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BUREAU OF AIR REGULATION

November 8, 2007

UPS Overnight Delivery

Ms. Teresa Heron
Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32399-2400

RE: CEMEX Cement, Inc
Brooksville Cement Kilns 1 and 2
NOTICE OF APPLICATION
Proof of Publication
DEP File No. 0530010-034-AC
Hernando County

Dear Teresa:

Please find enclosed the original Proof of Publication of the public notice for the above referenced Notice of Application. The public notice is dated October 30, 2007 and ran in the Hernando Today section of the Tampa Tribune.

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

Sincerely,

CEMEX Cement, Inc.

Charles E. Walz
Environmental Manager

cc: File

Brooksville Plant

16301 Ponce De Leon Boulevard, Brooksville, FL 34614. USA, (352) 796-7241, Fax (352) 754-9836

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HERNANDO TODAY

Published Daily
BROOKSVILLE, HERNANDO, FLORIDA
STATE OF FLORIDA
COUNTY OF HERNANDO:

Before the undersigned authority personally appeared Judy Warnock, who on oath says that he/she is Legal Ad Coordinator of the Hernando Today/Hernando Sunday, a daily newspaper published at Brooksville in Hernando County, Florida: that the attached copy of the advertisement, being a Legal Notice in the matter of Public Notice of Intent Cemex, Air Construction Permit Modification in the N/A Court, was published in said newspaper in the issues of October 30, 2007

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

Judy Warnock
(Signature of Affiant)

Sworn to and subscribed before me this 30th day of October, 2007

Andrew N. Limbrecht
(Signature of Notary Public)

Notary Public State of Florida
Andrew H Limbrecht
My Commission DD667263
Expires 05/03/2011

Personally Known X or Produced Identification
Type of Identification Produced

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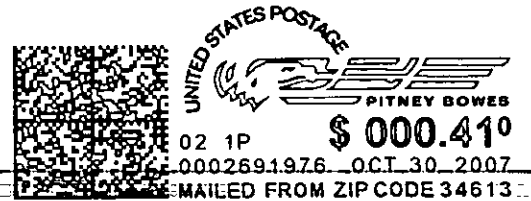
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BUREAU OF AIR REGULATION

Legal Notices PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION DEP File No. 0530010-034-AC CEMEX Cement, Inc. Brooksville Cement Plant Kilns 1 and 2, Hernando County. The Department of Environmental Protection (the Department) gives notice of its intent to issue an air construction permit modification to CEMEX Cement, Inc. to extend and modify a permit to install indirect firing systems and selective non-catalytic reduction (SNCR) systems on Kilns 1 and 2 at the Brooksville Cement Plant on Highway 98, northwest of Brooksville in Hernando County. A determination of best available control technology (BACT) was not required. The applicant's name and business address are CEMEX Cement, Inc., 16301 Ponce De Leon Boulevard, Brooksville, Florida 34614-0849. The plant currently consists of: two portland cement lines designated as Lines 1 and 2, including two dry process preheater kilns (Kilns 1 and 2), two clinker coolers, associated raw mills, finish mills, cement and clinker handling equipment, coal handling equipment, silos, air pollution control devices, raw material extraction and receiving facilities and product shipping facilities. Both kilns were originally equipped with direct firing systems and mono-channel burners. In 2003, CEMEX converted the kilns to semi-direct firing with multi-channel burners and added SNCR systems for nitrogen oxides (NOx) control. In 2006, the Department issued a permit to further convert the kilns to indirect firing systems while keeping the multi-channel burners or installing newer ones. The Department also reduced the NOx limits from 1.83 to 1.21 pounds per ton of preheater feed (lb/ton) on Kiln 1 and from 1.72 to 1.21 lb/ton on Kiln 2 effective upon completion of installation of the indirect firing system, but no later than June 30, 2007. The emission limits apply on a rolling 30-operating day basis. CEMEX has not completed the indirect firing project and has requested relief on the NOx limit because of inherently greater uncontrolled emissions from the semi-direct firing systems. The Department will extend the permit through December 31, 2008 to complete the conversion to indirect firing systems and to submit a Title V Operation Permit Revision. The Department will defer applicability of the 121 lb NOx/ton limitation until October 31, 2008 but will set an interim limit of 1.5 lb/ton. The Department will issue the final air construction permit modification 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 concerning the proposed permit issuance action for a period of 14 days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. 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 comment filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice. The Department will issue the permit with the attached conditions unless a timely petition for an administrative determination (hearing) is filed pursuant to sections 120.569 and 120.57 of the Florida Statutes (F.S.), before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding. A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, F.S. 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 #351, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3), F.S., must be filed within 14 days of publication of the public notice or within 14 days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within 14 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 discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code (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 how and when 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 petition have the right to petition to become a party to the proceeding in accordance with the requirements set forth above. A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: Department of Environmental Protection, Bureau of Air Regulation, 111 S. Magnolia Drive, Suite 4, Tallahassee, Florida, 32301, Telephone: 850/488-0114, Fax: 850/922-6979. Department of Environmental Protection, Southwest District Office, 13051 N. Telecom Parkway, Temple Terrace, Florida 33637-0926, Telephone: (813) 632-7600, Fax: (813) 632-7668. The complete project file includes the permit application, draft air construction permit, technical evaluation, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Teresa Heron at MS 5505/2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or Teresa.Heron@dep.state.fl.us or call 850/921-9529 for additional information. Key documents may also be viewed at: www.dep.state.fl.us/Air/permits/construction.htm and clicking on CEMEX in the cement plant category. Publish October 30, 2007

HERNANDO TODAY

15299 Cortez Boulevard, Brooksville, FL 34613



attn:
Darlene
Peterson

Cemex Inc.
16301 Ponce de Leon Blvd.
Brooksville FL 34614

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