

CEMEX dba as Cemex Cement 0530010-029-AC OGC # 07-0661
(AI)

2007								
17-Apr	OGC opened case on 4/16; we were notified today of the request							
	Trina ok'd giving them 30 days as requested							
	note to Valerie and Pat to grant the 30 days							
	rec'd copy of the request from OGC today as well							
	set up notes, list and book							
23-Apr	OGC issued the order to grant							
9-May	one week notice to AI							
			Expires on May 16th					
24-May	OGC issued the order to grant today							
29-May	one week notice to AI and Teresa							
5-Jun	OGC received in a third request for time through 7/9 on 6/4							
	Valerie sent a note to AI and Teresa today to see if this should be granted							
	Teresa has no objections; AI is in D.C., will wait to hear from him							
	note to Valerie letting her know that AI is out of town							
	per AI, will wait to grant or deny after the meeting with CEMEX this Friday, 6/8							
			Expires on June 5th					
13-Jun	notes from Pat and myself asking AI if he wants to grant their request							
	I asked for a copy of the request from Valerie and received it today							
	he told Pat to grant through July 9th as they had requested							
14-Jun	OGC issued the order to grant today							
	updated book, list, notes and Outlook							
2-Jul	one week notice to AI and Teresa							

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CEMEX CEMENT, INC.,

Petitioner,

v.

OGC No. 07-0661
DEP Permit No. 0530010-029-AC/
PSD-FL-384

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Respondent.

ORDER CLOSING FILE

On October 27, 2006, the Florida Department of Environmental Protection (Department) received an application for air construction permit number 0530010-029-AC/PSD-FL-384 from Petitioner, CEMEX Cement, Inc., to construct a new portland cement line at its Brooksville Cement Plant located in Hernando County, Florida. On July 17, 2007, the Department withdrew its intent to issue this permit which was previously issued on April 3, 2007. There being no further matters to consider,


IT IS ORDERED:

The Department's file in this matter is closed.

Any party to this order has the right to seek judicial review of the order under section 120.68 of the Florida Statutes by the filing of a notice of appeal under rules 9.110 and 9.190 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, 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 of appeal must be filed within thirty days from the date this order is filed with the clerk of the Department.

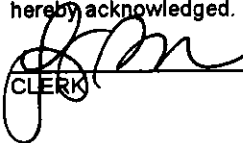
DONE AND ORDERED this 20th day of July, 2007, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



JACK CHISOLM, Deputy General Counsel
8900 Commonwealth Boulevard, M.S. 35
Tallahassee, Florida 32399-3000
850/245-2242 Facsimile 850/245-2302

FILED on this date, pursuant to §120.52 Florida Statutes,
with the designated Department Clerk, receipt of which is
hereby acknowledged.



CLERK


7/20/07
Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished
via U.S. Mail and facsimile, this 20th day of March, 2007, to:

Segundo J. Fernandez
Oertel, Fernandez, Cole & Bryant, P.A.
Post Office Box 1110
Tallahassee, FL 32302

Facsimile: 850/521-0720



PATRICIA E. COMER, Assistant General Counsel
Florida Bar No. 0224146
Department of Environmental Protection
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2242 Facsimile 850/245-2302

with a courtesy copy via electronic mail to:

Trina Vielhauer, Chief – FDEP BAR
Al Linero, Program Administrator – FDEP BAR

Gibson, Victoria

From: Linero, Alvaro
Sent: Friday, July 20, 2007 1:37 PM
To: Miskelley, Valerie; Gibson, Victoria
Cc: Vielhauer, Trina
Subject: RE: CEMEX Cement 0530010-029-AC/PSD-FL-384

Thank you.

That will do it.

They might open a new case following receipt of the revised draft permit.

Al Linero.

From: Miskelley, Valerie
Sent: Friday, July 20, 2007 1:34 PM
To: Linero, Alvaro; Gibson, Victoria
Subject: CEMEX Cement 0530010-029-AC/PSD-FL-384

Al & Vickie,

Here is the order closing file on OGC Case 07-0661 for your files. Let me know if you need anything else.

<< File: CEMEX Order Closing File 07-0661.pdf >>

Thanks,
Valerie L. Miskelley
Office of General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Blvd. - MS 35
Tallahassee, Florida 32399-3000
email: Valerie.Miskelley@dep.state.fl.us
850/245-2260 SC/205-2250

>>(((^> . . . ^ . . . >>(((^> . . . ^ . . . >>(((^>

Please Note: Florida has a very broad public records law. Electronic communications regarding state business are public records available to the public upon request. Your e-mail communications may therefore be subject to public disclosure.

Gibson, Victoria

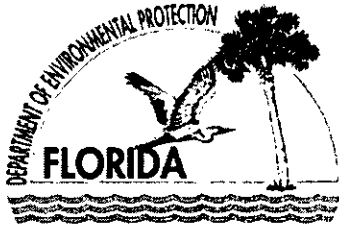
From: Linero, Alvaro
Sent: Tuesday, July 17, 2007 4:44 PM
To: Miskelley, Valerie; Comer, Patricia; Gibson, Victoria
Subject: Close out CEMEX "029" case.
Attachments: Intent 384A.pdf; Cover 384A.pdf

By the attached cover letter and "Intent" we have withdrawn the action under litigation and replaced it with a new set of documents.

Thank you.

Al Linero.

7/17/2007



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

July 17, 2007

Electronically sent – Received Receipt requested.

michaclanthony.gonzales@cemexusa.com

Mr. Michael A. Gonzales, Plant Manager

Brooksville Cement Plant

CEMEX Cement, Inc.

16301 Ponce De Leon Boulevard

Brooksville, Florida 34614-0849

Re: DEP File No. 0530010-029-AC (PSD-FL-384)

Brooksville Plant – New Line 3

Dear Mr. Gonzales:

Enclosed is the draft air construction permit (Draft Permit) to construct a new portland cement line at the Brooksville Cement Plant in Hernando County. The Department's Intent to Issue Air Construction Permit, the Technical Evaluation and Preliminary Determination, and the Public Notice of Intent to Issue Air Construction Permit are included.

The original Draft Permit and associated documents that were transmitted by the cover letter dated April 3, 2007 are hereby withdrawn and replaced by those enclosed herewith.

The Public Notice must be published one time only as soon as possible in a newspaper of general circulation in the area affected, pursuant to the requirements of Chapter 50, Florida Statutes. Proof of publication, such as a newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in denial of the permit.

Please submit any written comments you wish to have considered concerning the Department's proposed action to A.A. Linero, Program Administrator, at the letterhead address. If you have any questions regarding this matter, please contact Teresa Heron at (850)921-9529, Debbie Nelson at (850)921-9537, or Mr. Linero at (850)921-9523.

