

FINAL DETERMINATION

CEMEX Cement, Inc.

Brooksville Cement Plant

DEP File No. 0530010-034-AC

Following an application submitted by CEMEX Cement for its Brooksville Cement Plant, the Florida Department of Environmental Protection (Department) distributed an "Intent to Issue Air Construction Permit" on September 13, 2007 to:

- Extend previously issued permit No. 0530010-034-AC until December 31, 2008 to complete the conversion of Kilns 1 and 2 to indirect firing;
- Defer the applicability date of the limitation of 1.21 pounds of nitrogen oxides (NO_x) per ton of preheater feed (lb/ton feed) set forth in permit No. 0530010-034 until October 31, 2008; and
- Set an interim limit of 1.5 lb NO_x/ton feed.


CEMEX published the Public Notice in *Hernando Today* on October 30, 2007 and provided to the Department the required proof of publication.

The Department received comments only from the applicant's consultant, Koogler and Associates on October 22, 2007. CEMEX requested that the Department change the averaging period for the final NO_x limit from 30-operating day (rolling) to 12-month (rolling). They commented that the annual potential emissions of 786.5 tons per year per kiln were established to avoid the requirements the Prevention of Significant Deterioration rules and not as best available control technology.

After discussion with the company, it was agreed that the averaging time will remain as drafted by the Department. The final value equates to 2.0 lb/ton of clinker and is among the lowest of any kiln in the country.

The final decision by the Department is to issue the permit as drafted.

To: Joseph Kahn, Director

From: Trina Vielhauer 
Al Linero

Date: November 20, 2007

Subject: CEMEX permit

Attached for your review and signature is a minor modification to a CEMEX permit. The company has not yet installed indirect-fired burners (authorized by prior permit) and therefore is requesting an extension of a prior permit's expiration date. In addition, the company requested additional time to meet the stringent NOx emission limit set forth in that permit. The company commented during the public comment period; however, no changes were made to the permit.

I recommend your signature.



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blainstone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor
Jeff Kottkamp
Lt. Governor
Michael W. Sole
Secretary

November 21, 2007

Electronically Sent – Received Receipt Requested

michaelanthony.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 0530010-034-AC
Modification of Permit No. 0530010-026-AC
Expiration and Nitrogen Oxides (NO_x) Conditions
CEMEX Brooksville Plant

Dear Mr. Gonzales:

The Department received your application on June 27, 2007 to modify Permit No. 0530010-026-AC that authorized installation of indirect firing systems, new burners and selective non-catalytic reduction (SNCR) systems on Kilns 1 and 2.

The expiration date is hereby extended from June 30, 2007 to December 31, 2008 to allow sufficient time to complete the installation of the indirect firing systems and to submit a Title V Operation Permit Revision. The Department will defer the applicability date of the NO_x emission limit established in Permit No. 0530010-026-AC and will include an interim limit.

The Department notes that a significant increase in actual NO_x emissions occurred and that short term permitted emission limits were exceeded at Kilns 1 and 2 following their initial conversion from direct to semi-direct firing in early 2005 until actual and regular use of the SNCR systems in early September of 2005. The final step of converting the semi-direct systems to indirect firing will facilitate permanent compliance with the established limit of 1.21 pounds of NO_x per ton of preheater feed (lb NO_x/ton feed) feed on a rolling 30-operating day basis.

Section III, Specific Condition 5 of Permit No. 0530010-026-AC is hereby modified as shown in strikethrough (~~strikethrough~~) and double-underlined format as follows:

EMISSIONS AND TESTING REQUIREMENTS

5. Emissions Standards:

- a. Beginning July 1, 2007 until 30 operating days after installation of the indirect firing system or October 31, 2008, whichever is earlier, NO_x emissions from each kiln shall exceed neither 1.50 lb/ton of dry preheater feed nor 225 lb/hour on a rolling 30-operating day average as measured by the required continuous emissions monitoring system (CEMS).
- b. Beginning 30 operating days after ~~Upon complete~~ installation of the indirect firing system, but no later than June 30, 2007 or October 31, 2008, whichever is earlier, emissions from each kiln shall not exceed the following emissions standards for NO_x. These limits replace any previous NO_x emission limits for Kilns 1 and 2.

