

## MEMORANDUM

**DATE:** March 6, 2013

**TO:** Jerry R. Campbell, P.E.

**FROM:** Lora Webb                      **THRU:** Diana M. Lee, P.E.  
Sterlin K. Woodard, P.E.

**SUBJECT:    Permit Amendment for Holcim (US), Inc.  
                  Transfer of Ownership - Permit No. 0570031-016-AO**

Per a letter received on February 7, 2013, Cemex Cement of Louisiana, Inc. requests to transfer the ownership of Permit No. 0570031-015-AO from Holcim (US), Inc. to Cemex Cement of Louisiana, Inc.

Permit No. 0570031-015-AO, which expires on August 31, 2017, authorizes operation of a pneumatic cement materials handling facility. Cement materials are unloaded from ships and railcars and pneumatically transferred into one of eleven storage silos. When ready to be shipped off-site, cement materials from the silos are either packaged into bags or are loaded directly into trucks. The trucks are loaded using one of four truck loading spouts. Particulate matter emissions from the railcar unloading, the silo loading, and the packing operations are controlled through the use of three baghouses. In addition, the truck loading operation is controlled by a total of four dust collectors, one for each loading spout. Based on the air flowrate of the baghouses and dust collectors and the hours of operation, the PM PTE for the facility is limited to 40.4 tons/year.

Based on our review, we recommend approval of the transfer of ownership as drafted.

LAW: 0570031-016-AO

ENVIRONMENTAL PROTECTION COMMISSION OF  
HILLSBOROUGH COUNTY, as Delegated by

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF PERMIT AMENDMENT

CERTIFIED MAIL

March 6, 2013

Mr. Jose De La Garza  
VP Logistics – East Region  
Cemex  
1501 Belvedere Road  
West Palm Beach, FL 33406

RE: Transfer of Ownership  
Permit No. 0570031-016-AO

Dear Mr. De La Garza:

On February 7, 2013, the Environmental Protection Commission of Hillsborough County (EPC) received your request to amend permit No. 0570031-015-AO. As requested, the ownership is transferred as follows:

CHANGE FROM: Holcim (US), Inc.  
3417 Port Sutton Road  
Tampa, FL 33619

CHANGE TO: Cemex Cement of Louisiana, Inc.  
3417 Port Sutton Road  
Tampa, FL 33619

Facility ID No.: 0570031  
Emission Unit Nos.: 006 – North Side Truck Loading Station  
007 - South Side Truck Loading Station  
010 - Cement Packing Station #10  
019 - Railcar Unloading  
024 - Silos No. 1 Through No. 11

Associated Permit: 0570031-015-AO

The EPC will issue the final permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Section 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 Legal Department of the EPC at 3629 Queen Palm Dr, Tampa, Florida 33619, Phone 813-627-2600, Fax 813-627-2602. Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 (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 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), however, any person who asked the EPC for notice of agency action may file a petition within 14 (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, F.A.C.

A petition that disputes the material facts on which the EPC's action is based is required to 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 and the name, address, and telephone number of each petitioner's representative, if any, which shall be the address for service purposes during the course of the proceedings; and an explanation of how the petitioner's substantial interests will be affected by the EPC's determination;
- (c) A statement of how and when the petitioner received notice of the EPC 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, including the specific facts the petitioner contends warrant reversal or modification of the EPC's proposed action;

(f) A statement of specific rules or statutes that the petitioner contends requires reversal or modification of the EPC'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 EPC to take with respect to the EPC's proposed action.

A petition that does not dispute the material facts upon which the EPC'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 EPC's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the EPC on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under section 120.573, F.S. is not available in this proceeding.

This action is final and effective on the date filed with the Clerk of the EPC unless a petition is filed in accordance with above. Upon the timely filing of a petition, this order will not be effective until further order of the EPC.

Any person listed below may request to obtain additional information, a copy of the application (except for information entitled to confidential treatment pursuant to Section 403.111, F.S.), all relevant supporting materials, and all other materials available to the EPC that are relevant to the permit decision. Interested persons may contact Diana M. Lee, P.E., at the above address or call (813) 627-2600, for additional information.

Any party to this 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 EPC's Legal Office at 3629 Queen Palm Dr., Tampa, Florida 33619 and 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.

This letter must be attached to and becomes a part of permit number 0570031-015-AO. If

Cemex  
West Palm Beach, FL 33406

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you have any questions, please call Lora Webb of my staff at (813) 627-2600 ext. 1287.

Sincerely,

Jerry R. Campbell, P.E.  
Director  
Air Management Division

JRC/LAW/law

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT AMENDMENT and all copies were mailed before the close of business on \_\_\_\_\_ to the listed persons.

FILING AND ACKNOWLEDGEMENT  
FILED, on this date, pursuant to Section  
120.52(7), Florida Statutes, with the clerk,  
receipt of which is hereby acknowledged.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date