Sincerely,

Trina Vielhauer, Chief
Bureau of Air Regulation

TLV/aal

Enclosures

In the Matter of an
Application for Permit by:

Mr. Michael Gonzales, Plant Manager
Brooksville Cement Plant
CEMEX Cement, Inc.
16301 Ponce De Leon Boulevard
Brooksville, Florida 34614-0849

DEP File No. 0530010-029-AC
Draft Permit No. PSD-FL-384
Brooksville Cement Plant
Port Cement Line No. 3
Hernando County

INTENT TO ISSUE AIR CONSTRUCTION PERMIT

The Department of Environmental Protection (the Department) gives notice of its intent to issue an air construction permit (copy of draft permit enclosed) to CEMEX Cement, Inc. for the proposed project as detailed in the application specified above and the attached Technical Evaluation and Preliminary Determination for the reasons stated below.

CEMEX applied on October 27, 2006 to the Department for an air construction permit to construct a new portland cement line at the Brooksville Cement Plant in Hernando County. The Department gave notice of its intent to issue a permit to CEMEX on April 5, 2007. CEMEX subsequently modified the application. The original notice and accompanying documents are hereby withdrawn and replaced with the present notice and accompanying documents.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-212. The above actions are not exempt from permitting procedures. The Department has determined that an air construction permit pursuant to the rules for the Prevention of Significant Deterioration of Air Quality (PSD) is required.

The Department intends to issue this air construction permit based on the belief that reasonable assurances have been provided to indicate that operation of these emission units will not adversely impact air quality, and the emission units will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C.

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Construction Permit. The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, publication in a "newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/921-9533). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5)& (9), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) & (11), F.A.C.

The Department will issue the final permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 30 days from the date of publication of the enclosed Public Notice. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If comments received result in a 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.

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 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), F.S., must be filed within 14 days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department 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 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.

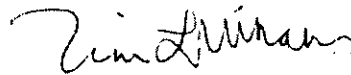
A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the 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 when and how the petitioner received notice of the agency decision; (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, 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 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 Department'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 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. Mediation is not available in this proceeding.

Executed in Tallahassee, Florida.



Trina L. Vielhauer, Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Intent to Issue Air Construction Permit (including the Public Notice, Technical Evaluation, and the Draft permit) and all copies were sent electronically (with Received Receipt) before the close of business on **July 17, 2007** to the persons listed:

Michael A. Gonzales, CEMEX: michaelanthony.gonzales@cemexusa.com

Charles Walz, CEMEX: charles.walz@cemexusa.com

Amarjits Gill, CEMEX: amarjits.gill@cemexusa.com

Mara Nasca, DEP SWD: mara.nasca@dep.state.fl.us

Steve Cullen, P.E., K&A: scullen@kooglerassociates.com

Segundo J. Fernandez, Esq., OHF&C: sfernandez@ohfc.com

Jim Little, EPA Region 4: little.james@epamail.epa.gov

Gregg Worley, U.S. EPA Region 4: worley.gregg@epa.gov

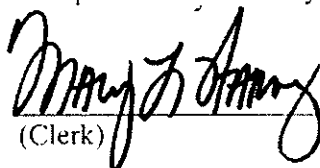
Katy Forney, U.S. EPA Region 4: Forney.kathleen@epa.gov

Dee Morse, National Park Service: dee_morse@nps.gov

Clerk Stamp

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.


(Clerk)

7/17/07
(Date)

Gibson, Victoria

From: Linero, Alvaro
Sent: Thursday, July 12, 2007 10:11 AM
To: Miskelley, Valerie
Cc: Vielhauer, Trina; Gibson, Victoria
Subject: RE: CEMEX Cement 0530010-029-AC/PSD-FL-384

We plan to recommend closing the case out early next week by withdrawing the previously issued package and issuing a new one.

So better to not act at all on request.

Al Linero.

From: Miskelley, Valerie
Sent: Thursday, July 12, 2007 10:06 AM
To: Linero, Alvaro
Subject: CEMEX Cement 0530010-029-AC/PSD-FL-384

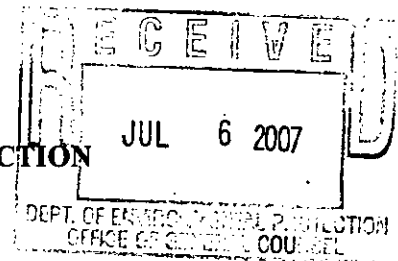
Al,
We have received a fourth request for extension of time on OGC Case No. 07-0661 up to and including 8/8/07. Pat is out on annual leave until 7/23/07. Do you have any objections to granting this request?

Thanks,
Valerie I. Miskelley
Office of General Counsel
Florida Department of Environmental Protection
900 Commonwealth Blvd. - MS 35
Tallahassee, Florida 32399-3000
email: Valerie.Miskelley@dep.state.fl.us
850/245-2260 SC/205-2250

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Please Note: Florida has a very broad public records law. Electronic communications regarding state business are public records available to the public upon request. Your e-mail communications may therefore be subject to public disclosure.

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



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

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

Permittee/Permit Applicant.

**FOURTH 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 Fourth 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." On June 4, 2007, Permittee filed its Third Request for Extension of Time to File Petition for Hearing (copy attached). On June 13, 2007, an Order was filed granting the extension of time for a period up to July 9, 2007 (copy attached).

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.

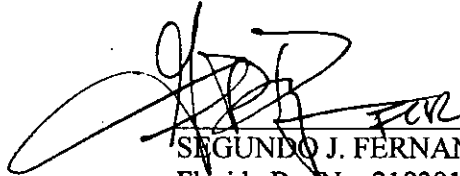
5. The applicant seeks an additional extension of time. The Permittee met with Department staff on Friday, May 11, 2007, in order to review the draft permit, conditions, technical evaluations and try to resolve the issues concerning the draft permit. Changes to the draft permit were discussed. Department staff requested that the applicant submit proposed permit change language to the Department for review. Department staff will review the applicant's proposed changes and communicate its position to the applicant on permit changes it is willing to make. Further, on May 17, 2007, Department staff met with the applicant at the plant to review operations and to discuss permit limits and conditions. The applicant is preparing written comments to submit to the Department. Until such time as the draft permit is finalized, an extension of time to file a petition for hearing is necessary. 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 attempted to contact Patricia Comer, Senior Assistant General Counsel, Florida Department of Environmental Protection, regarding this motion and but was unsuccessful.

7. Consequently, the applicant seeks additional time to file a Petition for Hearing up to and including August 8, 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
TIMOTHY P. ATKINSON
Florida Bar No. 982260

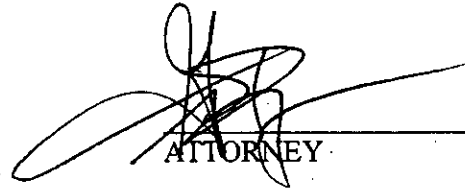
OERTEL, FERNANDEZ, COLE &
BRYANT, P.A.
301 South Bronough Street, Suite 500
Post Office Box 1110
Tallahassee, Florida 32302

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 Patricia Comer, Senior Assistant 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 6th day of July, 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

FASJFCEMEX\Fourth Request for Extension of Time 7-5-07.doc

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

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

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

Permittee/Permit Applicant.

