Title V permit for the plant. In the AC (1190042-001-AC), the condition appears as Specific Condition 29.g and in the draft Title V Permit (-007-AV), the condition appears as Specific Condition 30.h.

These conditions appear in Section III. Subsection C of both referenced permits.

The condition states:

Public Access – Emission data shall be available in real time on the company website.

This condition is referenced by no other condition in either the AC or AV; hence, the removal of the condition will not affect any other part of either permit.

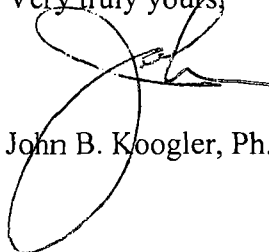
The reasons for requesting removal of this condition are detailed in the attached application. In summary, the reasons are,

- The conditions leading to the heightened concern regarding air quality impacts in Sumter County never materialized,
- The condition has no rule basis,
- The condition is inconsistent with conditions appearing in recently issued permits for other cement plants in Florida and,
- The condition is ambiguous.

Cary Cohrs, the Responsible Official for American Cement, will send under separate cover signed copies of the R.O. Statement along with a check in the amount of \$250.00 for processing this AC request.

If there are questions regarding this matter, please do not hesitate to contact me.

Very truly yours,


John B. Koogler, Ph.D., P.E.

JBK/kh

cc: Mike Halpin, FDEP Tallahassee (with Attachment 1)
Brian Accardo, FDEP Tallahassee (with Attachment 1)
Jeff Koerner, FDEP Tallahassee (with complete application)
David Zell, FDEP Temple Terrace
Cary Cohr, American Cement (with complete application)





Department of Environmental Protection

Division of Air Resource Management APPLICATION FOR AIR PERMIT - LONG FORM

I. APPLICATION INFORMATION

Air Construction Permit – Use this form to apply for an air construction permit:

- For any required purpose at a facility operating under a federally enforceable state air operation permit (FESOP) or Title V air operation permit;
- For a proposed project subject to prevention of significant deterioration (PSD) review, nonattainment new source review, or maximum achievable control technology (MACT);
- To assume a restriction on the potential emissions of one or more pollutants to escape a requirement such as PSD review, nonattainment new source review, MACT, or Title V; or
- To establish, revise, or renew a plant wide applicability limit (PAL).

Air Operation Permit – Use this form to apply for:

- An initial federally enforceable state air operation permit (FESOP); or
- An initial, revised, or renewal Title V air operation permit.

To ensure accuracy, please see form instructions.

Identification of Facility

1. Facility Owner/Company Name: American Cement Company (ACC)	
2. Site Name: Sumterville Cement Plant	
3. Facility Identification Number: 1190042	
4. Facility Location... Street Address or Other Locator: 4750 E C470 City: Sumterville County: Sumter Zip Code: 33585	
5. Relocatable Facility? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6. Existing Title V Permitted Facility? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Application Contact

1. Application Contact Name: John B. Koogler	
2. Application Contact Mailing Address... Organization/Firm: Koogler and Associates, Inc. Street Address: 4014 NW 13th Street City: Gainesville State: Florida Zip Code: 32609	
3. Application Contact Telephone Numbers... Telephone: (352) 377-5822 ext. Fax: (352) 377-7158	
4. Application Contact E-mail Address: jkoogler@kooglerassociates.com	

Application Processing Information (DEP Use)

1. Date of Receipt of Application:	3. PSD Number (if applicable):
2. Project Number(s):	4. Siting Number (if applicable):

APPLICATION INFORMATION

Purpose of Application

This application for air permit is being submitted to obtain: (Check one)

Air Construction Permit

- Air construction permit.
- Air construction permit to establish, revise, or renew a plantwide applicability limit (PAL).
- Air construction permit to establish, revise, or renew a plantwide applicability limit (PAL), and separate air construction permit to authorize construction or modification of one or more emissions units covered by the PAL.

