

To : Cemex 034 file



KOOGLER & ASSOCIATES, INC.  
ENVIRONMENTAL SERVICES  
4014 NW 13th STREET  
GAINESVILLE, FL 32609-1923  
352/377-5822 • FAX/377-7158

KA 521-06-20  
October 18, 2007

RECEIVED

OCT 22 2007

BUREAU OF AIR REGULATION

Mr. Al Linero  
Florida Department of Environmental Protection  
Bureau of Air Regulation  
2600 Blair Stone Road MS 5500  
Tallahassee, Florida 32399-2400

**RE: CEMEX Cement, Inc.; Brooksville Cement Plant  
Draft Permit No. 0530010-034-AC; Comments**

Dear Al:

CEMEX Cement, Inc. (CEMEX) is in receipt of the Draft Permit No. 0530010-034-AC, regarding Indirect Firing and NOx conditions. CEMEX is submitting the following comment on the draft permit.

Specific Condition 5.b.: CEMEX requests to change the averaging period from 30-operating day rolling to 12-month rolling average. The annual potential NOx emissions of 786.5 tons per year (each Kiln) were established to avoid PSD (not as BACT). Because of this, an annual (12-month) rolling average is the appropriate averaging time.

Please feel free to contact me at (352) 377-5822 or [FBergen@kooglerassociates.com](mailto:FBergen@kooglerassociates.com), or Mr. Charles Walz, CEMEX, at (352) 799-2011, if you have any questions regarding this submittal.

Very truly yours,

KOOGLER & ASSOCIATES, INC.

Fawn W. Bergen, P.E.  
Project Engineer

FB

cc: J. Gill, CEMEX  
T. Vielhauer, FDEP  
C. Walz, CEMEX



# Florida Department of Environmental Protection

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

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

September 13, 2007

*Electronically sent – Received Receipt requested.*

[michaelanthony.gonzales@cemexusa.com](mailto: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 No. 0530010-034-AC  
Brooksville Cement Plant – Lines 1 and 2  
Indirect Firing and Nitrogen Oxides (NO<sub>x</sub>) Conditions

Dear Mr. Gonzales:

Enclosed is the draft air construction permit modification to extend the expiration date of previously issued Permit No. 0530010-034-AC and to amend certain conditions related to the NO<sub>x</sub> emission limits on Kilns 1 and 2 at the Brooksville Cement Plant in Hernando County. The Department's Intent to Issue Air Construction Permit Modification and the Public Notice of Intent to Issue Air Construction Permit are included.

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 or Mr. Linero at (850)921-9523.

Sincerely,

Trina Vielhauer, Chief  
Bureau of Air Regulation

TLV/aal/th

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. 0530010-034-AC  
Brooksville Cement Plant  
Portland Cement Kilns 1 and 2  
Indirect Firing and Nitrogen Oxides (NO<sub>x</sub>)  
Modification of Permit No. 0530010-026-AC  
Hernando County, Florida

**INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION**

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

CEMEX applied to the Department for an air construction permit modification to extend the construction period to covert Kilns 1 and 2 to indirect firing. They also requested to change the NO<sub>x</sub> limits from pounds per ton of feed on a 30-day rolling basis to pounds per hour on a 12-month basis.

The Department has permitting jurisdiction under the provisions of Chapter 403.087 Florida Statutes (F.S.), and 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 modification is required.

The Department evaluated the application and intends to issue a modification that: extends the original permit until December 31, 2008 to further convert the kilns to indirect firing; defers the applicability date of the limitation of 1.21 pounds of NO<sub>x</sub> per ton of preheater feed (lb/ton feed) set forth in the original permit until October 31, 2008; and sets an interim limit of 1.5 lb NO<sub>x</sub>/ton feed.

The Department intends to issue this air construction permit modification 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 Modification. 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/ 922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), 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 construction 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 concerning the proposed permit issuance action for a period of 14 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 written 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 construction permit with the attached conditions unless a timely petition for an administrative determination (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 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), 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, 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 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 and the Draft permit modification) and all copies were sent electronically (with Received Receipt) before the close of business on **September 13, 2007** to the persons listed:

Michael A. Gonzales, CEMEX: [michaelanthony.gonzales@cemexusa.com](mailto:michaelanthony.gonzales@cemexusa.com)

Charles Walz, CEMEX: [charles.walz@cemexusa.com](mailto:charles.walz@cemexusa.com)

Amarjits Gill, CEMEX: [amarjits.gill@cemexusa.com](mailto:amarjits.gill@cemexusa.com)

Mara Nasca, DEP SWD: [mara.nasca@dep.state.fl.us](mailto:mara.nasca@dep.state.fl.us)

John Koogler, P.E. K&A: [jkoogler@kooglerassociates.com](mailto:jkoogler@kooglerassociates.com)

