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BUREAU OF AIR REGULATION

July 8, 2008

UPS Overnight Delivery

Mr Alvaro Linero  
Bureau of Air Regulation  
Florida Department of Environmental Protection  
2600 Blair Stone Road  
Mail Station 5505  
Tallahassee, Florida 32399-2400

RE: CEMEX, Inc.  
Proof of Publication  
Best Available Retrofit Technology (BART Permit)  
Permit DEP File No. 0530010-030-AC

Dear Al:

Please find enclosed the original Proof of Publication of the public notice for the above referenced project. The public notice is dated June 28, 2008 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, 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

**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 TO ISSUE AIR PERMIT, Cemex Cement Inc.** in the N/A

Court, was published in said newspaper in the issues of **June 28, 2008**

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 28th day of June, 2008

*Andrew H Limbrecht*  
(Signature of Notary Public)

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

(Name of Notary typed, printed or stamp)

Personally Known X or  
Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

**PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT**

Florida Department of Environmental Protection  
Division of Air Resource Management, Bureau of Air Regulation  
Draft Air Construction Permit No. 0530010-030-AC  
CEMEX Cement Inc.  
Hernando County, Florida

**Applicant:** The applicant for this project is CEMEX Cement, Inc. The applicant's authorized representative and mailing address is: Mr. Jimmy L. Rabon at 16301 Ponce De Leon Boulevard northwest of Brooksville, Florida 34614-0849.

**Facility and Location:** The applicant CEMEX, operates the existing Brooksville Cement Plant, which is located in Hernando County at 16301 Ponce De Leon Boulevard northwest of Brooksville, Florida. The plant currently consists of: two Portland cement lines designated as Lines 1 and 2, including two Polysius GEPOL 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.

**Project:** On February 1, 2007, CEMEX submitted an application to satisfy the requirements of Best Available Retrofit Technology (BART) in Rule 62-296.340, Florida Administrative Code (F.A.C.) for the existing Brooksville Cement Plant.

On December 17, 2007, the Department gave written notice of its intent to issue a permit to CEMEX. On January 24, 2008, CEMEX filed a Petition for Formal Administrative Proceeding. On June 3, 2008, the Administrative Law Judge returned the matter to the Department on the basis of a settlement agreement. The original written notice and accompanying documents are hereby withdrawn and replaced with the present notice and accompanying documents.

The purpose of the BART regulation is to improve visibility in the Class I areas, which include six national parks and federal wildlife areas in and around Florida. The BART provisions apply to emissions units built between 1962 and 1977 at one of the 26 specified industrial categories that have the potential to emit more than 250 tons a year of visibility-impairing pollutants, which are defined as nitrogen oxides (NO<sub>x</sub>), particulate matter (PM<sub>10</sub>), and sulfur dioxide (SO<sub>2</sub>). Many of these units previously have been exempt from pollution control requirements under the Clean Air Act.

The BART regulation requires a control technology review to establish a BART standard, which is an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by a BART-eligible source. The emission limitation must be established, on a case-by case basis, taking into consideration the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

The existing facility is a cement plant, which is one of the 26 specified categories subject to regulation. The BART-eligible units at this facility consist of several components related of Line 1 including the kiln, cooler, a blending silo, finish mills and other materials transfer and storage equipment. The Department of Environmental Protection (Department) reviewed the application and makes a preliminary determination regarding the BART controls and emissions standards in the draft air construction permit. Summarizing, the control equipment and techniques determined include the following: an ammonia-based selective non-catalytic reduction system (SNCR), a low NO<sub>x</sub> burner and indirect firing system for NO<sub>x</sub> control; inherent scrubbing by alkali species, finely divided lime and limestone within the pyroprocessing system for SO<sub>2</sub>; and baghouses for PM<sub>10</sub>. The draft air construction permit establishes BART standards based on these control methods. Some of the BART requirements (e.g. the SNCR system) have already been implemented pursuant to recent permits and insure that the reductions will occur at an early date.

**Permitting Authority:** Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and F.A.C. Chapters 62-4, 62-210, and 62-212. The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The permitting Authority's mailing address is: 2600 Blair Stone Road, Mail Station 5506, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

**Project File:** A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Revised Draft Permit, the Technical Report, and the Draft Air Construction Permit.

**Project File:** A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Revised Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available by entering the file number provided above where indicated on the following web site: <http://www.dep.state.fl.us/air/eproducts/apds/default.asp>

**Notice of Intent to Issue Air Permit:** The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Revised Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Comments:** The Permitting Authority will accept written comments concerning the proposed Revised Draft Permit for a period of 30 days from the date of publication of the Public Notice. Written comments must be postmarked by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 30-day period. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

**Petitions:** A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. 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 this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority 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 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 Permitting Authority'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 rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (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 the petitioner wishes the agency to take with respect to agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority'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 Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent to Issue Air Permit. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

**Mediation:** Mediation is not available for this proceeding.