Florida Department of
Environmental Protection
Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

CHANGE OF CONDITIONS

E-CORRESPONDENCE
jose.delagarza@cemex.com

Jose De La Garza, Vice President Regional Logistics
CEMEX Construction Materials Florida, LLC
1501 Belvedere Road
West Palm Beach, FL 33406

Brevard County - AP
Permit No. 0090035-004-AO
Material Handling Facility

Dear Mr. De La Garza:

In response to your operating permit application for transfer of air permit received April 7, 2010, the referenced permit is changed as follows:

FROM:
Permittee:
Rinker Materials of Florida, Inc.
1501 Belvedere Road
West Palm Beach, FL 33406

Attention: Jeffrey R. Porter, Permit/Project Manager

TO:
Permittee:
CEMEX Construction Materials Florida, LLC
1501 Belvedere Road
West Palm Beach, FL 33406

Attention: Jose De La Garza, Vice President Regional Logistics

All other descriptions and conditions remain the same. This letter must be attached to the permit and becomes a part of the permit.

The Department's proposed agency action will become final unless a timely petition for an administrative hearing is filed pursuant to Sections §120.569 and §20.57 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 agency action 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 applicant or any of the parties listed below must be filed within twenty-one 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 twenty-one days of publication of the public notice or within twenty-one days of receipt of this notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within twenty-one 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 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, 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 notice. Persons whose substantial interests will be affected by any such final decision of the Department on the request for conditional exemption 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.

NOTICE OF APPEAL RIGHTS

Any party to this permit change has the right to seek judicial review of it under Section 120.68, F.S., 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 Florida Gas accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within thirty days after this conditional exemption is filed with the Clerk of the Department.

A copy of the change of conditions of the permit and any accompanying materials related to the proposed agency action are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Central Florida District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Caroline Shine

Caroline D. Shine
Program Administrator
Air Resource Management

Date: May 21, 2010

JR/jt

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Dana Jones 5/21/2010
Clerk Date

CERTIFICATE OF SERVICE

This is to certify that this CHANGE OF CONDITIONS and all copies were electronically mailed before the close of business on May 21, 2010 to the listed persons, by Dana Jones Administration Secretary

Jose De La Garza, Vice President Regional Logistics, CEMEX Construction Materials Florida, LLC
(jose.delagarza@cemex.com)
Charles Walz, Environmental Manager, CEMEX Construction Materials Florida, LLC
(charles.walz@cemex.com)