



Department of Environmental Protection

DEP06-0249

Jeb Bush
Governor

Twin Towers Building
2600 Blairstone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

March 15, 2006

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Mr. Eddie Allsopp
President, Cement Division
Florida Crushed Stone Company
10311 Cement Plant Road
P.O. Box 1508
Brooksville, Florida 34605-1508

**RE: Florida Crushed Stone Company
Order Modifying Conditions of Certification
DEP Case Number PA 82-17L
OGC Case Number 06-0108**

ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Allsopp:

On March 7, 1984, the Governor and Cabinet, sitting as the Siting Board, issued a final order approving certification of the Florida Crushed Stone Company (FCS) Power Plant located in Hernando County, Florida. The site certification order approved the construction and operation of a 125 megawatt (MW) coal-fired power plant, a cement kiln, and associated facilities at the existing FCS limestone mine in Hernando County. In March 1995, FCS filed a request for modification to allow the construction and operation of a second cement kiln and related facilities on the FCS site, subject to the requirements in PSD Permit No. PSD-FL-227. This request was granted and the Conditions of Certification were modified on December 18, 1995. On January 13, 1997, a request for modification of the Conditions of Certification was filed by FCS, based on a revised design for the second cement plant, subject to the requirements of PSD Permit No. PSD-FL-227(A). This request was granted and the Conditions of Certification were modified on April 15, 1997.

On September 14, 2005, the Licensee filed an amendment to include a waste tire processing facility on the site. On October 6, 2005, the Licensee submitted an amendment including the Rinker Hydro Conduit Plant and Rinker Block Plant for the site. On October 26, 2005, the Licensee submitted amendments entitled PA 82-17 Supplemental Environmental Management Plan. On November 11, 2005, the Licensee filed a request for Modification of

Conditions for the site to include the waste tire processing facility and new site operations to include the block plant and Hydro Conduit Plant. On December 14, 2005, the Department issued Draft Title V Permit No. 0530021-011-AV.

On or before January 30, 2006, all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification. Additionally, on January 30, 2006, notice of the Department's intent to modify the Conditions of Certification for this facility was published on the Department's website.

Those notices specified that pursuant to Section 403.516, F.S., and Rule 62-17.211, F.A.C., all parties to the certification proceeding have 45 days from the issuance of the notice by mail to such party's last address of record in which to file a written objection to the modification; that failure of any of the parties to file a response will constitute a waiver of objection to the modification; and that any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the requested modification has 30 days from the date of publication of the public notice in the Florida Administrative Weekly to object in writing.

No objections to the modification have been received by the Department. Accordingly, the Conditions of Certification for the Florida Crushed Stone Company facility are hereby modified as follows:

I. Air

The construction and operation of the Florida Crushed Stone Company ("FCS") steam electric power plant site shall be in accordance with all applicable provisions of the Department of Environmental Protection's ("DEP") regulations as found in Chapter 62-296, 62-297, 62-301, 62-302, 62-522, 62-701 and 62-702, Florida Administrative Code ("F.A.C."), and permits PSD-FL-090, PSD-FL-091, PSD-FL-351, 0530021-009-AC, 0530021-006-AC, and 0530021-007-AC, and 0530021-010-AC as amended. The Facility shall also be operated in conformance with the title V Air Operation Permit No. 0530021-011-AV as attached.

II. Water A. - M. No change

N. Environmental Control Program and Best Management Practices

1. No change

2. The licensee shall continue to implement the Best Management Practices Plan (BMPP) submitted to the Department on May 12, 2000 dated November 28, 2005, including the Site Water Management Plan (SWMP), dated March 15, 2000 November 2005, as approved by the Department. The BMPP, Plan SWMP and Supplemental Environmental Management Plan (SEMP) shall be revised as necessary whenever there is a change at the

facility, which involves changes with operations, maintenance, process, or management. The licensee shall submit any proposed revisions to these Management Plans to the Department's Southwest District Office for review and approval.

XXXII. Waste Tire Processing Facility

A. Classification. Portions of this site, as identified in the PA 82-17 Supplemental Plans shall be classified as a waste tire processing facility and shall be operated and closed in accordance with all applicable requirements of Chapters 62-4 and 62-711, Florida Administrative Code (F.A.C.).

B. Documentation. These Conditions are valid for operation of the waste tire processing facility in accordance with the reports, plans and other information as follows:

1. Comprehensive Operations Plan including emergency preparedness manual dated October 21, 1999 received on October 25, 1999;
2. Supporting information dated November 16, 2000 received on November 21, 2000;
3. Revised application form dated November 28, 2000, received on November 30, 2000;

C. Modifications. Any construction or operation activities not previously approved as part of these Conditions of Certification shall require modification of these conditions, or unless otherwise approved in writing by the Department. Conditions shall be modified in accordance with the requirements of 62-17.211, F.A.C. A modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review by the Department is considered a substantial modification.

