

(h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of the those terms is defined in Section 120.542(2), F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

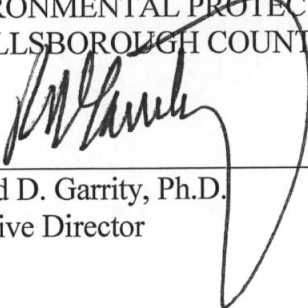
Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of United States Environmental Protection Agency and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Any person listed below may request to obtain additional information, a copy of the application (except for information entitled to confidential treatment pursuant to Section 403.111, F.S.), all relevant supporting materials, and all other materials available to the EPC that are relevant to the permit decision. Interested persons may contact Diana M. Lee, P.E., at the above address or call (813) 627-2600, for additional information.

Any party to this order has the right to seek judicial review of it under Section 120.68 of the Florida Statutes, by filing a notice of appeal under rule 9.110 of the Florida rules of Appellate Procedure with the EPC's Legal Office at 3629 Queen Palm Drive, Tampa, Florida 33619 and 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 thirty days after this order is filed with the clerk of the Department.

Executed in Tampa, Florida

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY



Richard D. Garrity, Ph.D.
Executive Director

cc: Florida Department of Environmental Protection (via email)
Maxwell Lee, P.E. – Koogler and Associates, Inc. (via email)

CERTIFICATE OF SERVICE

The undersigned duly designated clerk hereby certifies that this INTENT TO ISSUE and all copies were mailed before the close of business on 3/26/2013 to the listed persons.

FILING AND ACKNOWLEDGEMENT

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

Madelen Mishkin 3/26/2013
Clerk Date



COMMISSION

Kevin Beckner Lesley "Les" Miller, Jr.
Victor D. Crist Sandra L. Murman
Ken Hagan Mark Sharpe
Al Higginbotham

DIVISION DIRECTORS

Legal & Admin.	Richard Tschantz, Esq.
Air Management	Jerry Campbell, P.E.
Waste Management	Hooshang Boostani, P.E.
Water Management	Sam Elrabi, P.E.
Wetlands Management	Scott Emery, Ph.D.

EXECUTIVE DIRECTOR
Richard D. Garrity, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY, as Delegated by

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF PERMIT

Jose De La Garza
VP Logistics – East Region
Cemex Cement of Louisiana, Inc.
1501 Belvedere Rd.
West Palm Beach, FL 33406

Re: Hillsborough County - AP

Dear Mr. De La Garza:

Enclosed is Permit Number 0570031-017-AC to install aeration conveyors in order to transfer cement materials from the silos to a ship. Also, this permit will allow the facility the ability to pneumatically unload cement materials directly from trucks to ships, issued pursuant to Section 403.087, Florida Statutes.

Any party to this order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the EPC in the Legal Department at 3629 Queen Palm Drive, Tampa, FL 33619; 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 of Appeal must be filed within 30 days from the date this Notice is filed with the clerk of the EPC.

Executed in Tampa, Florida

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY

 **DRAFT**

Richard D. Garrity, Ph.D.
Executive Director

RDG/LAW/law

An agency with values of environmental stewardship, integrity, honesty and a culture of fairness and cooperation

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Cemex Cement of Louisiana, Inc.
West Palm Beach, FL 33406

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cc: Florida Department of Environmental Protection (via email)
Maxwell Lee, P.E. – Koogler and Associates, Inc. (via email)

CERTIFICATE OF SERVICE

The undersigned duly designated 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 ACKNOWLEDGEMENT

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



DRAFT

Clerk

Date

PERMITTEE:
Cemex Cement of Louisiana, Inc.

Permit/Certification No.: 0570031-017-AC
Project: Ship Loading

SPECIFIC CONDITIONS:

21. Submit to the Environmental Protection Commission of Hillsborough County each calendar year on or before April 1, completed DEP Form 62-210.900(5), "Annual Operating Report for Air Pollutant Emitting Facility", for the preceding calendar year. [Rule 62-210.370(3), F.A.C.]

22. A minimum of two copies of an air operating permit application shall be submitted to the Environmental Protection Commission of Hillsborough County within 60 days of completion of the first ship loading compliance test, whether testing is performed when loading ships by truck or silos, or at least 90 days prior to the expiration date of this permit, whichever occurs first. [Rules 62-4.050(2) and 62-4.090, F.A.C.]

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY

 **DRAFT**

Richard D. Garrity, Ph.D.
Executive Director