

Florida Department of
Environmental Protection

Memorandum

To: Trina Vielhauer, Bureau of Air Regulation
Through: Jeff Koerner, New Source Review Section *JK*
From: Christy DeVore, New Source Review Section *CD*
Date: November 12, 2010
Subject: Approval for Additional 30 Days
Project No. 0250014-037-AC
CEMEX Construction Material Florida, LLC, Miami Cement Plant
Trial Burn of Clean Woody Biomass, Permit No. 0250014-031-AC

Attached for your review is an approval for additional 30 successive calendar days to complete the trial burn for the existing Miami Cement Plant, which is located in Miami-Dade County at 1200 NW 137 Avenue in Miami, Florida. Condition 5.d. in Section 3 of the permit allowed the plant to continue the trial for an additional 30 successive calendar days after receiving written approval by the Bureau of Air Regulation if there were unforeseen problems delaying the trial burn.

The delays resulted from problems with the feeding system and the shutdown of supplier of the clean woody biomass for maintenance. I recommend your approval of the attached authorization for the additional 30 successive calendar days for the trial burn.

Attachments

TLV/jfk/scd



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Mimi A. Drew
Secretary

November 12, 2010

Electronically Sent – Received Receipt Requested

Mr. Robert Rogers, Plant Manager
CEMEX Construction Materials Florida, LLC
1200 NW 137 Avenue
Miami, FL 33182

Re: Project No. 0250014-037-AC
CEMEX Construction Materials Florida, LLC, Miami Cement Plant
Trial Burn of Clean Woody Biomass, Permit No. 0250014-031-AC
Approval for Additional 30 Days

Dear Mr. Rogers:

On November 10, 2010, CEMEX Construction Materials Florida, LLC requested an additional 30 days to complete the trial burn of clean woody biomass in air construction permit No. 0250014-031-AC for the Miami Cement Plant located in Miami-Dade County at 1200 NW 137 Avenue in Miami, Florida. CEMEX Construction Materials Florida, LLC requests the additional time to complete the trial burn of clean woody biomass from the Miami-Dade County Resource Recovery Facility at the Miami Cement Plant to supplement the primary fuel of coal due to problems with the feeding system and shutdown of the supplier for maintenance. Based on the circumstances and information provided, the Department approves this request in accordance with Condition 5.d. in Section 3 of the permit.

Determination: The permittee is granted an additional 30 successive calendar days of burning to complete the trial burn. 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.

Permitting Authority: 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.

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 / Facsimile: 850/245-2303). Petitions must be filed within 14 days of receipt of this approval. 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

Approval for Additional 30 days

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 L. Vielhauer, Chief
Bureau of Air Regulation

TLV/jfk/scd

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this authorization 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 11/12/10 to the persons listed below.

- Mr. Robert Rogers, CEMEX Construction Materials, Florida, LLC (rrogers@cemexusa.com)
- Mr. Charles Walz, CEMEX Construction Materials, Florida, LLC (charles.walz@cemex.com)
- Mr. Max Lee, Koogler and Associates, Inc. (mlee@kooglerassociates.com)
- Ms. Mallika Muthia, P.E., Miami-Dade Co. Environmental Resource Management (muthim@miamidade.gov)
- Ms. Vickie Gibson, DEP BAR Reading File (victoria.gibson@dep.state.fl.us)

Clerk Stamp

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

 _____ (Clerk) 11/12/10 (Date)

Livingston, Sylvia

From: Livingston, Sylvia
Sent: Friday, November 12, 2010 12:25 PM
To: 'rrogers@cemexusa.com'
Cc: 'charles.walz@cemex.com'; 'mlee@kooglerassociates.com'; 'muthim@miamidade.gov'; Gibson, Victoria; DeVore, Christy; Walker, Elizabeth (AIR)
Subject: CEMEX Construction Materials FL, LLC - Miami Center Plant; 0250014-037- Authorization
Attachments: 0250014-037-AC_Authorization.pdf

Dear Sir/Madam:

Please send a "reply" message verifying receipt of the attached document(s); this may be done by selecting "Reply" on the menu bar of your e-mail software, *noting that you can view the documents*, and then selecting "Send". We must receive verification of receipt and your reply will preclude subsequent e-mail transmissions to verify receipt of the document(s).

The document(s) may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible.

The document is in Adobe Portable Document Format (pdf). Adobe Acrobat Reader can be downloaded for free at the following internet site: <<http://www.adobe.com/products/acrobat/readstep.html>> .

The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering community. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record.

Thank you,

Sylvia Livingston
Division of Air Resource Management (DARM)
Department of Environmental Protection
850/921-9561
sylvia.livingston@dep.state.fl.us

Tracking:

Livingston, Sylvia

From: Rogers, Robert [RRogers@cemexusa.com]
Sent: Monday, November 15, 2010 9:02 AM
To: Livingston, Sylvia
Subject: RE: CEMEX Construction Materials FL, LLC - Miami Center Plant: 0250014-037- Authorization

Received
Thanks

From: Livingston, Sylvia [<mailto:Sylvia.Livingston@dep.state.fl.us>]
Sent: Friday, November 12, 2010 12:25 PM
To: Rogers, Robert
Cc: Charles E Walz; mlee@kooglerassociates.com; muthim@miamidade.gov; Gibson, Victoria; DeVore, Christy; Walker, Elizabeth (AIR)
Subject: CEMEX Construction Materials FL, LLC - Miami Center Plant; 0250014-037- Authorization

Dear Sir/Madam:

Please send a "reply" message verifying receipt of the attached document(s); this may be done by selecting "Reply" on the menu bar of your e-mail software, *noting that you can view the documents*, and then selecting "Send". We must receive verification of receipt and your reply will preclude subsequent e-mail transmissions to verify receipt of the document(s).

The document(s) may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible.

The document is in Adobe Portable Document Format (pdf). Adobe Acrobat Reader can be downloaded for free at the following internet site: <http://www.adobe.com/products/acrobat/readstep.html> .

The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering community. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record.

Thank you,

Sylvia Livingston
Division of Air Resource Management (DARM)
Department of Environmental Protection
850/921-9561
sylvia.livingston@dep.state.fl.us

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Mimi Drew is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.

CONFIDENTIALITY: The information contained in this transmission may contain privileged and confidential

Livingston, Sylvia

From: Charles E Walz [charles.walz@cemex.com]
Sent: Monday, November 15, 2010 8:14 AM
To: Livingston, Sylvia
Subject: CEMEX Construction Materials FL, LLC - Miami Center Plant; 0250014-037- Authorization

Return Receipt

Your document: CEMEX Construction Materials FL, LLC - Miami Center Plant;
0250014-037- Authorization

was received by: charles.walz@cemex.com

at: 11/15/2010 08:13:30 EST