



Florida Department of Environmental Protection

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

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

June 16, 2011

Sent by Electronic Mail – Received Receipt Requested

Mr. Jim Daniel, Plant Manager
CEMEX Construction Materials Florida, LLC
Brooksville, FL 34614

Re: Exemption from the Requirement to Obtain an Air Construction Permit
CEMEX Construction Materials Florida, LLC, Brooksville North Cement Plant
Project No. 0530010-043-AC
Temporary Transport, Handling, Storage and Grinding Operation

Dear Mr. Daniel:

On June 8, 2011, CEMEX Construction Materials Florida, LLC submitted a request for temporary transport, handling, storage and grinding operation for the short-term trial burns permitted at the CEMEX Brooksville South Cement Plant under Permit No. 0530021-031-AC. The existing CEMEX Brooksville North Cement Plant is located in Hernando County at 16301 Ponce De Leon Boulevard in Brooksville, Florida. The grinding operation will support the trial testing of alternative fuels at the South Cement Plant. The emissions from the transport, storage, handling and grinding operation were evaluated and allowed by Permit No. 0530021-031-AC.

Permit No. 0530021-031-AC approved an electric or diesel-powered shredder of approximately 630 horsepower for the grinding operation. The grinding operation will be enclosed in the dormant North Plant cement packing building. The building is well enclosed and will allow any grinding operation to be conducted in a location with little activity in the area at the plant. The transport, storage, handling and grinding operation is an insignificant pollutant-emitting activity as it does not cause the facility to exceed any major source thresholds. Based on these circumstances, the Department will exempt this activity from the requirement to obtain an air construction permit. The applicant need not amend the Title V air operation until it is opened for some other cause.

Determination: Pursuant to Rule 62.4.040(1)(b) of the Florida Administrative Code (F.A.C.) and for the reasons stated above, the Bureau of Air Regulation determines that the activity will not emit air pollutants, "... in sufficient quantity, with respect to its character, quality or content, and the circumstances surrounding its location, use and operation, as to contribute significantly to the pollution problems within the State, so that the regulation thereof is not reasonably justified." Therefore, the project is exempt from the requirement to obtain an air construction permit. This determination may be revoked if the proposed activity is substantially modified or the basis for the exemption is determined to be materially incorrect. A copy of this letter shall be maintained at the site of the proposed activity. This permitting decision is made pursuant to Chapter 403, Florida Statutes.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212, F.A.C. The Permitting Authority responsible for making a permit determination for this project is the Bureau of Air Regulation in the Department of Environmental Protection's Division of Air Resource Management. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting

EXEMPTION FROM AIR CONSTRUCTION PERMITTING

Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/717-9000.

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 agency clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241). Petitions must be filed within 21 days of receipt of this exemption from air permitting requirements. 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 interests will be affected by the agency determination; (c) A statement of when and how each 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 the 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 permitting action. 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 in this proceeding.

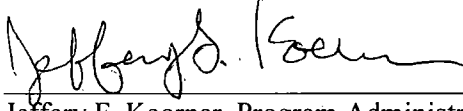
Effective Date: This permitting decision is final and effective on the date filed with the clerk of the Permitting Authority unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-1 10.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this action will not be effective until further order of the Permitting Authority.

Judicial Review: Any party to this permitting decision (order) has the right to seek judicial review of it under Section 120.68, F.S., 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

EXEMPTION FROM AIR CONSTRUCTION PERMITTING

accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



Jeffery F. Koerner, Program Administrator
Air Permitting and Compliance Section
Division of Air Resource Management

JFK/scd

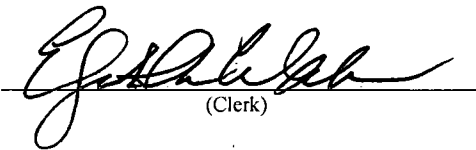
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Exemption from Air Construction Permitting was sent by electronic mail, or a link to these documents made available electronically on a publicly accessible server, with received receipt requested before the close of business on June 16, 2011 to the persons listed below.

- Mr. Jim Daniel, Cement Plant Manager, CEMEX (jdaniel@cemexusa.com)
- Mr. George Townsend, Environmental Manager, CEMEX (gtownsend@cemexusa.com)
- Mr. Max Lee, Koogler and Associates, Inc. (mlee@kooglerassociates.com)
- Mr. Qi Zhang, P.E., Koogler and Associates, Inc. (qzhang@kooglerassociates.com)
- Ms. Cindy Zhang-Torres, DEP Southwest District Office (cindy.zhang-torres@dep.state.fl.us)
- Ms. Vickie Gibson, DEP BAR Reading File (victoria.gibson@dep.state.fl.us)

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.


(Clerk)

6/16/11
(Date)

Walker, Elizabeth (AIR)

From: Walker, Elizabeth (AIR)
Sent: Thursday, June 16, 2011 1:43 PM
To: 'jdaniel@cemexusa.com'
Cc: 'gtownsend@cemexusa.com'; 'mlee@kooglerassociates.com'; 'qzhang@kooglerassociates.com'; Zhang-Torres; Koerner, Jeff; Gibson, Victoria
Subject: 0530010-043-AC - CEMEX Construction Materials Florida, LLC, Brooksville North Cement Plant
Attachments: Exemption_0530010-043-AC.pdf

Tracking:	Recipient	Delivery
	'jdaniel@cemexusa.com'	
	'gtownsend@cemexusa.com'	
	'mlee@kooglerassociates.com'	
	'qzhang@kooglerassociates.com'	
	Zhang-Torres	Delivered: 6/16/2011 1:43 PM
	Koerner, Jeff	Delivered: 6/16/2011 1:43 PM
	Gibson, Victoria	Delivered: 6/16/2011 1:43 PM

Dear Sir/Madam:

The Florida Department of Environmental Protection 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. The attached document may require immediate action within a specified time frame.

Please open and review the document as soon as possible and send a "reply" message verifying receipt of the attached document. This may be done by selecting "Reply" on the menu bar of your e-mail software, *noting that you can view the documents*, 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.

Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record.

Thank you,

Elizabeth Walker

Bureau of Air Regulation
Division of Air Resource Management (DARM)
(850)717-9093

The attached 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>> .