Pollutant	Emission Limit	Averaging Time	Compliance Method	Basis
NO _x	1.21 lb/ton of dry preheater feed	30- <u>operating</u> day rolling	CEMS	Applicant Request PSD Avoidance
	181.5 lb/hr (as NO ₂)			


{Note: In combination with the annual dry preheater feed rate limitation of 1,300,000 tons per year per kiln, the above emissions standard effectively limits annual potential NO_x emissions from each unit to 786.5 tons/year. The NO_x limit is equivalent to approximately 2.0 lb/ton of clinker.}

[Applicant Request; Rules 62-4.070(3), 62-212.400(12), F.A.C.]

A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes (F.S.).

Any party to this permitting modification (order) has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.


Joseph Kahn, Director
Division of Air Resource Management

TLV/aal/th

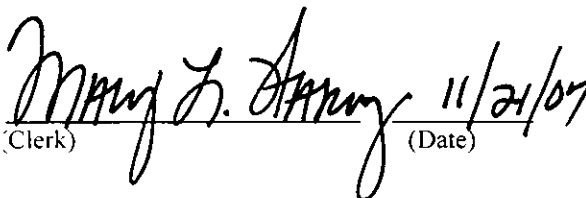
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Permit Modification and all copies were sent electronically (with Received Receipt) before the close of business on 11/21/07 to the persons listed below:

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
John Koogler, P.E. K&A: jkoogler@kooglerassociates.com
Fawn Bergen, P.E., K&A: fbergen@kooglerassociates.com
Segundo J. Fernandez, Esq., OHF&C: sfernandez@ohfc.com
Jim Little, EPA Region 4: Little.James@epamail.epa.gov
Katy Forney, EPA Region 4: Forney.Kathleen@epamail.epa.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) (Date) 11/21/07

Harvey, Mary

From: Harvey, Mary
Sent: Wednesday, November 21, 2007 11:56 AM
To: 'michaelanthony.gonzales@cemexusa.com'; 'charles.walz@cemexusa.com'; 'amarjits.gill@cemexusa.com'; Nasca, Mara; 'jkoogler@kooglerassociates.com'; 'fbergen@kooglerassociates.com'; 'sfernandez@ohfc.com'; 'Mr. Jim Little, EPA Region 4'; 'Ms. Katy Forney, EPA Region 4'
Cc: Linero, Alvaro; Adams, Patty; Gibson, Victoria
Subject: CEMEX Cement, Inc. - DEP File No. 0530010-034-AC - Modification of Permit No. 0530010-026-AC
Attachments: 0530010.034.AC.F_pdf.zip

Tracking:	Recipient	Delivery	Read
✓	'michaelanthony.gonzales@cemexusa.com'		
✓	'charles.walz@cemexusa.com'		
✓	'amarjits.gill@cemexusa.com'		
✓	Nasca, Mara	Delivered: 11/21/2007 11:56 AM	Read: 11/21/2007 12:00 PM
✓	'jkoogler@kooglerassociates.com'		
✓	'fbergen@kooglerassociates.com'		
✓	'sfernandez@ohfc.com'		
	'Mr. Jim Little, EPA Region 4'		
	'Ms. Katy Forney, EPA Region 4'		
✓	Linero, Alvaro	Delivered: 11/21/2007 11:56 AM	Read: 11/21/2007 11:56 AM
✓	Adams, Patty	Delivered: 11/21/2007 11:56 AM	Read: 11/21/2007 12:07 PM
	Gibson, Victoria	Delivered: 11/21/2007 11:56 AM	

Dear Sir/Madam:

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

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<http://www.adobe.com/products/acrobat/readstep.html>.