D. Prohibitions. The prohibitions of Rule 62-711.400, F.A.C., shall not be violated.

E. Financial Assurance. The licensee shall provide financial assurance for the facility in accordance with 62-711.500(3), F.A.C.

1. All costs for closure shall be adjusted and submitted annually to: Solid Waste Manager, Solid Waste Section, Department of Environmental Protection, 13051 North Telecom Parkway, Temple Terrace, Florida 33637.
2. Proof that the financial mechanism has been adequately funded shall be submitted annually by September 1st to: Financial Coordinator, Solid Waste Section, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

F. Storage Requirements. All waste tires shall be stored in accordance with sections 62-711.530, and 62-711.540, F.A.C. and the operations plan.

1. Storage at the facility is limited to 205 tons of waste tires.
2. If the facility has reached its permitted storage capacity, the Licensee shall not accept additional waste tires until sufficient capacity has been restored.
3. At least 75 percent of the whole tires, used tires, and processed tires that are delivered to or are contained on the site of the waste tire facility at the beginning of each calendar year shall be removed for disposal or recycling from the facility during the year, or disposed of at a permitted solid waste management facility.

G. Operation Plan and Operating Record. A copy of the Department approved Conditions of Certification, operational plan, record drawings, and supporting information shall be kept at the facility at all times for reference and inspections.

H. Operating Personnel. A trained supervisor or foreman shall be responsible for maintaining the facility in an orderly, safe, and sanitary manner. Sufficient personnel shall be employed to adequately operate the facility.

I. Reporting Requirements. Waste Tire Processing Facility Quarterly Report, Form 62-711.900(4) summarizing facility operations shall be submitted quarterly to the Department by January 20th, April 20th, July 20th, and October 20th, pursuant to Rule 62-711.530(5), F.A.C.

J. Fire Safety Survey. A fire safety survey shall be conducted at least annually and the survey report shall be made available to the Department upon request.

K. Stormwater System Management Stormwater shall be managed as required by 62-711.540(3) (a), F.A.C. The site shall be managed to divert stormwater around and away from the storage piles.

L. Emergency Preparedness Manual. A copy of the facility's emergency preparedness manual shall be kept at the site and a copy shall be kept at an off-site location.

M. Control of Nuisance Conditions. The owner or operator shall control mosquitoes and rodents as so to protect the public health and welfare. The operator shall be responsible for the control of odors and fugitive particulates arising from this operation. Such control shall minimize the creation of nuisance conditions on adjoining property. Complaints received from the general public, and confirmed by Department personnel upon site inspection, shall constitute a nuisance condition, and the Licensee must take immediate corrective action to abate the nuisance.

N. Facility Maintenance and Repair. The site shall be properly maintained including minimized grass, underbrush and other flammable vegetation, prevention of ponding, and maintenance of berms and other systems designed to protect water bodies from liquid runoff from a potential waste tire fire. In the event of damage to any portion of the waste tire site, fire, or failure of any portion of the waste tire storage systems, the permittee shall immediately **(within 24 hours)** notify the Department of Environmental Protection explaining such occurrence and remedial measures to be taken and time needed for repairs. Written detailed notification shall be submitted to the Department **within seven (7) days** following the occurrence.

O. Professional Certification. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.), Florida Statutes, applicable portions of permit applications and supporting documents which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them.

P. Closure. The facility shall be closed in accordance with the requirements of Rule 62-711.700, F.A.C. The waste tire facility owner or operator shall notify the Department at least **ninety (90) days prior** to the date when tires will no longer be accepted for storage, as required by 62-711.700(2), F.A.C.

Q. The Licensee shall comply with the following:

1. Upon request, the Licensee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

2. The Licensee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by these Conditions, and records of all data used to complete the application for this License. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

3. Records of monitoring information shall include:

a. the date, exact place, and time of sampling or measurements;

b. the person responsible for performing the sampling or measurements;

c. the dates analyses were performed;

d. the person responsible for performing the analyses;

e. the analytical techniques or methods used;

f. the results of such analyses.

R. When requested by the Department, the Licensee shall within a reasonable time furnish any information required by law which is needed to determine compliance with these conditions. If the Licensee becomes aware that relevant facts were not submitted or were incorrect in the initial or subsequent applications or in any report to the Department, such facts or information shall be corrected promptly.

There are no other changes to the provisions in the Conditions of Certification.

Any party to this Order has a right to seek judicial review of it pursuant to Section 120.68, Florida Statutes, by filing a Notice of Appeal, pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, 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 of Appeal must be filed within thirty days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Executed in Tallahassee, Florida.

Hamilton S. Owen
Hamilton S. Owen, P.E., Administrator
Siting Coordination Office

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

Janda Karokos 3-15-06
Clerk Date

CC:

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