Air Operation Permit

- Initial Title V air operation permit.
- Title V air operation permit revision.
- Title V air operation permit renewal.
- Initial federally enforceable state air operation permit (FESOP) where professional engineer (PE) certification is required.
- Initial federally enforceable state air operation permit (FESOP) where professional engineer (PE) certification is not required.

Air Construction Permit and Revised/Renewal Title V Air Operation Permit (Concurrent Processing)

- Air construction permit and Title V permit revision, incorporating the proposed project.
- Air construction permit and Title V permit renewal, incorporating the proposed project.

Note: By checking one of the above two boxes, you, the applicant, are requesting concurrent processing pursuant to Rule 62-213.405, F.A.C. In such case, you must also check the following box:

- I hereby request that the department waive the processing time requirements of the air construction permit to accommodate the processing time frames of the Title V air operation permit.

Application Comment

Revision to Title V Air Operation Permit Application incorporating equipment permitted under Construction Permit No. 1190042-001-AC, as extended to convert the application to a concurrently processed AC and Initial TV Permit Application. The AC application addresses the deletion of Specific Condition (SC) 29g of the initial AC for the project and parallel SC 30h in draft TV Permit 1190042-007-AV. The rationale for removing the SC is addressed in Attachment 1 to this Application. The removal of the SC affects no other condition in either referenced permit or in any part of the original TV Permit Application.

APPLICATION INFORMATION

Scope of Application

Emissions Unit ID Number	Description of Emissions Unit	Air Permit Type	Air Permit Processing Fee
001	Raw Material Quarrying, Crushing, and Storage		
002	Raw Materials, Conveying, Storage, and Processing		
003	Pyroprocessing System	ACM2	\$250
004	Clinker and Additives Storage and Handling		
005	Finish Mill		
006	Cement Handling, Storage, Packing, and Loadout		
007	Coal and Petroleum Coke Grinding System		
008	Fugitive Dust from Storage Piles, Paved Roads, and Unpaved Roads		

Application Processing Fee

Check one: Attached - Amount: \$ 250.00 Not Applicable

APPLICATION INFORMATION

Owner/Authorized Representative Statement NOT APPLICABLE

Complete if applying for an air construction permit or an initial FESOP.

1. Owner/Authorized Representative Name :
2. Owner/Authorized Representative Mailing Address... Organization/Firm: Street Address: City: State: Zip Code:
3. Owner/Authorized Representative Telephone Numbers... Telephone: () - ext. Fax: () -
4. Owner/Authorized Representative E-mail Address:
5. Owner/Authorized Representative Statement: <i>I, the undersigned, am the owner or authorized representative of the corporation, partnership, or other legal entity submitting this air permit application. To the best of my knowledge, the statements made in this application are true, accurate and complete, and any estimates of emissions reported in this application are based upon reasonable techniques for calculating emissions. I understand that a permit, if granted by the department, cannot be transferred without authorization from the department.</i> _____ Signature _____ Date

APPLICATION INFORMATION

Application Responsible Official Certification

Complete if applying for an initial, revised, or renewal Title V air operation permit or concurrent processing of an air construction permit and revised or renewal Title V air operation permit. If there are multiple responsible officials, the "application responsible official" need not be the "primary responsible official."

