Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

June 17, 2010

Sent by Electronic Mail – Received Receipt Requested

James Daniel, Plant Manager
Florida Crushed Stone Company (d.b.a.CEMEX, Inc.)
South Brooksville Cement Plant
10311 Cement Plant Road
Brooksville, Florida 32669

Re: Extension of Air Construction Permit Expiration Date
South Brooksville Cement Plant
Air Permit No. 0530021-028-AC/PSD-FL-091H
Extension of Original Air Permit No. 0530021-016-AC/PSD-FL-091F

Dear Mr. Daniel:

The Department received a request on June 2, 2010, for an extension of the expiration date of air construction Permit No. 0530021-016-AC/PSD-FL-091F for the South Brooksville Cement Plant located in Hernando County at 10311 Cement Plant Road in Brooksville, Florida. The construction permit allowed CEMEX to install the Tire Injection Mechanism System (TIMS) on Kiln 1.

The Department in an earlier permit (0530021-024-AC/PSD-FL-091G) had extended the expiration date of the original air construction permit to September 1, 2010. Since that permit was issued on September 15, 2009, Kiln 1 has operated for a total of only 72 days, of which only 38 days were in 2010. Kiln 1 is scheduled to be shut down for the remainder of 2010 due to market conditions. CEMEX anticipates market conditions to improve within the year and Kiln 1 to be operational in early 2011.

CEMEX requests additional time to complete the installation and testing of the TIMS on Kiln 1. Based on the circumstances and information provided, the Department approves this request. The Department is extending the expiration date to **September 1, 2011**.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. 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.

Determination: The expiration date is hereby extended from **September 1, 2010** to **September 1, 2011** to provide the necessary time to complete construction and submit a complete application for revision of the Title V air operation permit. 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.

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). Petitions must be filed within 14 days of receipt of this permit extension. 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 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 Vielhauer, Chief
Bureau of Air Regulation

TLV/sa

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Extension of Air Construction Permit Expiration Date 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 6/17/10 to the persons listed below.

James Daniel, CEMEX: jdaniel@cemexusa.com
George Townsend, CEMEX: gtownsend@cemexusa.com
Mara Nasca, DEP SWD: mara.nasca@dep.state.fl.us
Max Lee, Ph.D., P.E., Koogler & Associates, Inc.: mlee@kooglerassociates.com
Vickie Gibson, DEP BAR Reading File: victoria.gibson@dep.state.fl.us

Clerk Stamp
FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.

(Clerk) 6/17/10 (Date)