

**BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

IN RE: CEMEX, INC. d/b/a CEMEX
CEMENT, INC.

Permittee/Permit Applicant.

DEP File No.: 0530010-029-AC (PSD-FL-384)
Brooksville Plant, New Line 3

APR 16 2007

**REQUEST FOR EXTENSION OF TIME TO FILE A SECTION
120.57(1), FLORIDA STATUTES, PETITION FOR FORMAL
ADMINISTRATIVE PROCEEDINGS**

Permittee/Permit Applicant, CEMEX Cement, Inc., by and through its undersigned counsel, hereby files this its Request for Extension of Time to File a Petition for Formal Administrative Proceedings pursuant to Sections 120.569 and 120.57(1), Florida Statutes.

1. On April 3, 2007, the Florida Department of Environmental Protection ("Department") issued an Intent to Issue and Draft Permit in the above-referenced matter. The permit applicant received a copy of the Intent to Issue on April 5, 2007, by email transmission.

2. The Intent to Issue advised that "petitions filed by the permit applicant ... must be filed within fourteen (14) days of receipt of this notice of intent."

3. This request for extension of time is timely filed.

4. Extensions of time in which to file Petitions for Hearing are allowed under Chapter 120, Florida Statutes, and Rules 28-106.111(3) and 62-110.106(4), Florida Administrative Code.

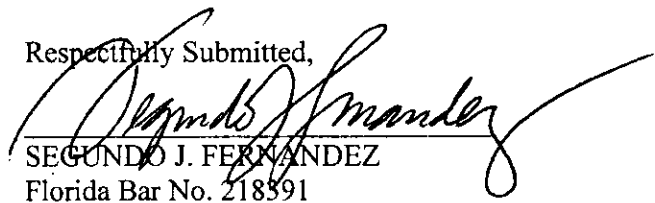
5. The applicant seeks a thirty (30) day extension of time in order to meet with Department staff and to review the draft permit, conditions, and technical evaluations. The subject permit is a complex document including a Best Available Control Technology Determination and CEMEX Cement, Inc., has identified unresolved issues in the draft permit documents that will require detail technical analysis and discussions with Department technical staff.

6. Pursuant to Rule 28-106.111(3), Florida Administrative Code, the undersigned certifies that he has contacted Jack Chisolm, Deputy General Counsel, Florida Department of Environmental Protection, regarding this motion and hereby represents that the Department has no objection to this request.

7. Consequently, the applicant seeks additional time to file a Petition for Hearing up to and including May 21, 2007.

8. In an overabundance of caution, if for any reason this request is not granted or is otherwise disregarded, CEMEX Cement, Inc., Inc. would specifically request, by means of this pleading, a formal administrative proceeding pursuant to Section 120.569 and 120.57(1), Florida Statutes.

Respectfully Submitted,



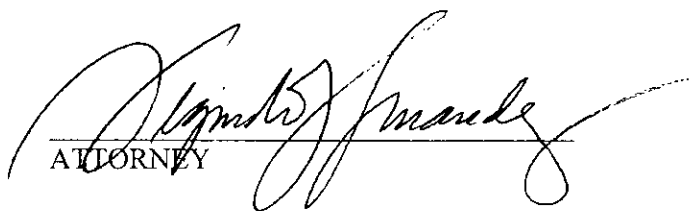
SEGUNDO J. FERNANDEZ
Florida Bar No. 218391

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Tallahassee, Florida 32302

Attorneys for Permittee/Permit Applicant,
CEMEX Cement, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and a copy of the foregoing document was filed via Hand Delivery to Lea Crandall, Agency Clerk of the Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399, and a copy has been furnished by Hand Delivery to Jack Chisolm, Deputy General Counsel, Florida Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399, and Leslie White, Executive Vice-President and General Counsel, CEMEX Cement, Inc., 840 Gessner, Suite 1400, Houston, Texas 77024, on this 16th day of April, 2007.


ATTORNEY

Copies furnished to:

Michael A. Gonzales, CEMEX
Charles Walz, CEMEX
Amarjits Gill, CEMEX
Steve Cullen, P.E., Koogler & Associates
John Koogler, P.E., Ph.D., Koogler & Associates

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