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Thank you,

DEP, Bureau of Air Regulation

11/30/2007

Harvey, Mary

From: Harvey, Mary
Sent: Wednesday, November 21, 2007 11:56 AM
To: 'michaelanthony.gonzales@cemexusa.com'; 'charles.walz@cemexusa.com';
'amarjits.gill@cemexusa.com'; Nasca, Mara; 'jkoogler@kooglerassociates.com';
'fbergen@kooglerassociates.com'; 'sfernandez@ohfc.com'; 'Mr. Jim Little, EPA Region 4'; 'Ms. Katy Forney, EPA Region 4'
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	'fbergen@kooglerassociates.com'		
	'sfernandez@ohfc.com'		
	'Mr. Jim Little, EPA Region 4'		
	'Ms. Katy Forney, EPA Region 4'		
	Linero, Alvaro	Delivered: 11/21/2007 11:56 AM	Read: 11/21/2007 11:56 AM
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Thank you,

DEP, Bureau of Air Regulation

11/30/2007

Harvey, Mary

From: Amarjit S Gill [amarjits.gill@cemex.com]
Sent: Monday, December 03, 2007 3:13 PM
To: Harvey, Mary
Cc: Charles E Walz; fbergen@kooglerassociates.com; Katy Forney, EPA Region 4; little.james@epamail.epa.gov
Subject: Re: FW: CEMEX Cement, Inc. - DEP File No. 0530010-034-AC - Modification of Permit No. 0530010-026-AC

I have received the permit.

Amarjit (Jeet) Singh Gill, P.E.
 Director, Air Permitting
 CEMEX USA Operations
 Phone (713) 722-5944
 Fax (713) 722-5116
 Cell (713) 249-7609
 e-Mail amarjits.gill@cemexusa.com

"Harvey, Mary" <Mary.Harvey@dep.state.fl.us>

11/30/2007 03:25 PM

To Charles E Walz/US/Cemex@CEMEX, Amarjit S Gill/US/Cemex@Cemex, <fbergen@kooglerassociates.com>, <little.james@epamail.epa.gov>, "Katy Forney, EPA Region 4" <forney.kathleen@epa.gov>

cc

Subject FW: CEMEX Cement, Inc. - DEP File No. 0530010-034-AC - Modification of Permit No. 0530010-026-AC

Hi-

This permit file was emailed on 11/21. If you have received this file please email me back. I need the read receipt for tracking purposes. Thanks and have a good day.

Mary

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

From: Harvey, Mary
Sent: Wednesday, November 21, 2007 11:56 AM
To: 'michaelanthony.gonzales@cemexusa.com'; 'charles.walz@cemexusa.com'; 'amarjits.gill@cemexusa.com'; Nasca, Mara; 'jkoogler@kooglerassociates.com'; 'fbergen@kooglerassociates.com'; 'sfernandez@ohfc.com'; 'Mr.

12/3/2007

Harvey, Mary

From: Charles E Walz [charles.walz@cemex.com]
Sent: Friday, November 30, 2007 4:30 PM
To: Harvey, Mary
Subject: FW: CEMEX Cement, Inc. - DEP File No. 0530010-034-AC - Modification of Permit No. 0530010-026-AC

Return Receipt

Your document: FW: CEMEX Cement, Inc. - DEP File No. 0530010-034-AC - Modification of Permit No. 0530010-026-AC

was received
by: charles.walz@cemex.com

at: 11/30/2007 16:29:57 EST

Harvey, Mary

From: Charles E Walz [charles.walz@cemex.com]
Sent: Friday, November 30, 2007 4:30 PM
To: Harvey, Mary
Subject: FW: CEMEX Cement, Inc. - DEP File No. 0530010-034-AC - Modification of Permit No. 0530010-026-AC

Return Receipt

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Modification of Permit No. 0530010-026-AC

was received by: charles.walz@cemex.com

at: 11/30/2007 16:29:57 EST

Harvey, Mary

From: Adams, Patty
To: Harvey, Mary
Sent: Wednesday, November 21, 2007 12:07 PM
Subject: Read: CEMEX Cement, Inc. - DEP File No. 0530010-034-AC - Modification of Permit No. 0530010-026-AC

Your message

To: 'michaelanthony.gonzales@cemexusa.com'; 'charles.walz@cemexusa.com'; 'amarjits.gill@cemexusa.com'; Nasca, Mara; 'jkoogler@kooglerassociates.com'; 'fbergen@kooglerassociates.com'; 'sfernandez@ohfc.com'; 'Mr. Jim Little, EPA Region 4'; 'Ms. Katy Forney, EPA Region 4'
Cc: Linero, Alvaro; Adams, Patty; Gibson, Victoria
Subject: CEMEX Cement, Inc. - DEP File No. 0530010-034-AC - Modification of Permit No. 0530010-026-AC
Sent: 11/21/2007 11:56 AM

was read on 11/21/2007 12:07 PM.

