



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Mimi A. Drew  
Secretary

November 12, 2010

*Electronically Sent – Received Receipt Requested*

Mr. Robert Rogers, Plant Manager  
CEMEX Construction Materials Florida, LLC  
1200 NW 137 Avenue  
Miami, FL 33182

Re: Project No. 0250014-037-AC  
CEMEX Construction Materials Florida, LLC, Miami Cement Plant  
Trial Burn of Clean Woody Biomass, Permit No. 0250014-031-AC  
Approval for Additional 30 Days

Dear Mr. Rogers:

On November 10, 2010, CEMEX Construction Materials Florida, LLC requested an additional 30 days to complete the trial burn of clean woody biomass in air construction permit No. 0250014-031-AC for the Miami Cement Plant located in Miami-Dade County at 1200 NW 137 Avenue in Miami, Florida. CEMEX Construction Materials Florida, LLC requests the additional time to complete the trial burn of clean woody biomass from the Miami-Dade County Resource Recovery Facility at the Miami Cement Plant to supplement the primary fuel of coal due to problems with the feeding system and shutdown of the supplier for maintenance. Based on the circumstances and information provided, the Department approves this request in accordance with Condition 5.d. in Section 3 of the permit.

**Determination:** The permittee is granted an additional 30 successive calendar days of burning to complete the trial burn. This permitting action does not authorize any new construction. A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes.

**Permitting Authority:** The Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making a determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida 32301. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

**Petitions:** A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241 / Facsimile: 850/245-2303). Petitions must be filed within 14 days of receipt of this approval. 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

## Approval for Additional 30 days

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it. Any subsequent intervention (in a proceeding initiated by another party) 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 Permitting Authority'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 when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency'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 the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority'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 Permitting Authority's final action may be different from the position taken by it in this written notice. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

**Mediation:** Mediation is not available in this proceeding.

**Effective Date:** This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this action will not be effective until further order of the Department.

**Judicial Review:** Any party to this permitting decision (order) 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 accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



Trina L. Vielhauer, Chief  
Bureau of Air Regulation

TLV/jfk/scd

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this authorization was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on 11/12/10 to the persons listed below.

Mr. Robert Rogers, CEMEX Construction Materials, Florida, LLC (rrogers@cemexusa.com)

Mr. Charles Walz, CEMEX Construction Materials, Florida, LLC (charles.walz@cemex.com)

Mr. Max Lee, Koogler and Associates, Inc. (mlee@kooglerassociates.com)

Ms. Mallika Muthia, P.E., Miami-Dade Co. Environmental Resource Management (muthim@miamidade.gov)

Ms. Vickie Gibson, DEP BAR Reading File (victoria.gibson@dep.state.fl.us)

Clerk Stamp

**FILING AND ACKNOWLEDGMENT FILED**, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

  
(Clerk)

11/12/10  
(Date)