



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

July 27, 2007

*Electronically sent – Received Receipt requested.*

[ccohrs@americancementcompany.com](mailto:ccohrs@americancementcompany.com)

Mr. Cary O. Cohrs, President  
American Cement Company  
Post Office Box 1209  
Anthony, Florida 32617

Re: Sumterville Cement Plant  
DEP File No. 1190042-002-AC (PSD-FL-361A)  
Permit Modification - Main Stack Diameter

Dear Mr. Cohrs:

The Department received your request on June 21, 2007 to modify the construction permit to reflect the nominal main stack internal diameter of 11 feet (versus a specific diameter of 10.2 feet) for the portland cement plant that is presently under construction at 4750 East County Road, Sumterville, Florida.

We received additional technical information from Koogler and Associates in support of your request on June 29, 2007 affirming that the design change will have no effects on the emissions characteristics and will have minimal effects on pollution transport and dispersion.

The Department reviewed the information and notes that the updated design will yield very nearly the same momentum and buoyancy plume rise as the previous specification. The request is acceptable to the Department and the permit is hereby modified. The changes (double-underlined) are as follows:

### **Section III, Subsection C. Pyroprocessing System**

#### *Specific Condition No. 3*

Pyroprocessing System: The permittee is authorized to construct a pyroprocessing system consisting of a dry process pre-heater/calciner rotary kiln with in-line raw mill that simultaneously dries raw materials using the exhaust gas from the kiln, PH/C, or cooler. The preheater is designed with a staged combustion calciner and a selective non-catalytic reduction (SNCR) system. The indirect-fired kiln with low-NO<sub>x</sub> main kiln burner will be capable of burning coal, petroleum coke, natural gas, used oil, and fuel oil. A tire feed mechanism with an airlock/gate system will be capable of feeding tire derived fuel (TDF) into the area just prior to the kiln exhaust. Other equipment includes an air heater for use when additional drying capacity is required, and a clinker cooler with reciprocating grates, cooling air fans, and hot air ducting to the kiln, PH/C or in-line raw mill. The air heater will be capable of firing fuel oil and natural gas. All emissions from the pyroprocessing system are directed to a single stack. The exhaust stack shall ~~be have no more than 10.2 feet in a~~ nominal-diameter of 11 feet (plus or minus one foot) and shall be no less than 350 feet tall.

[Applicant request]

A copy of this permit modification shall be filed with the referenced permit and shall become part of the permit.

The Department's proposed agency action shall become final unless a timely petition for an administrative determination (hearing) is filed under sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under 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 at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3), F.S., 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. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen 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 this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number 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; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) 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; (f) 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; and (g) A statement of the relief sought by the petitioner, stating precisely the action 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 Department's action 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 Department's final action may be different from the position taken by it in this permit modification. 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. Mediation is not available in this proceeding.

This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this order will not be effective until further order of the Department.

Any party to this permitting modification (order) has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



Trina L. Vielhauer, Chief  
Bureau of Air Regulation

#### CERTIFICATE OF SERVICE

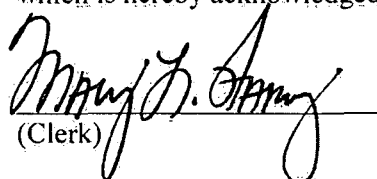
The undersigned duly designated deputy agency clerk hereby certifies that this Permit Modification and all copies were sent electronically (with Received Receipt) before the close of business on 7/27/07 to the persons listed below:

John Koogler, P.E., K&A: [jkoogler@kooglerassociates.com](mailto:jkoogler@kooglerassociates.com)

Mara Nasca, DEP SWD: [mara.nasca@dep.state.fl.us](mailto:mara.nasca@dep.state.fl.us)

Clerk Stamp

**FILING AND ACKNOWLEDGMENT FILED,**  
on this date, pursuant to §120.52, Florida Statutes,  
with the designated Department Clerk, receipt of  
which is hereby acknowledged.

  
(Clerk)

7/27/07  
(Date)