Harvey, Mary

From: Linero, Alvaro
To: Harvey, Mary
Sent: Wednesday, November 21, 2007 11:56 AM
Subject: Read: CEMEX Cement, Inc. - DEP File No. 0530010-034-AC - Modification of Permit No. 0530010-026-AC

Your message

To: 'michaelanthony.gonzales@cemexusa.com'; 'charles.walz@cemexusa.com'; 'amarjits.gill@cemexusa.com'; Nasca, Mara; 'jkoogler@kooglerassociates.com'; 'fbergen@kooglerassociates.com'; 'sfernandez@ohfc.com'; 'Mr. Jim Little, EPA Region 4'; 'Ms. Katy Forney, EPA Region 4'
Cc: Linero, Alvaro; Adams, Patty; Gibson, Victoria
Subject: CEMEX Cement, Inc. - DEP File No. 0530010-034-AC - Modification of Permit No. 0530010-026-AC
Sent: 11/21/2007 11:56 AM

was read on 11/21/2007 11:56 AM.

Harvey, Mary

From: Nasca, Mara
To: Harvey, Mary
Sent: Wednesday, November 21, 2007 12:00 PM
Subject: Read: CEMEX Cement, Inc. - DEP File No. 0530010-034-AC - Modification of Permit No. 0530010-026-AC

Your message

To: 'michaelanthony.gonzales@cemexusa.com'; 'charles.walz@cemexusa.com'; 'amarjits.gill@cemexusa.com'; Nasca, Mara; 'jkoogler@kooglerassociates.com'; 'fbergen@kooglerassociates.com'; 'sfernandez@ohfc.com'; 'Mr. Jim Little, EPA Region 4'; 'Ms. Katy Forney, EPA Region 4'
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Sent: 11/21/2007 11:56 AM

was read on 11/21/2007 12:00 PM.

Harvey, Mary

From: John Koogler [jkoogler@kooglerassociates.com]
Sent: Wednesday, November 21, 2007 2:08 PM
To: Harvey, Mary
Subject: RE: CEMEX Cement, Inc. - DEP File No. 0530010-034-AC - Modification of Permit No. 0530010-026-AC

Thanks Mary.

John

John B Koogler
Koogler & Associates, Inc
4014 NW 13th St
Gainesville, FL 32609
352/377-5822
jkoogler@kooglerassociates.com

From: Harvey, Mary [mailto:Mary.Harvey@dep.state.fl.us]
Sent: Wednesday, November 21, 2007 11:56 AM
To: michaelanthy.gonzales@cemexusa.com; charles.walz@cemexusa.com; amarjits.gill@cemexusa.com; Nasca, Mara; jkoogler@kooglerassociates.com; fbergen@kooglerassociates.com; sfernandez@ohfc.com; Mr. Jim Little, EPA Region 4; Ms. Katy Forney, EPA Region 4
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Subject: CEMEX Cement, Inc. - DEP File No: 0530010-034-AC - Modification of Permit No. 0530010-026-AC

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DEP, Bureau of Air Regulation

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11/21/2007

Harvey, Mary

From: Segundo J. Fernandez [sfernandez@ohfc.com]
To: undisclosed-recipients
Sent: Wednesday, November 21, 2007 3:13 PM
Subject: Read: CEMEX Cement, Inc. - DEP File No. 0530010-034-AC - Modification of Permit No. 0530010-026-AC

Your message

To: sfernandez@ohfc.com
Subject:

was read on 11/21/2007 3:13 PM.