Fawn Bergen, P.E., K&A: [fbergen@kooglerassociates.com](mailto:fbergen@kooglerassociates.com)

Administrator, Hernando County [gkuhl@hernandocounty.us](mailto:gkuhl@hernandocounty.us)

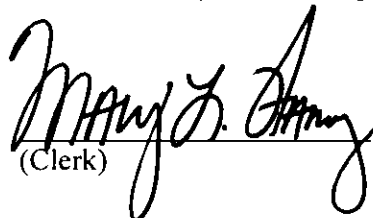
Segundo J. Fernandez, Esq., OHF&C: [sfernandez@ohfc.com](mailto:sfernandez@ohfc.com)

Jim Little, EPA Region 4: [little.james@epamail.epa.gov](mailto:little.james@epamail.epa.gov)

Kathy Forney, EPA Region 4: [forney.kathleen@epamail.epa.gov](mailto: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)

9/13/07  
(Date)

**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 2005, CEMEX converted the kilns to semi-direct firing with multi-channel burners and added SNCR systems for nitrogen oxides (NO<sub>x</sub>) 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 NO<sub>x</sub> 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 complete 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 NO<sub>x</sub> 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 1.21 lb NO<sub>x</sub>/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 comments 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 #35, 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 application 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](mailto: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/permitting/construction.htm](http://www.dep.state.fl.us/Air/permitting/construction.htm) and clicking on CEMEX in the cement plant category.

DRAFT

*Electronically Sent – Received Receipt Requested*

[michaelanthony.gonzales@cemexusa.com](mailto: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<sub>x</sub>) 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<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> per ton of preheater feed (lb NO<sub>x</sub>/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<sub>x</sub> 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<sub>x</sub>. These limits replace any previous NO<sub>x</sub> emission limits for Kilns 1 and 2.

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

*{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<sub>x</sub> emissions from each unit to 786.5 tons/year. The NO<sub>x</sub> 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 \_\_\_\_\_ to the persons listed below:

Michael A. Gonzales, CEMEX: [michaelanthony.gonzales@cemexusa.com](mailto:michaelanthony.gonzales@cemexusa.com)  
Charles Walz, CEMEX: [charles.walz@cemexusa.com](mailto:charles.walz@cemexusa.com)  
Amarjits Gill, CEMEX: [amarjits.gill@cemexusa.com](mailto:amarjits.gill@cemexusa.com)  
Mara Nasca, DEP SWD: [mara.nasca@dep.state.fl.us](mailto:mara.nasca@dep.state.fl.us)  
John Koogler, P.E. K&A: [jkoogler@kooglerassociates.com](mailto:jkoogler@kooglerassociates.com)  
Fawn Bergen, P.E., K&A: [fbergen@kooglerassociates.com](mailto:fbergen@kooglerassociates.com)  
Segundo J. Fernandez, Esq., OHF&C: [sfernandez@ohfc.com](mailto:sfernandez@ohfc.com)  
Jim Little, EPA Region 4: [Little.James@epamail.epa.gov](mailto:Little.James@epamail.epa.gov)  
Kathy Forney, EPA Region 4: [Forney.Kathleen@epamail.epa.gov](mailto: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)

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 and the Draft permit modification) and all copies were sent electronically (with Received Receipt) before the close of business on **September 13, 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 - zhang~~
- ~~John Koogler, P.E. K&A: jkoogler@kooglerassociates.com~~
- ~~Fawn Bergen, P.E., K&A: fbergen@kooglerassociates.com~~
- ~~Administrator, Hernando County gkuhl@hernandocounty.us~~
- ~~Segundo J. Fernandez, Esq., OHF&C: sfernandez@ohfc.com~~
- ~~Jim Little, EPA Region 4: little.james@epamail.epa.gov~~
- ~~Kathy 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)

9/13/07  
(Date)

## Harvey, Mary

---

**From:** Zhang-Torres  
**To:** Harvey, Mary  
**Sent:** Thursday, September 13, 2007 4:06 PM  
**Subject:** Read: CEMEX Cement, Inc. - DEP File #0530010-034-AC-DRAFT

Your message

**To:** Zhang-Torres  
**Subject:** FW: CEMEX Cement, Inc. - DEP File #0530010-034-AC-DRAFT  
**Sent:** 9/13/2007 2:59 PM

was read on 9/13/2007 4:06 PM.

## Harvey, Mary

---

**From:** John Koogler [jkoogler@kooglerassociates.com]  
**Sent:** Thursday, September 13, 2007 5:56 PM  
**To:** Harvey, Mary  
**Subject:** RE: CEMEX Cement, Inc. - DEP File #0530010-034-AC-DRAFT

Thank you.