**THIRD 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 Third 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." On May 15, 2007, Permittee filed its Second Request for Extension of Time to File Petition for Hearing (copy attached). On May 24, 2007, an Order was filed granting the extension of time for a period up to June 5, 2007 (copy attached).

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.

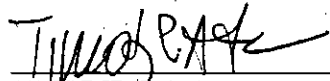
5. The applicant seeks an additional extension of time. The Permittee met with Department staff on Friday, May 11, 2007, in order to review the draft permit, conditions, technical evaluations and try to resolve the issues concerning the draft permit. Changes to the draft permit were discussed. Department staff requested that the applicant submit proposed permit change language to the Department for review. Department staff will review the applicant's proposed changes and communicate its position to the applicant on permit changes it is willing to make. Further, on May 17, 2007, Department staff met with the applicant at the plant to review operations and to discuss permit limits and conditions. The applicant is preparing written comments to submit to the Department. Until such time as the draft permit is finalized, an extension of time to file a petition for hearing is necessary. 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 attempted to contact Patricia Comer, Senior Assistant General Counsel, Florida Department of Environmental Protection, regarding this motion and but was unsuccessful.

7. Consequently, the applicant seeks additional time to file a Petition for Hearing up to and including July 9, 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,



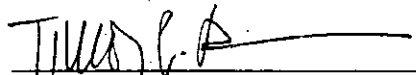
SEGUNDO J. FERNANDEZ
Florida Bar No. 218391
TIMOTHY P. ATKINSON
Florida Bar No. 982260

OERTEL, FERNANDEZ, COLE &
BRYANT, P.A.
301 South Bronough Street, Suite 500
Post Office Box 1110
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 Patricia Comer, Senior Assistant 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 4th day of June, 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

FASJFCEMEXThird Request for Extension of Time 2871-02.doc

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CEMEX CEMENT, INC.,

Petitioner,

v.

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

OGC No. 07-0661
DEP Permit No. 0530010-029-AC/
PSD-FL-384

**ORDER GRANTING THIRD REQUEST FOR
EXTENSION OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the Florida Department of Environmental Protection (FDEP) upon receipt of a third request made by Petitioner, CEMEX Cement, Inc., to grant an additional extension of time to file a petition for administrative hearing challenging the Intent to Issue DEP Permit No. 0530010-029-AC/PSD-FL-384 for its facility in Hernando County, Florida. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until July 9, 2007, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 13th day of June, 2007, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850-245-2242 facsimile 850-245-2302

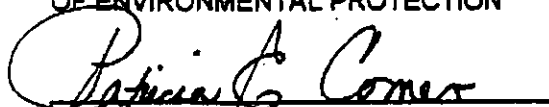
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U. S. Mail and facsimile this 14th day of June, 2007, to:

Timothy P. Atkinson
OERTEL, FERNANDEZ, COLE
& BRYANT, P.A.
Post Office Box 1110
Tallahassee, FL 32302

Facsimile: 850/521-0720

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Patricia E. Comer, Assistant General Counsel
FL Bar 0224148
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2288 Fax: 850/245-2302

with courtesy copies via electronic mail to:

Trina Vielhauer, Chief – FDEP BAR
Al Linero, Permitting Administrator – FDEP BAR
Teresa Heron, Permitting Engineer – FDEP BAR

Gibson, Victoria

From: Gibson, Victoria
Sent: Monday, July 09, 2007 3:05 PM
To: Vielhauer, Trina; Heron, Teresa
Subject: FW: Fourth Request for Extension of Time rec'd. - 0530010-029-AC - Cemex, Inc.

Importance: High

Attachments: Di4700707091453.PDF



Di4700707091453.
PDF (2 MB)

-----Original Message-----

From: Crandall, Lea
Sent: Monday, July 09, 2007 3:01 PM
To: Gibson, Victoria; Linero, Alvaro
Subject: Fourth Request for Extension of Time rec'd. - 0530010-029-AC - Cemex, Inc.

FYI!

Lea Crandall
Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

-----Original Message-----

From: Knight, Barnard
Sent: Monday, July 09, 2007 2:56 PM
To: Crandall, Lea
Subject: From KONICA MINOLTA Di470

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CEMEX CEMENT, INC.,

Petitioner,

v.

OGC No. 07-0661
DEP Permit No. 0530010-029-AC/
PSD-FL-384

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

**ORDER GRANTING THIRD REQUEST FOR
EXTENSION OF TIME TO FILE PETITION FOR HEARING**


This cause has come before the Florida Department of Environmental Protection (FDEP) upon receipt of a third request made by Petitioner, CEMEX Cement, Inc., to grant an additional extension of time to file a petition for administrative hearing challenging the Intent to Issue DEP Permit No. 0530010-029-AC/PSD-FL-384 for its facility in Hernando County, Florida. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until **July 9, 2007**, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 13th day of June, 2007, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850-245-2242 facsimile 850-245-2302

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U. S. Mail and facsimile this 14th day of June, 2007, to:

Timothy P. Atkinson
OERTEL, FERNANDEZ, COLE
& BRYANT, P.A.
Post Office Box 1110
Tallahassee, FL 32302

Facsimile: 850/521-0720

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Patricia E. Comer, Assistant General Counsel
FL Bar 0224146
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2288 Fax: 850/245-2302

with courtesy copies via electronic mail to:

Trina Vielhauer, Chief – FDEP BAR
Al Linero, Permitting Administrator – FDEP BAR
Teresa Heron, Permitting Engineer – FDEP BAR

Gibson, Victoria

From: Miskelley, Valerie
Sent: Thursday, June 14, 2007 10:16 AM
To: Linero, Alvaro; Heron, Teresa; Gibson, Victoria
Subject: CEMEX Cement 0530010-029-AC/PSD-FL-384

Attachments: 3rd Ord to Grant on CEMEX Cement 07-0661.pdf

Al, Vickie and Teresa,
Here is the Order Granting on OGC No. 07-0661 for your files. Let me know if you need anything else.



3rd Ord to Grant on
CEMEX Ceme...

Thanks,
Valerie I. Miskelley
Office of General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Blvd. - MS 35
Tallahassee, Florida 32399-3000
email: Valerie.Miskelley@dep.state.fl.us
850/245-2260 SC/205-2250

><(((^> . . . ^- . . . ><(((^> . . . ^- . . . ><(((^>

Please Note: Florida has a very broad public records law. Electronic communications regarding state business are public records available to the public upon request. Your e-mail communications may therefore be subject to public disclosure.

