



February 20, 2009

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FEB 23 2009

Mr. Alvero A. Linero, P.E.
Program Administrator, South Permitting Section **BUREAU OF AIR REGULATION**
Florida Department of Environmental Protection
Division of Air Resource Management
Bureau of Air Regulation
2600 Blair Stone Road, MS # 5505
Tallahassee, Florida 323399-2400

Re: Draft Permit No. 0530021-016-AC (PSD-FL-091F), Proof of Publication – Public
Notice of Intent to Issue Air Permit Modification Kiln No. 1

Dear: Mr. Linero:

Pursuant to the above referenced Public Notice of Intent to Issue Air Permit
Modification; please find enclosed a copy of affidavit with the article that was published
in the legal section of the Hernando Times (Hernando County addition of the St Pete
Times) on February 2, 2009.

Should you have any questions and/or comments concerning this submittal or require
additional information, please contact me at 352-799-7881.

Respectfully,

George Townsend

pc: Jim Daniel, Plant Manager
Fawn Bergen, P.E., Koogler & Associates

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Submittal 2-20-09.doc

Brooksville South Cement Plant

10311 Cement Plant Rd., Brooksville, FL 34601. USA, (352) 799-7881, Fax (352) 799-6088

HERNANDO TIMES

An Edition of the St. Petersburg Times

Published Daily

Brooksville, Hernando County, Florida

STATE OF FLORIDA

COUNTY OF HERNANDO:

Before the undersigned authority personally appeared Linda M Compton who on oath says that she is Legal Clerk of the Hernando Times a daily newspaper published at Brooksville, in Hernando County, Florida: that the attached copy of advertisement, being a Legal Notice in the matter of RE: Legal/Public Notice
Intent to Issue Permit

in the _____ Court was published in said newspapers in the issues of February 2, 2009

Affiant further says the said Hernando Times 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 day and has been entered as second class mail matter at the post office in Brooksville, in said Hernando County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that 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.

Lm Compton
Signature of Affiant

Sworn to and subscribed before me this 2nd day of February, 2009.

Mary Fanter
Commission # DD50
Expires January 4, 2011

Mary Fanter
Signature of Notary Public

Personally known x or produced identification _____

Type of identification produced _____

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BUREAU OF AIR REGULATION

LEGALS

LEGALS

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT MODIFICATION

Florida Department of Environmental Protection
Division of Air Resource Management, Bureau of Air Regulation
Draft Air Permit No. 0530021-016-AC (PSD-FL-091F)
CEMEX, Inc., South Brooksville Cement Plant Kiln 1
Hernando County

Applicant: The applicant for this project is Florida Crushed Stone Company d.b.a as CEMEX, Inc. The applicant's authorized representative and mailing address is: Mr. James S. Daniel, Plant Manager, Cemex South Brooksville Cement Plant, 10311 Cement Plant Road, Brooksville, Florida 32669.

Facility Location: The applicant, CEMEX, operates the existing South Brooksville Cement Plant which is located in Hernando County at 10311 Cement Plant Road in Brooksville, Florida.

Project: CEMEX submitted a permit modification application to install a tire injection mechanism system (TIMS) on Kiln 1. Tires were already permitted to be used as fuel for Kiln 1 by introduction near the feed-end (cold side) of the kiln. The TIMS project will provide for introduction of tires near the product end of the kiln (hot side) without changing the permitted emission, production or fuel use limits. The permitted heat input rate for burning tires is 15% of the total heat input rate to the kiln. However, the plant has operated only up to 8.5% of the total heat input rate to the kiln due to burning tires.

Stack tests from CEMEX Kiln 1 and Brooksville North Kiln 2 in addition to tests at several other facilities show that nitrogen oxides (NOx) emissions decrease as the percent of tire-derived fuel (TDF) increases toward 15%. In addition, stack tests from a similar cement kiln show that carbon monoxide (CO) emissions increase approximately 24% as TDF firing increases to 15%. Stack tests and continuous emissions monitoring data demonstrate that the other pollutant emissions stay relatively the same as TDF firing increases. The projected actual increase in CO emissions is 80.66 tons per year (TPY), which is less than the 100 TPY CO significant emission rate; for all other pollutants the projected actual increases is zero. Therefore, the net changes in all pollutant emissions are less than the Prevention of Significant Deterioration (PSD) significant emission rates and PSD does not apply to this project. An air quality impact analysis was not required. Emissions from this project will not significantly contribute to or cause a violation of any state or federal ambient air quality standards.

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 of the Florida Administrative Code (F.A.C.). 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 (MS) 5505, 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 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 or 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 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 the 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 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 Draft Permit for a period of 14 days from the date of publication of the Public Notice. Written comments must be post marked by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 14-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 the 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 28-106.206, 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 numbers 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.
(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 actions 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. 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.

Publish: February 2, 2009

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