1. Application Responsible Official Name: Cary O. Cohrs – President
2. Application Responsible Official Qualification (Check one or more of the following options, as applicable): <input checked="" type="checkbox"/> For a corporation, the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit under Chapter 62-213, F.A.C. <input type="checkbox"/> For a partnership or sole proprietorship, a general partner or the proprietor, respectively. <input type="checkbox"/> For a municipality, county, state, federal, or other public agency, either a principal executive officer or ranking elected official. <input type="checkbox"/> The designated representative at an Acid Rain source, CAIR source, or Hg Budget source.
3. Application Responsible Official Mailing Address... Organization/Firm: American Cement Company, L.L.C. Street Address: 4750 E CR 470, P. O. BOX 445 City: Sumterville State: FL Zip Code: 33585
4. Application Responsible Official Telephone Numbers... Telephone: (352) 569 - 5393 ext. Fax: (352) 569 - 5397
5. Application Responsible Official E-mail Address: ccohrs@americacementcompany.com
6. Application Responsible Official Certification: <p>I, the undersigned, am a responsible official of the Title V source addressed in this air permit application. I hereby certify, based on information and belief formed after reasonable inquiry, that the statements made in this application are true, accurate and complete and that, to the best of my knowledge, any estimates of emissions reported in this application are based upon reasonable techniques for calculating emissions. The air pollutant emissions units and air pollution control equipment described in this application will be operated and maintained so as to comply with all applicable standards for control of air pollutant emissions found in the statutes of the State of Florida and rules of the Department of Environmental Protection and revisions thereof and all other applicable requirements identified in this application to which the Title V source is subject. I understand that a permit, if granted by the department, cannot be transferred without authorization from the department, and I will promptly notify the department upon sale or legal transfer of the facility or any permitted emissions unit. Finally, I certify that the facility and each emissions unit are in compliance with all applicable requirements to which they are subject, except as identified in compliance plan(s) submitted with this application.</p> <p>_____ Signature</p> <p>_____ Date</p>

APPLICATION INFORMATION

Professional Engineer Certification

1. Professional Engineer Name: John B. Koogler, Ph.D., P.E. Registration Number: 12925
2. Professional Engineer Mailing Address... Organization/Firm: Koogler and Associates, Inc. Street Address: 4014 NW 13th Street City: Gainesville State: Florida Zip Code: 32609
3. Professional Engineer Telephone Numbers... Telephone: (352) 377-5822 ext. Fax: (352) 377-7158
4. Professional Engineer E-mail Address: jkoogler@kooglerassociates.com
5. Professional Engineer Statement: <i>I, the undersigned, hereby certify, except as particularly noted herein*, that:</i> <i>(1) To the best of my knowledge, there is reasonable assurance that the air pollutant emissions unit(s) and the air pollution control equipment described in this application for air permit, when properly operated and maintained, will comply with all applicable standards for control of air pollutant emissions found in the Florida Statutes and rules of the Department of Environmental Protection; and</i> <i>(2) To the best of my knowledge, any emission estimates reported or relied on in this application are true, accurate, and complete and are either based upon reasonable techniques available for calculating emissions or, for emission estimates of hazardous air pollutants not regulated for an emissions unit addressed in this application, based solely upon the materials, information and calculations submitted with this application.</i> <i>(3) If the purpose of this application is to obtain a Title V air operation permit (check here <input checked="" type="checkbox"/> if so), I further certify that each emissions unit described in this application for air permit, when properly operated and maintained, will comply with the applicable requirements identified in this application to which the unit is subject, except those emissions units for which a compliance plan and schedule is submitted with this application.</i> <i>(4) If the purpose of this application is to obtain an air construction permit (check here <input type="checkbox"/>, if so) or concurrently process and obtain an air construction permit and a Title V air operation permit revision or renewal for one or more proposed new or modified emissions units (check here <input checked="" type="checkbox"/>, if so), I further certify that the engineering features of each such emissions unit described in this application have been designed or examined by me or individuals under my direct supervision and found to be in conformity with sound engineering principles applicable to the control of emissions of the air pollutants characterized in this application.</i> <i>(5) If the purpose of this application is to obtain an initial air operation permit or operation permit revision or renewal for one or more newly constructed or modified emissions units (check here <input checked="" type="checkbox"/> if so), I further certify that, with the exception of any changes detailed as part of this application, each such emissions unit has been constructed or modified in substantial accordance with the information given in the corresponding application for air construction permit and with all provisions contained in such permit.</i> Signature _____ Date <u>8/2/2011</u> (seal) _____ Attach any exception to certification statement.

