



July 27, 2006

UPS Overnight Delivery and Fax

Ms. Cindy Mulkey
Engineer, Bureau of Air Regulation
Division of Air Resource Management
2600 Blair Stone Rd MS #5505
Tallahassee, Fl 32399-2400

RE: CEMEX Cement, Inc.
Brooksville Cement Plant
CEMEX DEP File No 0530010-022-AC
Trial Burn Tires for Kiln #2

Dear Cindy:

Please find enclosed the original Proof of Publication of the public notice for the above referenced construction project. The public notice is dated July 21, 2006 and ran in the Hernando Today section of the Tampa Tribune.

If there are any questions concerning this information please contact me at (352) 799-2011

Sincerely,

CEMEX Cement, Inc.

A handwritten signature in cursive script that reads "Charles E. Walz".

Charles E. Walz
Environmental Manager

cc: File

RECEIVED

AUG 01 2006

BUREAU OF AIR REGULATION

HERNANDO TODAY

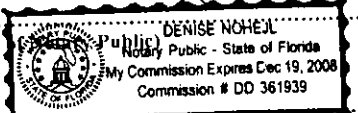
Published Daily
BROOKSVILLE, HERNANDO, FLORIDA
STATE OF FLORIDA
COUNTY OF HERNANDO:
I, the undersigned authority personally
appeared Sylvia Spivey, who
testifies that he/she is Legal Ad Coordinator
for Hernando Today/Hernando Sunday, a daily
newspaper published at Brooksville in Hernando
County, Florida; that the attached copy of the
advertisement, being a Legal Notice
in the matter of ... CEMEX/Brooksville Plant...
Public Notice of Intent To Issue Permit.....
DEP File No. 0530010-022-AC.....
is published in said newspaper in the
issues of July 21, 2006.....

Affiant further says that the said Hernando
Today/Hernando Sunday is a newspaper pub-
lished at Brooksville, in said Hernando County,
Florida, and that the said newspaper has hereto-
fore been continuously published in said
Hernando County, Florida, each week and has
been entered as a second class mail matter at the
post office in Brooksville, in said Hernando
County, Florida for a period of 1 year next pre-
ceding the first publication of the attached copy
advertisement; and affiant further says
that he/she has neither paid nor promised any
person, firm or corporation any discount, rebate,
concession or refund for the purpose of securing
this advertisement for publication in the said
newspaper.

Sylvia Spivey
Signature of Affiant)

Worn to and subscribed before me this 21
day of July, 2006

Denise Nohejl

Signature 

Name of Notary typed, printed or stamp)

Personally Known or
Produced Identification _____
Type of Identification Produced _____

Cemex/1790482

**PUBLIC NOTICE OF
INTENT TO ISSUE
PERMIT**

STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL
PROTECTION

DEP File No.
0530010-022-AC

CEMEX Cement, Inc.
Brooksville Cement Plant
Kiln No. 2
Hernando County

The Department of
Environmental
Protection (Department)
gives notice of its intent
to issue a permit to
CEMEX Cement, Inc. The
permit authorizes
construction of a tire
feed system for Kiln No.
2, and temporary
field-testing to
determine site specific
emission characteristics
and technical feasibility
of firing whole tire
derived fuel (TDF) in Kiln
No. 2. The applicant's
name and address are
CEMEX Cement, Inc.,
Brooksville Cement
Plant, Post Office Box 6,
Brooksville, Florida
34605-0006.

The existing facility
consists of two dry
preheater kilns (Kiln No.
1 and Kiln No. 2). Both
kilns are permitted to
fire a variety of fuels
including coal, fuel oil,
natural gas, and on-site
generated non-hazardous
waste used oil
and grease. CEMEX is
currently permitted to
fire up to 20 percent
waste tire derived fuel
(WTDF) in Kiln No. 1.

CEMEX requested
authorization to
construct a tire feed
system for Kiln No. 2
and to conduct
temporary field-testing
to determine site
specific emission
characteristics and
technical feasibility of
firing up to 20 percent
whole tire derived fuel
(TDF) in Kiln No. 2 on a
permanent basis. Permanent use of the
supplemental fuel would
be an economic benefit
for the facility. CEMEX
has proposed to certify
and collect data from the
existing carbon
monoxide (CO) and
nitrogen oxide (NOx)
continuous emissions
monitors during the trial
period, and to conduct
testing for sulfur dioxide
(SO2) to establish "base-
line" (firing only coal)
emissions to be
compared to emissions
while firing coal and TDF.

Based on a literature
review and review of
similar testing
performed on other
cement kilns, the
Department believes
that the request for a
trial period to test the
feasibility of firing TDF in
Kiln No. 2 is reasonable.
Information acquired
during the test period is
also necessary before
the Department will
consider authorizing the
permanent use of TDF in
Kiln No. 2. However, the
Department will require
additional testing to that
proposed by the
applicant including
testing for NOx, CO,
volatile organic com-
pounds (VOCs),
dioxin/furans, PM/PM10,
and visible emissions
during the trial period.

No emissions levels
are allowed during
the trial period. Because
there are no allowable

who asked for notice of
agency action may file a
petition within fourteen
days of receipt of that
notice, regardless of the
date of publication. 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 the
proceeding and
participate as a party to
it. Any subsequent
intervention will be only
at the approval of the
presiding officer upon
the filing of a motion in
compliance with Rule
28-106.205 of the Florida
Administrative Code.

A petition that disputes
the material facts on
which the Department'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 how and
when petitioner received
notice of the agency
action or proposed
action; (d) A statement
of all disputed issues of
material fact, if there are
none, the petition must
so indicate; (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; and (g) A
statement of the relief
sought by the petitioner,
stating precisely the
action 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 De-
partment'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 a
final agency action, the
filing of a petition means
that the Department's
final action may be
different from the
position taken by it in
this notice. Persons
whose substantial
interests will be affected
by any such final
decision of the
Department on the
application have the
right to petition to
become a party to the
proceeding, in
accordance with the
requirements set forth
above.

available for public in-
spection during normal
business hours, 8:00 a.m.

conditions. The Department will accept written comments and requests for a public meeting concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of this Public Notice of Intent to Issue Permit. Written comments or requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400 or the e-mail address provided below. Any written comments filed shall be made available for public inspection. If comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. If a petition for an administrative hearing on the Department's Intent to Issue is filed by a substantially affected person, that hearing shall be consolidated with the certification hearing, as provided under Section 403.507(3). Mediation is not available in this proceeding.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen (14) days of receipt of this notice of intent.

Environmental Protection
Southwest District Office
13051 N. Telecom
Parkway
Temple Terrace, Florida
33637-0926
Telephone: 813/744-6100
Fax: 813/744-6084

The complete project file includes the application, technical evaluations, Draft Permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Alvaro A. Linero, P.E., Program Administrator, South Permitting Section, Bureau of Air Regulation at: alvaro.linero@dep.state.fl.us and at 850/921-9523 or call 850/488-0114 for additional information. The application, key correspondence, draft permit and technical evaluation can be accessed at: <http://www.dep.state.fl.us/Air/permitting/construction/cemex.htm>
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