



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

OCT 12 2001

4APT-APB

Howard L. Rhodes, Director
Department of Environmental Protection
Division of Air Resources Management
Mail Station 5500
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Mr. Rhodes:

The purpose of this letter is to notify the Florida Department of Environmental Protection (FDEP) that the U.S. Environmental Protection Agency (EPA) formally objects to the issuance of the proposed title V operating permit for Florida Rock Industries, Inc., Thompson S. Baker Cement Plant, located in Alachua County, Florida, which was received by EPA, via e-mail notification and FDEP's web site, on August 30, 2001. This letter also provides our general comments on the proposed permit.

Based on EPA's review of the proposed permit and the supporting information received for this facility, EPA objects, under the authority of Section 505(b) of the Clean Air Act ("the Act") and 40 C.F.R. 70.8(c) (see also Florida Regulation 62-213.450), to the issuance of the proposed title V permit for this facility. The basis for EPA's objection is that the permit does not fully meet the periodic monitoring requirements of 40 C.F.R. 70.6(a)(3)(i) and (c)(1), and does not contain conditions that assure compliance with all applicable requirements, as required by 40 C.F.R. 70.6(a). Pursuant to 40 C.F.R. 70.8(c), this letter and its enclosure contain a detailed explanation of the objection issues and the changes necessary to make the permit consistent with the requirements of 40 C.F.R. Part 70 and assure compliance with applicable requirements of the Clean Air Act. The enclosure also contains general comments applicable to the permit.

Section 70.8(c) requires EPA to object to the issuance of a proposed permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if EPA determines that the permit is not in compliance with the applicable requirements under the Act or the requirements of 40 C.F.R. Part 70. Section 70.8(c)(4) of the title V regulations and Section 505(c) of the Act further provide that if the State fails to revise and resubmit a proposed permit within 90 days to satisfy the objection, the authority to issue or deny the permit passes to EPA, and EPA will act accordingly. Because the objection issues must be fully addressed within the 90 days, we suggest that the revised permit be submitted in advance in order that any outstanding issues may be resolved prior to the expiration of the 90-day period.

If you have any questions or wish to discuss this further, please contact Mr. Gregg M. Worley, Chief of the Air Permits Section, at (404) 562-9141. Should your staff need additional information, they may contact Ms. Gracy R. Danois, Florida Title V Contact, at (404) 562-9119 or Ms. Lynda Crum, Associate Regional Counsel, at (404) 562-9524.

Sincerely,



Winston A. Smith
Director
Air, Pesticides and Toxics
Management Division

Enclosure

cc: Mr. Fred W. Cohrs, Florida Rock Industries
Mr. Scott Sheplak, P.E., FDEP (via e-mail)
Mr. Chris Kirts, FDEP Northeast District (via e:mail)

Enclosure

**U.S. EPA Region 4 Objection
Proposed Part 70 Operating Permit
Florida Rock Industries, Inc.
Thompson S. Baker Cement Plant
Permit no. 0010087-002-AV**

I EPA Objection Issues

1. Monitoring Requirements

- a. Visible Emissions: The permit requires that Method 9 tests be conducted annually for units 001 and 002. For units 004 (EP01 & EP02), 005, 006 and 007 (EP01 & EP02), the permit requires that Method 9 tests be conducted once every five years. For most of these units, compliance with the visible emissions limit will be used to establish compliance with the particulate matter limit for the unit if the visible emissions are not in excess of 5% opacity. In most cases, this infrequent testing does not constitute adequate monitoring to assure continuous compliance with the visible emissions standard, as required by 40 C.F.R. 70.6(c)(1). Since most of these units have control equipment, it may be assumed that under normal operating conditions, no opacity may be observed. If this is the case, the permit should require the source to conduct and record the results of visible emissions observations on a daily basis (Method 22), and that a Method 9 test be conducted within 24 hours of any abnormal qualitative survey. However, if the units normally operate under conditions where opacity can be observed, then the permit must require that Method 9 testing be conducted on a frequent basis.