Gibson, Victoria

From: Linero, Alvaro
Sent: Wednesday, June 13, 2007 12:04 PM
To: Miskelley, Valerie; Comer, Patricia; Gibson, Victoria; Heron, Teresa
Cc: Vielhauer, Trina
Subject: FW: Cemex 0530010-029-AC; OGC 07-0661

Pat:

O.k. through time period they requested.

Al Linero.

From: Comer, Patricia
Sent: Wed 6/13/2007 10:26 AM
To: Linero, Alvaro; Heron, Teresa
Cc: Gibson, Victoria; Miskelley, Valerie
Subject: Cemex 0530010-029-AC; OGC 07-0661

Can you let me know the status on this? We have a third request for extension that came in last Monday (June 4) and were waiting...I think... until after your meeting last Friday to decide what to do with it.

Thanks
Pat

Gibson, Victoria

From: Gibson, Victoria
Sent: Wednesday, June 13, 2007 10:59 AM
To: Linero, Alvaro
Subject: Attached is the Request from Cemex

Attachments: 3rd Req for Ext of Time CEMEX 07-0661.pdf

From: Miskelley, Valerie
Sent: Wednesday, June 13, 2007 10:54 AM
To: Gibson, Victoria
Subject: RE: Cemex 0530010-029-AC

Vickie,
Here it is...



3rd Req for Ext of
Time CEMEX ...

Let me know if you need anything else.

Thanks,
Valerie

-----Original Message-----

From: Gibson, Victoria
Sent: Wednesday, June 13, 2007 10:06 AM
To: Miskelley, Valerie
Subject: Cemex 0530010-029-AC

Hi,

Would you send me a copy of their request for an extension of time through July 9th?

Thanks.

Vickie

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
Bureau of Air Regulation
Department of Air Resource Management
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533

Gibson, Victoria

From: Miskelley, Valerie
Sent: Wednesday, June 13, 2007 10:50 AM
To: Linero, Alvaro; Comer, Patricia; Heron, Teresa
Cc: Gibson, Victoria
Subject: RE: Cemex 0530010-029-AC; OGC 07-0661

Al,
Up to and including July 9, 2007.

Thanks,
Valerie

-----Original Message-----

From: Linero, Alvaro
Sent: Wednesday, June 13, 2007 10:30 AM
To: Comer, Patricia; Heron, Teresa
Cc: Gibson, Victoria; Miskelley, Valerie
Subject: RE: Cemex 0530010-029-AC; OGC 07-0661

Pat:

How much time are they requesting?

Thanks.

Al.

-----Original Message-----

From: Comer, Patricia
Sent: Wed 6/13/2007 10:26 AM
To: Linero, Alvaro; Heron, Teresa
Cc: Gibson, Victoria; Miskelley, Valerie
Subject: Cemex 0530010-029-AC; OGC 07-0661

Can you let me know the status on this? We have a third request for extension that came in last Monday (June 4) and were waiting...I think... until after your meeting last Friday to decide what to do with it.

Thanks
Pat

Gibson, Victoria

From: Gibson, Victoria
Sent: Wednesday, June 13, 2007 10:05 AM
To: Linero, Alvaro
Subject: RE: Response to request for extension of time on Cemex

I don't have a copy of their request; I will get one from OGC. However, per an e-mail from Valerie they have requested until July 9th.

From: Linero, Alvaro
Sent: Wednesday, June 13, 2007 10:02 AM
To: Gibson, Victoria
Subject: RE: Response to request for extension of time on Cemex

How much time have they requested?

Al.

-----Original Message-----

From: Gibson, Victoria
Sent: Wed 6/13/2007 9:49 AM
To: Linero, Alvaro
Cc:
Subject: Response to request for extension of time on Cemex

Hi,

Just checking in to see if you have decided to grant or deny their extension request.

Vickie

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
Bureau of Air Regulation
Department of Air Resource Management
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533

**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

**THIRD 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 Third 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." On May 15, 2007, Permittee filed its Second Request for Extension of Time to File Petition for Hearing (copy attached). On May 24, 2007, an Order was filed granting the extension of time for a period up to June 5, 2007 (copy attached).

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.

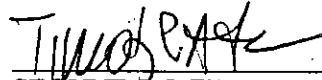
5. The applicant seeks an additional extension of time. The Permittee met with Department staff on Friday, May 11, 2007, in order to review the draft permit, conditions, technical evaluations and try to resolve the issues concerning the draft permit. Changes to the draft permit were discussed. Department staff requested that the applicant submit proposed permit change language to the Department for review. Department staff will review the applicant's proposed changes and communicate its position to the applicant on permit changes it is willing to make. Further, on May 17, 2007, Department staff met with the applicant at the plant to review operations and to discuss permit limits and conditions. The applicant is preparing written comments to submit to the Department. Until such time as the draft permit is finalized, an extension of time to file a petition for hearing is necessary. 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 attempted to contact Patricia Comer, Senior Assistant General Counsel, Florida Department of Environmental Protection, regarding this motion and but was unsuccessful.

7. Consequently, the applicant seeks additional time to file a Petition for Hearing up to and including July 9, 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,



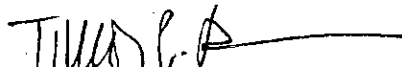
SEGUNDO J. FERNANDEZ
Florida Bar No. 218391
TIMOTHY P. ATKINSON
Florida Bar No. 982260

OERTEL, FERNANDEZ, COLE &
BRYANT, P.A.
301 South Bronough Street, Suite 500
Post Office Box 1110
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 Patricia Comer, Senior Assistant 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 4th day of June, 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

FASJFCEMEX\Third Request for Extension of Time 2871-02.doc

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

**SECOND 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 Second 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." On April 16, 2007, Permittee filed its First Request for Extension of Time to File Petition for Hearing (copy attached). On April 23, 2007, an Order was filed granting the extension of time for a period of 30 days (copy attached).

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 an additional thirty (30) day extension of time. The Permittee met with Department staff on Friday, May 11, 2007, in order to review the draft permit, conditions, technical evaluations and try to resolve the issues concerning the draft permit. Changes to the draft permit were discussed. Department staff requested that the applicant submit proposed permit change language to the Department for review. Department staff will review the applicant's proposed changes and communicate its position to the applicant on permit changes it is willing to make. Until such time as the draft permit is finalized, an extension of time to file a petition for hearing is necessary. 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.

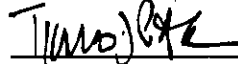
6. Pursuant to Rule 28-106.111(3), Florida Administrative Code, the undersigned certifies that he has contacted Patricia Comer, Senior Assistant General Counsel, Florida Department of Environmental Protection, regarding this motion and hereby represents that she has no objections to the filing of this request.