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:** Thursday, September 13, 2007 2:56 PM  
**To:** michaelanthony.gonzales@cemexusa.com; charles.walz@cemexusa.com; amarjits.gill@cemexusa.com; Nasca, Mara; jkoogler@kooglerassociates.com; fbergen@kooglerassociates.com; gkuhl@hernandocounty.us; sfernandez@ohfc.com; little.james@epamail.epa.gov; forney.kathleen@epamail.epa.gov  
**Cc:** Linero, Alvaro; Adams, Patty; Gibson, Victoria  
**Subject:** CEMEX Cement, Inc. - DEP File #0530010-034-AC-DRAFT

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).

The document(s) may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible.

The document is in Adobe Portable Document Format (pdf). Adobe Acrobat Reader can be downloaded for free at the following internet site:  
<http://www.adobe.com/products/acrobat/readstep.html>.

The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering community. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record.

Thank you,

DEP, Bureau of Air Regulation

9/14/2007

**Harvey, Mary**

---

**From:** michaelanthony.gonzales@cemex.com  
**Sent:** Friday, September 14, 2007 4:38 PM  
**To:** Harvey, Mary  
**Subject:** Re: CEMEX Cement, Inc. - DEP File #0530010-034-AC-DRAFT



**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](http://www.cemexusa.com)

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9/14/2007

## Harvey, Mary

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**From:** Forney.Kathleen@epamail.epa.gov  
**Sent:** Thursday, September 13, 2007 2:55 PM  
**To:** Harvey, Mary  
**Cc:** Little.James@epamail.epa.gov  
**Subject:** Re: CEMEX Cement, Inc. - DEP File #0530010-034-AC-DRAFT

Thanks  
Katy

-----  
Katy R. Forney  
Air Permits Section  
EPA - Region 4  
61 Forsyth St., SW  
Atlanta, GA 30024

Phone: 404-562-9130  
Fax: 404-562-9019

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

09/13/2007 02:55  
PM

To  
<michaelanthony.gonzales@cemexusa  
.com>,  
<charles.walz@cemexusa.com>,  
<amarjits.gill@cemexusa.com>,  
"Nasca, Mara"  
<Mara.Nasca@dep.state.fl.us>,  
<jkoogler@kooglerassociates.com>,  
<fbergen@kooglerassociates.com>,  
<gkuhl@hernandocounty.us>,  
<sfernandez@ohfc.com>, James  
Little/R4/USEPA/US@EPA, Kathleen  
Forney/R4/USEPA/US@EPA

cc

"Linero, Alvaro"  
<Alvaro.Linero@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  
#0530010-034-AC-DRAFT

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## Harvey, Mary

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**From:** Segundo J. Fernandez [sfernandez@ohfc.com]  
**To:** Harvey, Mary  
**Sent:** Wednesday, September 19, 2007 12:21 PM  
**Subject:** Read: FW: CEMEX Cement, Inc. - DEP File #0530010-034-AC-DRAFT

Your message

**To:** sfernandez@ohfc.com  
**Subject:**

was read on 9/19/2007 12:21 PM. .



**Harvey, Mary**


---

**From:** Charles E Walz [charles.walz@cemex.com]  
**Sent:** Wednesday, September 19, 2007 11:30 AM  
**To:** Harvey, Mary  
**Cc:** Amarjit S Gill; fbergen@kooglerassociates.com; gkuhl@hernandocounty.us; Adams, Patty; sfernandez@ohfc.com  
**Subject:** Re: FW: CEMEX Cement, Inc. - DEP File #0530010-034-AC-DRAFT  
**Attachments:** 034COVER.pdf; 034INTENT.pdf; 034NOTICE.pdf; 034PerMod.pdf

Yes we received, hope to publish intent shortly

**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>

09/19/2007 10:37 AM

To: Charles E Walz/US/Cemex@CEMEX, Amarjit S Gill/US/Cemex@Cemex, <fbergen@kooglerassociates.com>, <gkuhl@hernandocounty.us>, <sfernandez@ohfc.com>

cc "Adams, Patty" <Patty.Adams@dep.state.fl.us>

Subject FW: CEMEX Cement, Inc. - DEP File #0530010-034-AC-DRAFT

On Thursday, September 13<sup>th</sup> I email you permit #0530010-034-AC-DRAFT. The reason for my email is that I never received back a read receipt. If you have received this permit; please email me your confirmation so I have clear the files for that portion of the permit.

Thanks,  
Mary Harvey

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**From:** Harvey, Mary

**Sent:** Thursday, September 13, 2007 2:56 PM

**To:** 'michaelanthony.gonzales@cemexusa.com'; 'charles.walz@cemexusa.com'; 'amarjits.gill@cemexusa.com'; Nasca, Mara; 'jkoogler@kooglerassociates.com'; 'fbergen@kooglerassociates.com'; 'gkuhl@hernandocounty.us'; 'sfernandez@ohfc.com'; 'little.james@epamail.epa.gov'; 'forney.kathleen@epamail.epa.gov'

**Cc:** Linero, Alvaro; Adams, Patty; Gibson, Victoria

9/19/2007