APPLICATION INFORMATION

II. FACILITY INFORMATION

A. GENERAL FACILITY INFORMATION

Facility Location and Type

1. Facility UTM Coordinates... Zone 17 East (km) 399.8 North (km) 3181.9		2. Facility Latitude/Longitude... Latitude (DD/MM/SS) 28/45/45 Longitude (DD/MM/SS) 82/01/35	
3. Governmental Facility Code: 0	4. Facility Status Code: A	5. Facility Major Group SIC Code: 32	6. Facility SIC(s): 3241
7. Facility Comment :			

Facility Contact

1. Facility Contact Name: Charles Robertson – Environmental Manager
2. Facility Contact Mailing Address... Organization/Firm: American Cement Company, L.L.C. Street Address: 4750 E C470 City: Sumterville State: FL Zip Code: 33585
3. Facility Contact Telephone Numbers: Telephone: (352) 569 - 5393 ext. Fax: (352) 569 - 5397
4. Facility Contact E-mail Address: crobertson@americacementcompany.com

Facility Primary Responsible Official - NOT APPLICABLE

Complete if an “application responsible official” is identified in Section I that is not the facility “primary responsible official.”

1. Facility Primary Responsible Official Name:
2. Facility Primary Responsible Official Mailing Address... Organization/Firm: Street Address: City: State: Zip Code:
3. Facility Primary Responsible Official Telephone Numbers... Telephone: () - ext. Fax: () -
4. Facility Primary Responsible Official E-mail Address:

APPLICATION INFORMATION

Facility Regulatory Classifications

Check all that would apply *following* completion of all projects and implementation of all other changes proposed in this application for air permit. Refer to instructions to distinguish between a “major source” and a “synthetic minor source.”

1. <input type="checkbox"/> Small Business Stationary Source	<input checked="" type="checkbox"/> Unknown
2. <input type="checkbox"/> Synthetic Non-Title V Source	
3. <input checked="" type="checkbox"/> Title V Source	
4. <input checked="" type="checkbox"/> Major Source of Air Pollutants, Other than Hazardous Air Pollutants (HAPs)	
5. <input type="checkbox"/> Synthetic Minor Source of Air Pollutants, Other than HAPs	
6. <input checked="" type="checkbox"/> Major Source of Hazardous Air Pollutants (HAPs)	
7. <input type="checkbox"/> Synthetic Minor Source of HAPs	
8. <input checked="" type="checkbox"/> One or More Emissions Units Subject to NSPS (40 CFR Part 60)	
9. <input type="checkbox"/> One or More Emissions Units Subject to Emission Guidelines (40 CFR Part 60)	
10. <input checked="" type="checkbox"/> One or More Emissions Units Subject to NESHAP (40 CFR Part 61 or Part 63)	
11. <input type="checkbox"/> Title V Source Solely by EPA Designation (40 CFR 70.3(a)(5))	
<p>12. Facility Regulatory Classifications Comment:</p> <p>The American Cement Company, L.L.C. is subject to applicable portions of:</p> <ul style="list-style-type: none"> • 40 CFR 60, Subpart F: NSPS for Portland Cement Plants (superseded by 40 CFR 63, Subpart LLL) • 40 CFR 60, Subpart Y: NSPS for Coal Preparation Plants • 40 CFR 60, Subpart OOO: NSPS for Nonmetallic Mineral Processing Plants • 40 CFR 63, Subpart LLL: NESHAP for Portland Cement Industry 	

Attachment 1

The Specific Condition that American Cement is requesting removal of is Condition 29.g in the original Air Construction Permit (1190042-001-AC) and the condition with identical language appearing as Condition 30.h in Draft Title V Permit 1190042-007-AV. The condition states:

Public Access – Emission data will be available in real time on the company website.

The removal of this condition will not affect any other condition in the original Air Construction Permit or in the Draft Title V Permit.

When the initial Air Construction Permit for American Cement (-001-AC) was being drafted in early 2006, an Air Construction Permit was being drafted for a similar plant proposed by Sumter Cement Company at a site approximately nine miles south of the American Cement site and an application had just been prepared for Mabel Cement; a third cement plant proposed for Sumter County. This plant would have been approximately 12 miles south of the American Cement site. As it turned out, the application for Mabel Cement was never submitted to FDEP for review, and the Sumter Cement plant was not built because of market conditions.