7. Consequently, the applicant seeks additional time to file a Petition for Hearing up to and including June 15, 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
TIMOTHY P. ATKINSON
Florida Bar No. 982260

OERTEL, FERNANDEZ, COLE &
BRYANT, P.A.
301 South Bronough Street, Suite 500
Post Office Box 1110
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 Patricia Comer, Senior Assistant 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 15th day of May 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

FASJFCEMEX2871-02 Motion for Extension of Time - Second.doc

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CEMEX CEMENT, INC.,

Petitioner,

v.

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

OGC No. 07-0681
DEP Permit No. 0530010-029-AC/
PSD-FL-384

**ORDER GRANTING SECOND REQUEST FOR
EXTENSION OF TIME TO FILE PETITION FOR HEARING**

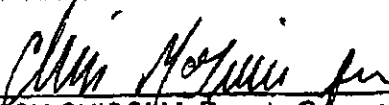
This cause has come before the Florida Department of Environmental Protection (FDEP) upon receipt of a second request made by Petitioner, CEMEX Cement, Inc., to grant an additional extension of time to file a petition for administrative hearing challenging the Intent to Issue DEP Permit No. 0530010-029-AC/PSD-FL-384 for its facility in Hernando County, Florida. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until June 5, 2007, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 24th day of May, 2007, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850-245-2242 facsimile 850-245-2302

Gibson, Victoria

From: Linero, Alvaro
Sent: Tuesday, June 05, 2007 12:31 PM
To: Miskelley, Valerie; Heron, Teresa; Vielhauer, Trina; Gibson, Victoria
Subject: RE: CEMEX Cement 0530010-029-AC/PSD-FL-384

No need to act just yet.

I will advise after we meet with CEMEX on Friday.

Thanks.

Al,

-----Original Message-----

From: Miskelley, Valerie
Sent: Tue 6/5/2007 10:45 AM
To: Linero, Alvaro; Heron, Teresa
Cc:
Subject: CEMEX Cement 0530010-029-AC/PSD-FL-384

Al,

We received a third request for extension of time on OGC Case No. 07-0661. They have asked for an extension until 07/09/07. Do you have any objections? Pat is at a Land Use Hearing and will not be back in the office until next Monday so she asked me to check with you.

Thanks,
Valerie L. Miskelley
Office of General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Blvd. - MS 35
Tallahassee, Florida 32399-3000
email: Valerie.Miskelley@dep.state.fl.us
850/245-2260 SC/205-2250

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Please Note: Florida has a very broad public records law. Electronic communications regarding state business are public records available to the public upon request. Your e-mail communications may therefore be subject to public disclosure.

Gibson, Victoria

From: Heron, Teresa
Sent: Tuesday, June 05, 2007 10:53 AM
To: Gibson, Victoria
Subject: FW: CEMEX Cement 0530010-029-AC/PSD-FL-384

FYI

I will wait until Al is back so he can respond to her. I do not have any objection.

From: Miskelley, Valerie
Sent: Tuesday, June 05, 2007 10:46 AM
To: Linero, Alvaro; Heron, Teresa
Subject: CEMEX Cement 0530010-029-AC/PSD-FL-384

Al,
We received a third request for extension of time on OGC Case No. 07-0661. They have asked for an extension until 07/09/07. Do you have any objections? Pat is at a Land Use Hearing and will not be back in the office until next Monday so she asked me to check with you.

Thanks,
Valerie I. Miskelley
Office of General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Blvd. - MS 35
Tallahassee, Florida 32399-3000
Email: Valerie.Miskelley@dep.state.fl.us
850/245-2260 SC/205-2250

><(((> . . . <(((> . . . <(((> . . . <(((>
Please Note: Florida has a very broad public records law. Electronic communications regarding state business are public records available to the public upon request. Your e-mail communications may therefore be subject to public disclosure.

Gibson, Victoria

From: Gibson, Victoria
Sent: Tuesday, June 05, 2007 11:34 AM
To: Miskelley, Valerie
Subject: CEMEX Cement 0530010-029-AC/PSD-FL-384

Hi,

Al is out of town until Thursday afternoon; so he might not respond to your request until then.

Have a good week.

Vickie

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
Bureau of Air Regulation
Department of Air Resource Management
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CEMEX CEMENT, INC.,

Petitioner,

v.

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

OGC No. 07-0661
DEP Permit No. 0530010-029-AC/
PSD-FL-384

**ORDER GRANTING SECOND REQUEST FOR
EXTENSION OF TIME TO FILE PETITION FOR HEARING**


This cause has come before the Florida Department of Environmental Protection (FDEP) upon receipt of a second request made by Petitioner, CEMEX Cement, Inc., to grant an additional extension of time to file a petition for administrative hearing challenging the Intent to Issue DEP Permit No. 0530010-029-AC/PSD-FL-384 for its facility in Hernando County, Florida. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until **June 5, 2007**, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 24th day of May, 2007, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850-245-2242 facsimile 850-245-2302

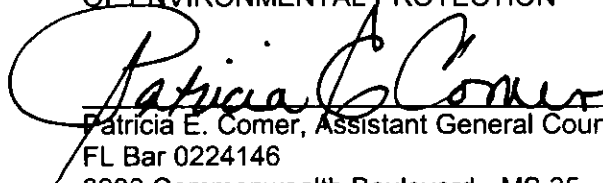
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U. S. Mail and facsimile this 21st day of May, 2007, to:

Segundo J. Fernandez
OERTEL, FERNANDEZ, COLE
& BRYANT, P.A.
Post Office Box 1110
Tallahassee, FL 32302

Facsimile: 850/521-0720

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Patricia E. Comer, Assistant General Counsel
FL Bar 0224146
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2288 Fax: 850/245-2302

with courtesy copies via electronic mail to:

Trina Vielhauer, Chief – FDEP BAR
Al Linero, Permitting Administrator – FDEP BAR
Teresa Heron, Permitting Engineer – FDEP BAR

Gibson, Victoria

From: Miskelley, Valerie
Sent: Thursday, May 24, 2007 1:43 PM
To: Gibson, Victoria; Linero, Alvaro; Heron, Teresa
Subject: CEMEX Cement 0530010-029-AC

Attachments: 2nd Ord to Grant on CEMEX Cement 07-0661.pdf

Here is the order granting second request for extension of time for OGC Case No. 07-0661 for your files. Let me know if you need anything else.



2nd Ord to Grant on
CEMEX Ceme...

Thanks,
Valerie L. Miskelley
Office of General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Blvd. - MS 35
Tallahassee, Florida 32399-3000
email: Valerie.Miskelley@dep.state.fl.us
850/245-2260 SC/205-2250

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Please Note: Florida has a very broad public records law. Electronic communications regarding state business are public records available to the public upon request. Your e-mail communications may therefore be subject to public disclosure.

