INTENT TO ISSUE
BEFORE THE CITY OF JACKSONVILLE
ENVIRONMENTAL RESOURCE MANAGEMENT DEPARTMENT
ENVIRONMENTAL QUALITY DIVISION

CERTIFIED - RETURN RECEIPT

In the Matter of an Application for Permit by:		
	)	
CEMEX Cement, Inc.	)	
P.O. Box 120	)	Permit No: 0310091-003-AC
Clinchfield, GA 31013	)	County: Duval
	)	

INTENT TO ISSUE

The Environmental Resource Management Department, Environmental Quality Division (Department), gives notice of its intent to issue an Air Pollution Source Construction Permit (copy attached) for the proposed project detailed in the application specified above, for the reasons stated below.

The applicant, CEMEX Cement, Inc., applied on March 20, 2006, to the Department for a permit to modify the existing cement storage and transfer operation. The modification is for the installation of a dust collector on the existing tanker truck loading operation. The facility is located at 6659 Highway Ave., Jacksonville, Duval County, FL 32205.

The Department has permitting jurisdiction under Chapter 403, Florida Statutes (FS), and Florida Administrative Code (FAC), Chapters 62-4, 62-210, 62-212, 62-213, 62-296, and 62-297. The project is not exempt from permitting procedures. The Department has determined that an Air Pollution Source Construction Permit is required for the proposed work.

Pursuant to Section 403.815, FS, and Rule 62-110.106, FAC, you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Permit. The notice shall be published one time only within 30 days in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, FS, in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department, at City of Jacksonville, Environmental Quality Division, 117 West Duval Street, Suite 225, Jacksonville, FL 32202, within seven (7) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

The Department will issue the permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of **"PUBLIC NOTICE OF INTENT TO ISSUE PERMIT."** Written comments should be provided to the Department office at City of Jacksonville, Environmental Quality Division, 117 W. Duval Street, Suite 225, Jacksonville, FL 32202. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569, and 120.57, FS, 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 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel, City of Jacksonville, 117 West Duval Street, Suite 480, Jacksonville, FL 32202. Petitions filed by the permit applicant or any of the parties listed below must be filed within 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) of the Florida Statutes, must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), FS, however, any person who asked the Department for notice of agency action may file a petition within 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 Section 120.569, and 120.57, FS, 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, FAC.

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 facts. 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,

f. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's action, and;

g. A statement of the relief sought by the petitioner, stating precisely the action 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 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, FAC.

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 application 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.

Please direct any questions regarding this matter to Mr. Darrel Hall at (904) 630-4900.

City of Jacksonville
Environmental Resource Management Department
Environmental Quality Division

Richard L. Robinson, P.E., Manager
Air Pollution Source Permitting Section

RLR/DH/rdo

CERTIFICATE OF SERVICE

The undersigned duly designated Department Clerk hereby certifies that this INTENT TO ISSUE and all copies were mailed before the close of business on _____ to the listed persons.

FILING AND ACKNOWLEDGMENT

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

_____ _____
Clerk Date

S:/PermitN/CP/D/0310091-003i-AC

PUBLIC NOTICE OF INTENT TO ISSUE PERMIT

CITY OF JACKSONVILLE
ENVIRONMENTAL RESOURCE MANAGEMENT DEPARTMENT
ENVIRONMENTAL QUALITY DIVISION
NOTICE OF INTENT TO ISSUE PERMIT

The Environmental Resource Management Department, Environmental Quality Division (Department), gives notice of its intent to issue an Air Pollution Source Construction Permit, 0310091-003-AC, for particulate matter emissions to CEMEX Cement, Inc. for the existing cement storage and transfer operation located at 6659 Highway Ave., Jacksonville, Duval County, FL 32205.

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 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel, City of Jacksonville, 117 West Duval Street, Suite 480, Jacksonville, FL 32202. Petitions filed by the permit applicant or any of the parties listed below must be filed within 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) of the Florida Statutes, must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), FS, however, any person who asked the Department for notice of agency action may file a petition within 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 Section 120.569, and 120.57, FS, 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, FAC.

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 facts. 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, (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, and; (g) A statement of the relief sought by the petitioner, stating precisely the action 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 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 FAC.

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 application 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.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

City of Jacksonville
Environmental Resource Management Department
Environmental Quality Division
117 W. Duval Street, Suite 225
Jacksonville, FL 32202

State of Florida
Department of Environmental Protection
Northeast District
7825 Baymeadows Way, Suite B-200
Jacksonville, FL 32256-7577

The complete project file includes the Draft Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, FS. Interested persons may contact Mr. Darrel Hall, at the above address, or call (904) 630-4900, for additional information.