

RECEIVED Tarmac

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BUREAU OF
AIR REGULATION

Tarmac America, Inc.

455 Fairway Drive
Deerfield Beach, FL 33441
(954) 481-2800
Fax (954) 421-0296
URL www.tarmacamerica.com

Environmental Department

Direct line (954) 425-4167
Direct fax (954) 480-9352

4 February 1999

C.H. Fancy
P.E. Chief, Bureau of Air Regulation
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RE: **Proof of Publication**
DEP File No. 0250020-007-AC (PSD-FL-142A)
Modification of Coal Conversion Project

Dear Mr. Fancy,

Please find enclosed a newspaper affidavit regarding the publication of the Public Notice of Intent to Issue Air Construction Permit Modification. If any further information is necessary, please feel free to call.

Sincerely,



Julie Bethke
Assistant Environmental Administrator
Tarmac America, Inc.

EPA
SEP
Dade Co.



**PUBLIC NOTICE OF INTENT TO ISSUE
AIR CONSTRUCTION PERMIT
MODIFICATION
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION
DEP FILE NO. 0250020-007-AC
(PSD-FL-142A)
TARMAC AMERICA INC.
PORTLAND CEMENT MANUFACTURING
FACILITY
MODIFICATION OF KILN NO. 2 COAL
CONVERSION PROJECT
MIAMI-DADE COUNTY**

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Dade County, Florida.

STATE OF FLORIDA
COUNTY OF DADE:

Before the undersigned authority personally appeared Octelma V. Ferbeyre, who on oath says that she is the Supervisor, Legal Notices of the Miami Daily Business Review 1/4 a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

**NOTICE OF INTENT TO ISSUE AIR
CONSTRUCTION PERMIT MODIFICATION
DEP FILE NO. 0250020-007-AC
(PSD-FL-142A) TARMAC AMERICA INC.**

in the XXXXX Court,
was published in said newspaper in the issues of
Jan 13, 1999

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Dade County, Florida, and that the said newspaper has heretofore been continuously published in said Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Dade County, Florida, for a period of one 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.

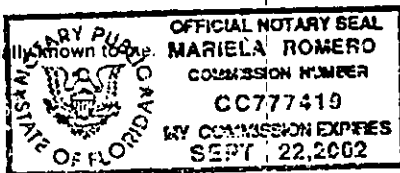
Octelma V. Ferbeyre

13 Sworn to and subscribed before me this
January 1999

day of January, A.D. 1999
Wanda Rowser

(SEAL)

Octelma V. Ferbeyre personally known to me



The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Tarmac America Inc. The permit is to modify the previously approved natural gas to coal conversion project for Kiln No. 2 at Tarmac's portland cement manufacturing facility in Medley, Miami-Dade County. A Best Available Control Technology (BACT) determination was not required pursuant to Rule 62-212.400, F.A.C. The applicant's name and address are Tarmac America, Inc. 455 Fairway Drive, Deerfield Beach, Florida 33441.

The modification includes installation of a new coal bin, baghouse, and ducting to support indirect firing to reduce nitrogen oxides emissions from Kiln No. 2. Kiln No. 2 already burns coal through direct firing and Tarmac is required by an agreement with the Miami-Dade Department of Environmental Resources Management to implement this project modification.

The Department will issue the FINAL permit modification with the attached conditions 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 concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of "Public Notice of Intent to Issue Air Construction Permit Modification." Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the FINAL permit modification with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to 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. Mediation is not available in this proceeding.

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 of the Florida Statutes. 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) of the Florida Statutes 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 will be only at the approval 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 how and when petitioner received notice of the agency action or proposed action; (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, as well as the rules and statutes which entitle the petitioner to relief; and (f) A demand for relief.

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

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. 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 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	Miami-Dade Department of Environmental Resources Mgt.	Department of Environmental Protection
Bureau of Air Regulation	Air Quality Division	Southeast District Office
111 S. Magnolia Drive, Suite 4	33 SW Second Avenue, Suite 900	400 North Congress Avenue
Tallahassee, Florida, 32301	Miami, Florida 33130-1540	West Palm Beach, Florida 33401
Telephone: 850/488-0114	Telephone: 305/372-6925	Telephone: 407/681-6600
Fax: 850/922-6979	Fax: 305/372-6954	Fax: 407/681-6755

The complete project file includes the application, Draft Permit Modification, 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 850/488-0114, for additional information.