Gibson, Victoria

From: Gibson, Victoria
Sent: Tuesday, May 22, 2007 1:39 PM
To: Miskelley, Valerie
Subject: RE: From Vickie: Status of Items

Sorry, I didn't notice that probably Toni will be working the Okeelanta cases.

Vickie

From: Miskelley, Valerie
Sent: Tuesday, May 22, 2007 1:37 PM
To: Gibson, Victoria
Subject: RE: From Vickie: Status of Items

sure...

Mosaic - New Wales 07-0761: Mara is planning on withdrawing the permit determination. Then OGC will issue and order closing file and we can close the case. Pat spoke with her about this when she was at the District on Friday.

Okeelanta Corp 07-0806 & 07-0807: I need to research these. I don't have either of these cases so I need to see what happened here...

Smurfit Stone 07-0747 & 07-0825 are both in Jack's box to be signed.

CEMEX 07-0661 is in Jack's box to be signed.

Mosaic - New Wales 06-2374: I got an email from Al Linero last week that indicated the intent was going to be withdrawn sometime this week. When he emails me the letter/new intent OGC will issue an order closing file and we can close the case.

Let me know if you need anything else.

Valerie

-----Original Message-----

From: Gibson, Victoria
Sent: Tuesday, May 22, 2007 1:03 PM
To: Miskelley, Valerie
Subject: From Vickie: Status of Items

Hi,

May I ask for an update on these as well?

Mosaic Fertilizer - New Wales 1050059-014-AV OGC 07-0761

Okeelanta Corp 099005-016-AC & 017-AV OGC 07-0806 and 07-0807

Smurfit Stone 0890003-013-AC and 015-AV OGC 07-0747 and 07-0825

Cemex 0530010-029-AC OGC # 07-0661

Gibson, Victoria

From: Linero, Alvaro
Sent: Tuesday, May 15, 2007 2:44 PM
To: Comer, Patricia
Cc: Gibson, Victoria; Vielhauer, Trina; Heron, Teresa
Subject: RE: CEMEX EOT

Hi Pat:

Teresa Heron and I are the contacts.

We plan to withdraw and replace the present action in about 2-3 weeks.

The main reason for withdrawal and replacement is that they forgot to include a piece of equipment in their application.

No way we could just handle it through comments following public notice (not yet done). A change pursuant to comments would have caused a second public notice.

So I would say three weeks extension or just leaving it as extended per operation of law until our withdrawal and reissuance causes close out of present case. (Sounds like I took your course on New Wales).

FYI. Following is web link to package. Refer to documents under "Kiln 3"

<http://www.dep.state.fl.us/Air/permitting/construction/cemex.htm>

Thanks.

Al Linero.

From: Vielhauer, Trina
Sent: Tuesday, May 15, 2007 2:31 PM
To: Gibson, Victoria
Cc: Linero, Alvaro
Subject: RE: CEMEX EOT

I think we said at the meeting last week we would give them some time, right? Al- how long did we say or do I remember that incorrectly?

From: Gibson, Victoria
Sent: Tuesday, May 15, 2007 2:30 PM
To: Vielhauer, Trina
Subject: FW: CEMEX EOT

From: Comer, Patricia
Sent: Tuesday, May 15, 2007 1:44 PM
To: Gibson, Victoria
Cc: Miskelley, Valerie
Subject: FW: CEMEX EOT

Vickie

Can you help me find out what is the status of the CEMEX negotiations (OGC file 07-0661, permit 0530010-029-AC) and if another extension is appropriate? I don't know how long they intend to ask for. My guess is the same as before (30 days). It's a PSD permit, so it would be Tally. We just copied Trina on the last order and I don't know who's really involved. Thanks

Pat

-----Original Message-----

From: Chisolm, Jack
Sent: Tuesday, May 15, 2007 1:02 PM
To: Comer, Patricia; Vielhauer, Trina
Subject: CEMEX EOT

Tim Atkinson, from Oertel called to ask our position on a second EOT for CEMEX. Any problems?
Pat, please convey our position to Tim at 521-0700.

Gibson, Victoria

From: Linero, Alvaro
Sent: Wednesday, May 16, 2007 4:12 PM
To: Gibson, Victoria; Vielhauer, Trina; Heron, Teresa
Subject: RE: Second Request for Ext. of Time 0530010-029-AC - Cemex, Inc.

Thanks.

I recommend handling per my e-mail to Pat from yesterday.

Thanks.

Al.

-----Original Message-----

From: Gibson, Victoria
Sent: Wed 5/16/2007 1:32 PM
To: Vielhauer, Trina; Heron, Teresa
Cc: Linero, Alvaro
Subject: FW: Second Request for Ext. of Time 0530010-029-AC - Cemex, Inc.

Attached is the latest request from Cemex for an extension of time.

Vickie

-----Original Message-----

From: Crandall, Lea
Sent: Wednesday, May 16, 2007 1:28 PM
To: Gibson, Victoria; Linero, Alvaro
Subject: Second Request for Ext. of Time 0530010-029-AC - Cemex, Inc.

FYI!

Thanks,
Lea

Lea Crandall
Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

-----Original Message-----

From: Knight, Barnard
Sent: Wednesday, May 16, 2007 1:23 PM

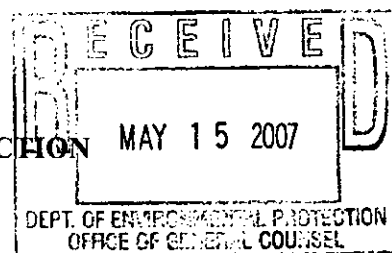
5/17/2007

To: Crandall, Lea

Subject: From KONICA MINOLTA Di470

5/17/2007

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

**SECOND 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 Second 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." On April 16, 2007, Permittee filed its First Request for Extension of Time to File Petition for Hearing (copy attached). On April 23, 2007, an Order was filed granting the extension of time for a period of 30 days (copy attached).

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 an additional thirty (30) day extension of time. The Permittee met with Department staff on Friday, May 11, 2007, in order to review the draft permit, conditions, technical evaluations and try to resolve the issues concerning the draft permit. Changes to the draft permit were discussed. Department staff requested that the applicant submit proposed permit change language to the Department for review. Department staff will review the applicant's proposed changes and communicate its position to the applicant on permit changes it is willing to make. Until such time as the draft permit is finalized, an extension of time to file a petition for hearing is necessary. 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.

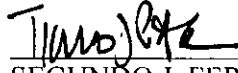
6. Pursuant to Rule 28-106.111(3), Florida Administrative Code, the undersigned certifies that he has contacted Patricia Comer, Senior Assistant General Counsel, Florida Department of Environmental Protection, regarding this motion and hereby represents that she has no objections to the filing of this request.

