FINAL DETERMINATION

CEMEX Cement, Inc.

Brooksville North Cement Plant

DEP File No. 0530010-018-AC

Cooling Damper Installation and Operational Changes

On August 3, 2007 the Florida Department of Environmental Protection (Department) distributed an "Intent to Issue Air Construction Permit" to authorize the following changes at the CEMEX Brooksville North Cement Plant:

- Installation of two cooling dampers on Kiln 2;
- Changes to the liquid fuel sampling requirements for Kilns 1 and 2;
- Increase of the operating hours for the cement bag loadout system; and
- Increase of the transfer and loading rates for the finish mills and various raw material and product storage bins and silos.

CEMEX did not publish the Public Notice of Intent to Issue an Air Construction Permit (Notice) until January 7, 2008. CEMEX filed motions on August 16 and September 14, 2007 "to work out an issue of concern (thallium sampling) in the draft construction permit." These requests were granted and the last one expired on November 15, 2007.

For reasons explained in the Technical Evaluation and Preliminary Determination accompanying the draft action, the Department did not remove an existing requirement to take daily samples of the Kiln 1 particulate control equipment dust and test them for thallium (Tl).

On October 26, 2007 the Department received a letter from the Hernando County Planning Department (who were involved in specifying the original Tl sampling requirement) describing the conditions under which they would support some changes to the Tl sampling requirement. These included institution of mercury (Hg) emissions testing and monitoring and maintenance of dust sampling for Tl at a reduced frequency. The County requested the Department to "review the County's position in this matter and let us know if any further action is needed by the County."

Instead of requesting a further extension, CEMEX submitted a proposal on November 15, 2007 for Hg raw material and fuel input monitoring and reduced control equipment Tl sampling. Following discussions with the Department, CEMEX verbally requested through its consultant (Koogler and Associates) withdrawal of the November 15 proposal to allow prompt finalization of the permit and with the understanding that the Tl issue would be reassessed through a permitting action following publication of the Notice and issuance of the final permit for the changes allowed by the draft permit.

By memo dated December 5, 2007 the Department's Office of General Council closed out the case file. CEMEX published the Notice on January 8 and provided proof of publication to the Department.

The final action of the Department is to issue the permit. The only changes compared with the draft permit relate to the designation of a new plant manager and the renaming of the facility as the Brooksville <u>North</u> Cement Plant following acquisition by CEMEX of the Rinker/Florida Crushed Stone Cement plant also in Brooksville.

The Department will concurrently open an additional permitting project based on the original request to remove the Tl requirement and the subsequent input from Hernando County, CEMEX and further review by the Department.