Harvey, Mary

From: Michael A Gonzales [michaelanthony.gonzales@cemex.com]
Sent: Monday, November 26, 2007 3:06 PM
To: Harvey, Mary
Subject: Re: CEMEX Cement, Inc. - DEP File No. 0530010-034-AC - Modification of Permit No. 0530010-026-AC



Michael A. Gonzales

Plant Manager - Brooksville Plant - United States of America
Office : +1(352)799-2057 , Fax: +1(352)754-9836
Address: 16301 Ponce de Leon Blvd. Brooksville, FL 34614
E-Mail: michaelanthony.gonzales@cemexusa.com
www.cemexusa.com

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"Harvey, Mary" <Mary.Harvey@dep.state.fl.us>

11/21/2007 11:55 AM

To Michael A Gonzales/US/Cemex@CEMEX, Charles E Waiz/US/Cemex@CEMEX, Amarjit S Gill/US/Cemex@Cemex, "Nasca, Mara" <Mara.Nasca@dep.state.fl.us>, <jkoogler@kooglerassociates.com>, <fbergen@kooglerassociates.com>, <sfernandez@ohfc.com>, "Mr. Jim Little, EPA Region 4" <Little.James@epa.gov>, "Ms. Katy Forney, EPA Region 4" <Forney.Kathleen@epa.gov>

cc "Linerio, Alvaro" <Alvaro.Linerio@dep.state.fl.us>, "Adams, Patty" <Patty.Adams@dep.state.fl.us>, "Gibson, Victoria" <Victoria.Gibson@dep.state.fl.us>

Subject CEMEX Cement, Inc. - DEP File No. 0530010-034-AC - Modification of Permit No. 0530010-026-AC

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11/26/2007

Harvey, Mary

From: Fawn Bergen [fbergen@kooglerassociates.com]
Sent: Friday, November 30, 2007 4:37 PM
To: Harvey, Mary
Subject: RE: CEMEX Cement, Inc. - DEP File No. 0530010-034-AC - Modification of Permit No. 0530010-026-AC

Hi Mary-

I have received it.

Fawn W. Bergen, PE
Project Engineer
Koogler & Associates, Inc.
4014 NW 13th Street
Gainesville, FL 32609
(352)377-5822 x29
(352)377-7158 fax
fbergen@kooglerassociates.com

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From: Harvey, Mary [mailto:Mary.Harvey@dep.state.fl.us]
Sent: Friday, November 30, 2007 4:26 PM
To: charles.walz@cemexusa.com; amarjits.gill@cemexusa.com; fbergen@kooglerassociates.com; little.james@epamail.epa.gov; Katy Forney, EPA Region 4
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Hi-
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Mary

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12/3/2007

Harvey, Mary

From: Charles E Walz [charles.walz@cemex.com]
Sent: Friday, November 30, 2007 4:47 PM
To: Harvey, Mary
Cc: Amarjit S Gill; fbergen@kooglerassociates.com; Katy Forney, EPA Region 4; little.james@epamail.epa.gov
Subject: Re: FW: CEMEX Cement, Inc. - DEP File No. 0530010-034-AC - Modification of Permit No. 0530010-026-AC
Attachments: CEMEX.Cement - DEP File No. 0530010-034-AC.pdf

I have received and read this email

Thanks



Charles E Walz
 Environmental Manager - Brooksville Plant - United States of America
 Office : +1352(799)2011 , Fax: +1352(754)9836 , Mobile: +1352(279)1415
 Address: 16301 Ponce de Leon Blvd Brooksville, Florida 34614
 E-Mail: Charles.Walz@CEMEXUSA.com
 www.cemexusa.com

"Harvey, Mary" <Mary.Harvey@dep.state.fl.us>

To Charles E Walz/US/Cemex@CEMEX, Amarjit S Gill/US/Cemex@Cemex, <fbergen@kooglerassociates.com>, <little.james@epamail.epa.gov>, "Katy Forney, EPA Region 4" <forney.kathleen@epa.gov>

11/30/2007 04:25 PM

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12/3/2007

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was received by: amarjits.gill@cemex.com

at: 11/30/2007 15:48:58