7. Consequently, the applicant seeks additional time to file a Petition for Hearing up to and including June 15, 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
TIMOTHY P. ATKINSON
Florida Bar No. 982260

OERTEL, FERNANDEZ, COLE &
BRYANT, P.A.
301 South Bronough Street, Suite 500
Post Office Box 1110
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 Patricia Comer, Senior Assistant 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 15th day of May 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

F:\SJFCEMEX\2871-02 Motion for Extension of Time - Second.doc

**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,

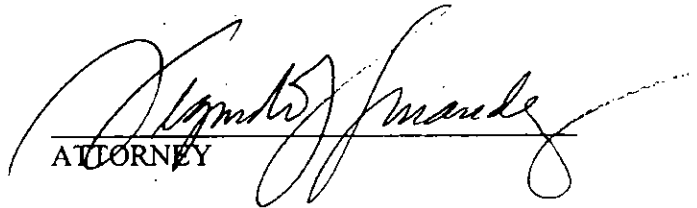

SEGUNDO J. FERNANDEZ
Florida Bar No. 218391

OERTEL, FERNANDEZ, COLE &
BRYANT, P.A.
301 South Bronough Street, Suite 500
Post Office Box 1110
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.



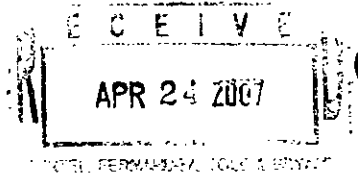
ATTORNEY

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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STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



CEMEX CEMENT, INC.,

Petitioner,

v.

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

OGC No. 07-0661
DEP Permit No. 0530010-029-AC/
PSD-FL-384

**ORDER GRANTING REQUEST FOR
EXTENSION OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the Florida Department of Environmental Protection (FDEP) upon receipt of a request made by Petitioner, CEMEX Cement, Inc., to grant an extension of time to file a petition for administrative hearing challenging the Intent to Issue DEP Permit No. 0530010-029-AC/PSD-FL-384 for its facility in Hernando County, Florida. Because the request shows good cause for the extension of time;

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until **May 16, 2007**, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 23rd day of April, 2007, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850-245-2242 facsimile 850-245-2302

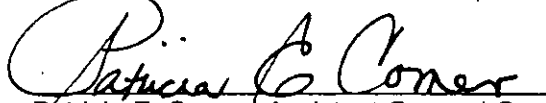
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U. S. Mail and facsimile this 23rd day of April 2007, to:

Segundo J. Fernandez
OERTEL, FERNANDEZ, COLE
& BRYANT, P.A.
Post Office Box 1110
Tallahassee, FL 32302

Facsimile: 850/521-0720

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Patricia E. Comer, Assistant General Counsel
FL Bar 0224146
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2288 Fax: 850/245-2302

with courtesy copies via electronic mail to:

Trina Vielhauer, FDEP – Chief, Bureau of Air Regulation

Gibson, Victoria

From: Gibson, Victoria
Sent: Wednesday, May 16, 2007 1:32 PM
To: Vielhauer, Trina; Heron, Teresa
Cc: Linero, Alvaro
Subject: FW: Second Request for Ext. of Time 0530010-029-AC - Cemex, Inc.

Attachments: Di4700705161322.PDF



Di4700705161322.
PDF (2 MB)

Attached is the latest request from Cemex for an extension of time.

Vickie

-----Original Message-----

From: Crandall, Lea
Sent: Wednesday, May 16, 2007 1:28 PM
To: Gibson, Victoria; Linero, Alvaro
Subject: Second Request for Ext. of Time 0530010-029-AC - Cemex, Inc.

FYI!

Thanks,
Lea

Lea Crandall
Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

-----Original Message-----

From: Knight, Barnard
Sent: Wednesday, May 16, 2007 1:23 PM
To: Crandall, Lea
Subject: From KONICA MINOLTA Di470

Gibson, Victoria

From: Linero, Alvaro
Sent: Wednesday, May 09, 2007 1:41 PM
To: Gibson, Victoria
Cc: Vielhauer, Trina; Heron, Teresa
Subject: RE: Cemex Cement 0530010-029-AC

Vickie: Sounds right.

I don't think they have filed for a further extension.

We will meet with them this Friday.

Al.

-----Original Message-----

From: Gibson, Victoria
Sent: Wed 5/9/2007 1:29 PM
To: Linero, Alvaro
Cc:
Subject: Cemex Cement 0530010-029-AC

FYI,

Their extension of time will expire in one week on May 16th.

Vickie

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
Bureau of Air Regulation
Department of Air Resource Management
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CEMEX CEMENT, INC.,

Petitioner,

v.

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

OGC No. 07-0661
DEP Permit No. 0530010-029-AC/
PSD-FL-384

**ORDER GRANTING REQUEST FOR
EXTENSION OF TIME TO FILE PETITION FOR HEARING**

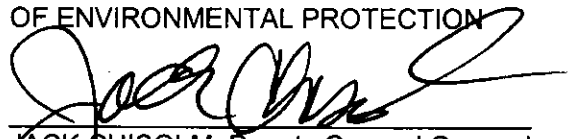
This cause has come before the Florida Department of Environmental Protection (FDEP) upon receipt of a request made by Petitioner, CEMEX Cement, Inc., to grant an extension of time to file a petition for administrative hearing challenging the Intent to Issue DEP Permit No. 0530010-029-AC/PSD-FL-384 for its facility in Hernando County, Florida. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until **May 16, 2007**, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 23rd day of April, 2007, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850-245-2242 facsimile 850-245-2302


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U. S. Mail and facsimile this 23rd day of April 2007, to:

Segundo J. Fernandez
OERTEL, FERNANDEZ, COLE
& BRYANT, P.A.
Post Office Box 1110
Tallahassee, FL 32302

Facsimile: 850/521-0720

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Patricia E. Comer, Assistant General Counsel
FL Bar 0224146
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2288 Fax: 850/245-2302

with courtesy copies via electronic mail to:

Trina Vielhauer, FDEP – Chief, Bureau of Air Regulation

Gibson, Victoria

From: Miskelley, Valerie
Sent: Monday, April 23, 2007 9:44 AM
To: Gibson, Victoria
Subject: CEMEX

Attachments: Ord to Grant on CEMEX Cement 07-0661.pdf

Vickie,

Here is the order granting until 5/16/07 on Cemex 0530010-029-AC for your files. Let me know if you need anything else.



Ord to Grant on
CEMEX Cement 0...

Thanks,
Valerie L. Miskelley
Office of General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Blvd. - MS 35
Tallahassee, Florida 32399-3000
email: Valerie.Miskelley@dep.state.fl.us
850/245-2260 SC/205-2250

><(((^> . . . ^ . . . ><(((^> . . . ^ . . . ><(((^>

Please Note: Florida has a very broad public records law. Electronic communications regarding state business are public records available to the public upon request. Your e-mail communications may therefore be subject to public disclosure.