With all of this permitting activity, there were concerns regarding impacts on air quality expressed by the general public, however, there was no administrative hearing requested or scheduled. There were several written comments received by the Department, apparently most as a single form-type letter (see below). This single form-type letter expressed concerns about air quality and asked the Department to require that real-time emission data be made available for public access on the websites of both American Cement and presumably Sumter Cement. As the result of this form-type letter, not the result of an administrative hearing or meetings and negotiations with the applicant, FDEP inserted the referenced Specific Condition into the final version of American Cement Permit 1190042-001-AC.

The comment provided in the Final Determination justifying the Specific Condition follows:

1. Most of the public written comments received during the public comment period for this project were copies of a single form-type letter signed by various people living within Sumter and adjacent counties. The letter also served as written comment regarding the recently issued Intent to Issue Air Construction Permit to the Sumter Cement Company, Center Hill Plant (1190041-001-AC, PSD FL-358). The letter included the following requests:
 - a) *While I am encouraged to see your decision to order CEM (continuous emissions monitoring) for mercury in the two referenced facilities, I believe that ALL parameters monitored by the CEM packages in these two facilities should be required, as a condition of their finalized permits, to be available continuously on-line in a real-time format in a web site to be maintained by the operators of these facilities, said web sites to be available for access at any time by the public to review the data displayed.*

Response

The Department received letters during the application review period prior to distribution of the draft permit and included the mercury CEMS in the draft permit.

In response to the subsequent request received during the public comment period, the following specific condition will be added to Section III. D. Pyroprocessing System, Condition 29, CEMS Data Requirements, as 29.g:

- g. *Public Access:* Emission data will be available in real time on the company website.

In summary, the subject Specific Condition was not in the permit that was made available as part of the Intent to Issue. It appeared first in the final Air Construction permit for the plant with the justification above provided in the Final Determination; a request in an unspecified number of form-type letters, not as the result of a hearing or meetings and negotiations with the applicant.

It is apparent from the language in the Final Determination that a similar condition appeared in the final permit for the Sumter Cement Company plant. The Sumter Cement plant however, was never constructed because of market conditions and if the plant is to be constructed at some point in the future, it will have to be re-permitted because of the lapse in time. And as stated previously, the Mabel Cement Company, which prepared an Air Construction Permit that heightened awareness to the cement plant issue in Sumter County, never submitted their application to FDEP. Hence, two of the three cement plants that created air quality concerns in Sumter County are not, and will not be, constructed under current conditions.

This being the case, there is no compelling reason to expect that a single cement plant constructed under the 2005-2006 PSD permitting rules would cause an impact on air quality that would justify real-time emission data being made available to the general public. Further, this condition is not present in permits of other recently permitted or re-permitted cement plants in Florida including the Florida Rock Industries Kiln No. 2 in Alachua County, the CEMEX Brooksville South Kiln No. 2 in Hernando County and the CEMEX and Tarmac cement plants in Dade County. The only permitted and operating cement plant in the State of Florida that has a similar condition is the Suwannee American Cement Plant in Suwannee County and the requirement for making real-time emission data from that plant available was a contentious administrative hearing.

In addition to the historic and consistency reasons for the subject Condition not being justified, it should be noted that the Specific Condition has no rule basis. While Conditions do appear in FDEP-issued permits that do not have a rule basis, these Conditions are typically interjected to provide consistency with other recently issued permits and/or are the result of negotiated settlement agreements. Neither is the case with the Condition appearing in the America Cement permit.

Another reason for removing the Condition is the ambiguity of the Condition. Nowhere is it defined just what emission data are to be made available. American Cement would be equally compliant with this Condition by making emission data for a single parameter (e.g. oxygen) available, as it would by making available the emission data for all monitored pollutants/parameters.

American Cement is requesting that Specific Condition 30.h appearing in Draft Title V Permit 1190042-007-AV be deleted for the reasons stated herein. In summary, these reasons are that the conditions leading to the heightened concern of air quality impacts in Sumter County never materialized, the Condition has no rule basis, the Condition is inconsistent with Conditions appearing in other similar cement plant permits issued by FDEP and the Condition is ambiguous.