PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No. 0530010-018-AC

CEMEX Cement, Inc.
Brooksville Cement Plant Lines 1 and 2

Hernando County

The Department of Environmental Protection (the Department) gives notice of its intent to issue an air construction permit to CEMEX Cement, Inc. to install cooling dampers and make additional operational changes at the Brooksville Cement Plant on Highway 98, northwest of Brooksville in Hernando County. A determination of best available control technology was not required. The applicant's name and business address are CEMEX Cement, Inc., 16301 Ponce De Leon Boulevard, Brooksville, Florida 34614-0849.

The plant currently consists of: two portland cement lines designated as Lines 1 and 2, including two dry process preheater kilns (Kilns 1 and 2), two clinker coolers, associated raw mills, finish mills, cement and clinker handling equipment, coal handling equipment, silos, air pollution control devices, raw material extraction and receiving facilities and product shipping facilities.

The purpose of the dampers is to supply cooling air to rapidly quench exhaust gas from Kiln 1 to temperatures less than those characteristic of dioxin and furan formation.

Additional changes included in this action are: a change to the liquid fuel sampling requirements for Kilns 1 and 2; an the increase in the operating hours for the cement bag loadout system; and increases of the transfer and loading rates for the finish mills and various raw material and product storage bins and silos. No increases in kiln operation rates are required as a result of the operational changes.

The Department will issue the final air construction 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 days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. 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 determination (hearing) is filed pursuant to sections 120.569 and 120.57 of the Florida Statutes (F.S.), before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding.

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 Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 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 days of publication of the public notice or within

14 days of receipt of this notice of intent, 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 14 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 in a proceeding (initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code (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 decision; (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 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 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, 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 application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A complete project file 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:

Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida, 32301
Telephone: 850/488-0114
Fax: 850/922-6979

Department of Environmental Protection
Southwest District Office
13051 N. Telecom Parkway
Temple Terrace, Florida 33637-0926
Telephone: 813/744-6100
Fax: 813/744-6084

The complete project file includes the permit application, draft air construction permit, technical evaluation, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Department's reviewing engineer for this project, Teresa Heron at MS 5505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or Teresa.Heron@dep.state.fl.us, or call 850/921-9529 for additional information. Key documents may also be viewed at: www.dep.state.fl.us/Air/permitting/construction.htm and clicking on CEMEX in the cement plant category.