Gibson, Victoria

From: Comer, Patricia
Sent: Tuesday, April 17, 2007 1:30 PM
To: Gibson, Victoria
Cc: Miskelley, Valerie
Subject: RE: Request for Extension of Time - 0530010-029-AC - Cemex, Inc. d/b/a Cemex Cement Inc.

OK Thanks

-----Original Message-----

From: Gibson, Victoria
Sent: Tuesday, April 17, 2007 1:15 PM
To: Miskelley, Valerie; Comer, Patricia
Subject: FW: Request for Extension of Time - 0530010-029-AC - Cemex, Inc. d/b/a Cemex Cement Inc.

Hi,

Thanks for the update on this. I talked with Trina today and she wants to give them just 30 days.

Thanks.

Vickie

From: Crandall, Lea
Sent: Tuesday, April 17, 2007 11:04 AM
To: Chisolm, Jack; Brown, Lisa L.; Linero, Alvaro; Gibson, Victoria
Subject: Request for Extension of Time - 0530010-029-AC - Cemex, Inc. d/b/a Cemex Cement Inc.

FYI, a Request for Extension of Time was rec'd. on April 16 re: 0530010-029-AC - Cemex, Inc. d/b/a Cemex Cement Inc.

Thanks,
Lea

Lea Crandall
Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

**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**

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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.

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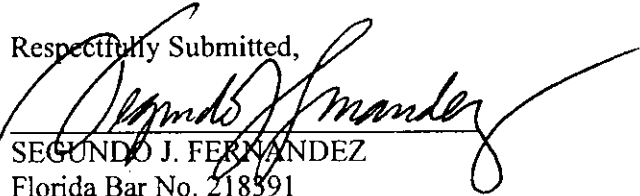
5. The applicant seeks a thirty (30) day extension of time in order to meet with Department staff and to review the draft permit, conditions, and technical evaluations. The subject permit is a complex document including a Best Available Control Technology Determination and CEMEX Cement, Inc., has identified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

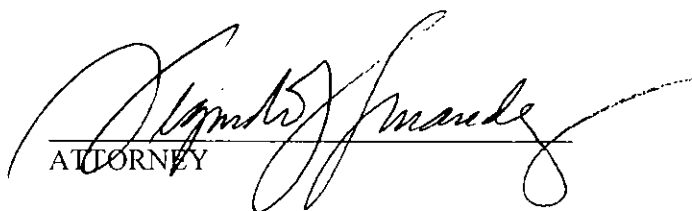

SEGUNDO J. FERNANDEZ
Florida Bar No. 218591

OERTEL, FERNANDEZ, COLE &
BRYANT, P.A.
301 South Bronough Street, Suite 500
Post Office Box 1110
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

FASJFCEMEX2871-02 Motion for Extension of Time.doc

Gibson, Victoria

From: Crandall, Lea
Sent: Tuesday, April 17, 2007 1:25 PM
To: Gibson, Victoria; Linero, Alvaro
Subject: FW: Request for Extension of Time - 0530010-029-AC - Cemex, Inc. d/b/a Cemex Cement Inc.

Attachments: Di4700704171225.PDF

Here's the Request.

Thanks,
Lea



Di4700704171225.
PDF (588 KB)

Lea Crandall

Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

-----Original Message-----

From: Crandall, Lea
Sent: Tuesday, April 17, 2007 11:04 AM
To: Chisolm, Jack; Brown, Lisa L.; Linero, Alvaro; Gibson, Victoria
Subject: Request for Extension of Time - 0530010-029-AC - Cemex, Inc. d/b/a Cemex Cement Inc.

FYI, a Request for Extension of Time was rec'd. on April 16 re: 0530010-029-AC - Cemex, Inc. d/b/a Cemex Cement Inc.

Thanks,
Lea

Lea Crandall

Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

Gibson, Victoria

From: Vielhauer, Trina
Sent: Thursday, April 12, 2007 2:15 PM
To: Gibson, Victoria
Subject: FW: CEMEX EOT

From: Vielhauer, Trina
Sent: Thursday, April 12, 2007 2:14 PM
To: Chisolm, Jack
Cc: Brown, Lisa L.; Comer, Patricia; Linero, Alvaro
Subject: RE: CEMEX EOT

I don't have a problem with an extension; although I'd rather see 30 days to keep it moving along.

From: Chisolm, Jack
Sent: Thursday, April 12, 2007 2:09 PM
To: Vielhauer, Trina
Cc: Brown, Lisa L.; Comer, Patricia
Subject: CEMEX EOT

Trina, Segundo Fernandez just called me to see if we would grant them a 60-day EOT to petition the CEMEX PSD permit. Do you have any problems with that? Pat, when the EOT comes in it will be your case. Can you convey whatever our position on the EOT is to Segundo, please?

Chronology of Activities

OGC Number: District: County:

Style of Case:

Program Area: Mode:

Lead Attorney: Status:

Forum Name: Forum Case Number:

Permit Appl: Final Order Number:

Date *	Code	Activity Description
04/19/2007	AR	RE-ASSIGNED TO LEAD ATTORNEY PATRICIA E COMER
04/23/2007		ORD GRANTING REQ FOR EXT OF TIME - UNTIL 05/16/07
05/15/2007	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
05/24/2007		ORD GRANTING 2ND REQ FOR EXT OF TIME - UNTIL 06/05/07
06/04/2007	REX3	RECEIVED THIRD REQUEST FOR EXTENSION OF TIME
06/13/2007		ORD GRANTING 3RD REQ FOR EXT OF TIME - UNTIL 07/09/07
07/06/2007	REX4	RECEIVED FOURTH REQUEST FOR EXTENSION OF TIME
07/17/2007		LETTER OF WITHDRAWAL OF INTENT TO ISSUE
07/20/2007		ORDER CLOSING FILE
07/20/2007	CC	CASE CLOSED IN OGC

Chronology of Activities

OGC Number: District: County:

Style of Case:

Program Area: Mode:

Lead Attorney: Status:

Forum Name: Forum Case Number:

Permit Appl: Final Order Number:

Date *	Code	Activity Description
04/05/2007	ITP	INTENT TO ISSUE PERMIT
04/16/2007	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHSOLM
04/16/2007	ACO	ADMIN. CASE OPENED IN OGC
04/16/2007	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
04/19/2007	AR	RE-ASSIGNED TO LEAD ATTORNEY PATRICIA E COMER
04/23/2007		ORD GRANTING REQ FOR EXT OF TIME - UNTIL 05/16/07
05/15/2007	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
05/24/2007		ORD GRANTING 2ND REQ FOR EXT OF TIME - UNTIL 06/05/07
06/04/2007	REX3	RECEIVED THRD REQUEST FOR EXTENSION OF TIME
06/13/2007		ORD GRANTING 3RD REQ FOR EXT OF TIME - UNTIL 07/09/07