As an alternative to the approach described above, a technical demonstration can be included in the statement of basis explaining why the State has chosen not to require any additional visible emissions testing for these units. The demonstration needs to identify the rationale for basing the compliance certification on data from a short-term test performed once a year or once every five years.

- b. Kiln Temperature: Section III, condition C.3 of the permit requires the following: "Prior to initiating tire firing, gases exiting the kiln ahead of the calciner burner shall be maintained at a minimum of 1400 °F for at least one hour." The permit does not contain any monitoring conditions associated with this requirement. In order to ensure that the monitoring requirements of 40 C.F.R. 70.6(a)(3) are adequately addressed, the permit must contain monitoring and recordkeeping requirements to assure that the temperature of the exit gases is in the adequate range for the specified amount of time prior to using tires as fuel for the kiln.

- c. Capacity: Conditions B.1, C.1, C.2, D.1, E.1, F.1 and G.1 specify the maximum capacity for the units at this facility. In previous title V permits, FDEP has included a permitting note with these requirements clarifying that these conditions are not intended to be enforceable limits, but as a basis for determining the percent capacity of the units during source testing. If this is the case, please add a permitting note to each of the conditions to clarify this. Otherwise, as required by 40 C.F.R. 70.6(a)(3), monitoring requirements sufficient to assure compliance with these capacity limitations need to be included in the permit for all the conditions listed above.
- d. Sampling and Testing Requirements - Mercury: Condition C.38 of the permit requires the source to conduct monthly sampling and analysis for mercury. However, the permit does not specify any sampling requirements or test methods to assure compliance with the mercury limit contained in condition C.5. As required by 40 C.F.R. 70.6(c)(1), all title V permits must contain "... testing, monitoring, reporting and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit." In order to resolve this objection item, the appropriate sampling and testing requirements for mercury must be added to the permit.

2. Applicable Requirements

New Source Performance Standards (NSPS), Subpart A: Florida Rock Industries is subject to the requirements of the NSPS Subparts A, F, Y and OOO. The permit addresses the applicable requirements from these subparts in the permit, with the exception of Subpart A. Although the permit contains the requirements of Subpart A in an attachment to the permit, the permit itself does not establish that the facility must comply with these requirements. A condition needs to be added to the permit addressing these requirements.

II General Comments

1. General Comment: Please note that EPA reserves the right to enforce any noncompliance, including any noncompliance related to issues that have not been specifically raised in these comments. After final issuance, this permit shall be reopened if EPA or the permitting authority determines that it must be revised or revoked to assure compliance with applicable requirements.
2. Annual Statement of Compliance: The permit for this facility does not contain a requirement addressing the source's obligation to submit a title V compliance certification to EPA annually. Although condition 51 of Appendix TV-3 contains the compliance certification requirements of 40 C.F.R. §70.6(c)(5)(iii), the permit itself does not include a

condition that cross-reference these requirements. Please add a condition to Section II of the permit to either contain all the compliance certification requirements or cross-reference the requirements already contained in Appendix TV-3.

3. Applicable Requirements - Section 112(r): Section II, condition 4 contains a general requirement to comply with 40 CFR Part 68 if the facility becomes subject to that part of the CAA. If Florida Rock Industries is indeed subject to the part 68 requirements, the permit requirements need to reflect the applicability of this part and to include the applicable certification update requirements from 40 CFR §68.190.
4. Subsumed Requirements: There are a number of instances where it appears that an applicable requirement (e.g., an emission limit) has been subsumed by a more stringent BACT limit. In such instances, for clarification purposes and to be in accordance with the streamlining guidance of White Paper No. 2, EPA suggests that a notation which identifies the subsumed requirement be added to the respective citation of authority for the more stringent limit. For example, the citation of authority for the visible emissions limit in condition A.2 may resemble the following:

[AC01-267311/PSD-FL-228, 40 CFR 60.622(c) and 60.672(a)(2) subsumed]