



# Florida Department of Environmental Protection

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

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

*Sent by Electronic Mail – Received Receipt Requested*

Mr. Alberto Calleros, Plant Manager  
CEMEX Construction Materials Florida, LLC  
10311 Cement Plant Road  
Brooksville, Florida 34601

Re: Exemption from the Requirement to Obtain an Air Construction Permit  
CEMEX Construction Materials Florida, LLC, Brooksville South Cement Plant  
Project No.0530021-071-AC  
Temporary Use of Clinker Reclaim System

Dear Mr. Calleros:

On September 20, 2017, CEMEX Construction Materials Florida, LLC submitted a request to allow for the temporary use of an alternative input of clinker into the Line 2 main clinker transport line at the reference facility. This alternative input line is called the clinker reclaim system. The duration of the use of the clinker reclaim system will be 60 consecutive calendar days. The existing Brooksville South Cement Plant is in Hernando County at 10311 Cement Plant Road in Brooksville, Florida. CEMEX is requesting Department confirmation through an exemption authorized under Rule 62-4.040 (Exemptions), Florida Administrative Code (F.A.C.) that the use the clinker reclaim system to supplement the current clinker production on a limited and temporary basis with air pollution control by existing baghouse 471-BF-110 does not require an air construction permit. In particular, CEMEX is requesting to temporarily use the clinker reclaim system for 60 consecutive calendar days with the clinker throughput limited to 20 tons per hour (TPH) on average and up to 30 TPH during the 60-day period. Overall, during the 60-day period, total clinker throughput would be limited to 26,000 tons.

**Determination:** A complete review of this project is summarized in the attached Technical Evaluation. Pursuant to Rule 62.4.040(1)(b) of the Florida Administrative Code (F.A.C.) and for the reasons stated in the Technical Evaluation, the Office of Permitting and Compliance determines that the activity will not emit air pollutants, "... in sufficient quantity, with respect to its character, quality or content, and the circumstances surrounding its location, use and operation, as to contribute significantly to the pollution problems within the State, so that the regulation thereof is not reasonably justified." Therefore, the project is exempt from the requirement to obtain an air construction permit. This determination may be revoked if the proposed activity is substantially modified or the basis for the exemption is determined to be materially incorrect. A copy of this letter shall be maintained at the site of the proposed activity. This permitting decision is made pursuant to Chapter 403, Florida Statutes.

**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, F.A.C. The Permitting Authority responsible for making a permit determination for this project is the Office of Permitting and Compliance in the Department of Environmental Protection's Division of Air Resource Management. The Permitting Authority's physical address is: 2600 Blair Stone Road, 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 850/717-9000.

**Petitions:** A person whose substantial interests are affected by the proposed permitting decision may

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## EXEMPTION FROM AIR CONSTRUCTION PERMITTING

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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 agency clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions must be filed within 21 days of receipt of this exemption from air permitting requirements. 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. If there are none, the petition must so state; (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 permitting action. 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 Permitting Authority 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 Permitting Authority.

**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.

## EXEMPTION FROM AIR CONSTRUCTION PERMITTING

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Executed in Tallahassee, Florida

*For:*

Syed Arif, P.E., Program Administrator  
Office of Permitting and Compliance  
Division of Air Resource Management

SA/dlr

### CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Air Permit Exemption was sent by electronic mail, or a link to this document made available electronically on a publicly accessible server, with received receipt requested before the close of business on the date indicated below to the following persons.

Alberto Calleros, CEMEX Construction Materials Florida, LLC, [alberto.calleros@cemex.com](mailto:alberto.calleros@cemex.com)  
Brent Steele, CEMEX Construction Materials Florida, LLC, [brentc.steele@cemex.com](mailto:brentc.steele@cemex.com)  
Max Lee, Ph.D., P.E., Koogler and Associates, Inc., [mlee@kooglerassociates.com](mailto:mlee@kooglerassociates.com)  
Steve Morgan, DEP SWD, [Steve.Morgan@dep.state.fl.us](mailto:Steve.Morgan@dep.state.fl.us)  
Ms. Lynn Searce, DEP OPC: [lynn.searce@dep.state.fl.us](mailto:lynn.searce@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.

## **CONDITIONS OF EXEMPTION**

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CEMEX Construction Materials Florida, LLC is authorized to temporarily use the clinker reclaim system at the Brooksville South Cement Plant in accordance with the following conditions:

1. The Compliance and Permitting Authorities shall be notified 5 business days prior to starting the temporary used of the clinker reclaim system into the Line 2 main clinker transport line;
2. The temporary used of the clinker reclaim system into the Line 2 main clinker transport line shall not exceed 60 consecutive calendar days;
3. The clinker reclaim system throughput shall not exceed 30 TPH of clinker into the Line 2 main clinker transport line and on a 24-hour block average basis (midnight to midnight) shall not exceed 20 TPH of clinker; and,
4. The total clinker reclaim system throughput into the Line 2 main clinker transport line shall not exceed 26,000 tons of clinker during the 60 consecutive calendar days that the reclaim system will be in use.