



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

November 4, 2008

Electronically sent – Received Receipt requested.

gtownsend@cemexusa.com

George Townsend, Environmental Manager
Florida Crushed Stone, Company (d.b.a. CEMEX Cement, Inc.)
Brooksville South Cement Plant
10311 Cement Plant Road
Brooksville, Florida 34601

Re: CEMEX, Inc.
Brooksville South Cement Plant
Project No. 0530021-016-AC
Request for Authorization to Install TIMS Mounting Frame at the front end of Kiln No. 1

Dear Mr. Townsend:

On October 31, 2008, the Department received your request by electronic mail for authorization to install a portion of the requested tire injection mechanism system (TIMS) project during the upcoming kiln outage from November 3-12, 2008. The original request for the TIMS project was received on August 7, 2008. The Department is denying the request for installing the mounting frame during the current kiln outage for the following reasons:

1. Approval of the request would represent a violation of the commence construction rule in Rule 210.200(88), Florida Administrative Code (F.A.C.), which is shown below.

88) "Commence Construction" – As applied to the construction or modification of a facility, means that the owner has all preconstruction permits and approvals required under federal air pollution control laws and regulations and those air pollution control laws and regulations which are part of the State Implementation Plan (SIP) or which are part of Chapter 62-210 or 62-212, F.A.C., to the extent that the provisions of these laws and regulations specify conditions or requirements for obtaining a state construction permit for an emissions unit, and:

- (a) Begins a continuous program of actual on-site construction or physical modification of the facility, to be completed within a time commensurate with the nature of the construction project; or
- (b) Enters into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction or physical modification of the facility to be completed within a time commensurate with the nature of the construction project; or
- (c) Begins those on-site activities, other than preparatory activities, which mark the initiation of a change in the method of operation of the facility.

Mr. George Townsend
November 4, 2008
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2. In addition, the Department issued a request for additional information (RAI) on September 2, 2008. The response to our RAI was received on November 3, 2008. If the Department had received this response earlier, there would have been sufficient time for the Department to review the response and make a determination on the TIMS project.

If you have any questions regarding this matter, please contact me at 850/921-9528.

Sincerely,



Syed Arif, P.E.

New Source Review Section

This letter was sent by electronic mail with received receipt requested to the following people:

James S. Daniel, CEMEX: jdaniel@cemex.com

Mara Nasca, DEP-SWD: mara.nasca@dep.state.fl.us

John Koogler, P.E. Koogler & Associates: jkoogler@kooglerassociates.com

Fawn Bergen, P.E., Koogler & Associates: FBergen@kooglerassociates.com

Kathy Forney, EPA Region 4: Forney.Kathleen@epamail.epa.gov

Vickie Gibson, DEP-BAR: victoria.gibson@dep.state.fl.us (for read file)

Walker, Elizabeth (AIR)

From: Walker, Elizabeth (AIR)
Sent: Tuesday, November 04, 2008 3:45 PM
To: 'gtownsend@cemexusa.com'
Cc: 'jdaniel@cemexusa.com'; Nasca, Mara; 'jkoogler@kooglerassociates.com'; 'fbergen@kooglerassociates.com'; 'Forney.Kathleen@epamail.epa.gov'; Gibson, Victoria; Livingston, Sylvia; Arif, Syed
Subject: RAI: CEMEX-Brooksville South, Project #0530021-016-AC
Attachments: 0530021016AC.pdf

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, *noting that you can view the document(s)*, and then selecting "Send". This electronic process takes the place of sending documents via U.S. Postal Service with a Return Receipt Requested. 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 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,

Elizabeth Walker

Bureau of Air Regulation
Division of Air Resource Management (DARM)
(850)921-9505

Note: 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>> .

Tracking:

Recipient	Delivery	Read
'gtownsend@cemexusa.com'		
'jdaniel@cemexusa.com'		
Nasca, Mara	Delivered: 11/4/2008 3:46 PM	
'jkoogler@kooglerassociates.com'		
'fbergen@kooglerassociates.com'		
'Forney.Kathleen@epamail.epa.gov'		
Gibson, Victoria	Delivered: 11/4/2008 3:46 PM	
Livingston, Sylvia	Delivered: 11/4/2008 3:46 PM	Read: 11/4/2008 3:46 PM
Arif, Syed	Delivered: 11/4/2008 3:46 PM	

Walker, Elizabeth (AIR)

From: Exchange Administrator
Sent: Tuesday, November 04, 2008 3:46 PM
To: Walker, Elizabeth (AIR)
Subject: Delivery Status Notification (Relay)
Attachments: ATT197688.txt; RAI: CEMEX-Brooksville South, Project #0530021-016-AC

This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

jkoogler@kooglerassociates.com
fbergen@kooglerassociates.com

Walker, Elizabeth (AIR)

From: Exchange Administrator
Sent: Tuesday, November 04, 2008 3:46 PM
To: Walker, Elizabeth (AIR)
Subject: Delivery Status Notification (Relay)
Attachments: ATT197689.txt; RAI: CEMEX-Brooksville South, Project #0530021-016-AC

This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

gtownsend@cemexusa.com

jdaniel@cemexusa.com

Walker, Elizabeth (AIR)

From: fbergen@kooglerassociates.com
Sent: Tuesday, November 04, 2008 3:47 PM
To: Walker, Elizabeth (AIR)
Subject: Delivered: RAI: CEMEX-Brooksville South, Project #0530021-016-AC
Attachments: ATT197692.txt

Your message was delivered to the recipient.

Walker, Elizabeth (AIR)

From: Nasca, Mara
Sent: Tuesday, November 04, 2008 7:02 PM
To: Walker, Elizabeth (AIR); Arif, Syed
Subject: Re: RAI: CEMEX-Brooksville South, Project #0530021-016-AC

Thank you - if is very important information for us

Sent from my BlackBerry Wireless Handheld

From: Walker, Elizabeth (AIR)
To: 'gtownsend@cemexusa.com'
Cc: 'jdaniel@cemexusa.com' ; Nasca, Mara; 'jkoogler@kooglerassociates.com' ; 'fbergen@kooglerassociates.com' ; 'Forney.Kathleen@epamail.epa.gov' ; Gibson, Victoria; Livingston, Sylvia; Arif, Syed
Sent: Tue Nov 04 15:45:26 2008
Subject: RAI: CEMEX-Brooksville South, Project #0530021-016-AC

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Thank you,

Elizabeth Walker
Bureau of Air Regulation
Division of Air Resource Management (DARM)
(850)921-9505

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