

Florida Department of
Environmental Protection

Memorandum

To: Trina Vielhauer, DARM *TV*
Through: Jeff Koerner, New Source Review Section *JK*
From: Bobby Bull, New Source Review Section *RLB*
Date: June 1, 2011
Subject: Extension of Permit Expiration Date
Project No. 0530021-034-AC (PSD-FL-0911)
CEMEX Construction Materials Florida, LLC (CEMEX)
Brooksville South Cement Plant
Tire Injection Mechanism System (TIMS) on Kiln 1

Attached for your review is a letter authorizing the extension of the permit expiration date of air construction Permit No. 0530021-028-AC (PSD-FL-091H) for the Brooksville South Cement Plant located in Hernando County at 10311 Cement Plant Road in Brooksville, Florida. CEMEX requests the additional time to complete the installation and testing of the tire injection mechanism system (TIMS) on Kiln 1. Based on the circumstances and information provided, I recommend your approval of the attached extension to September 1, 2013 for installation and testing of the TIMS on Kiln 1.

Attachments

TLV/jfk/rlb



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 1, 2011

Sent by Electronic Mail – Received Receipt Requested

Mr. James S. Daniel, Plant Manager
CEMEX Construction Materials
CEMEX Brooksville South Cement Plant
10311 Cement Plant Road
Brooksville, Florida 32669

Re: Extension of Air Construction Permit Expiration Date
Brooksville South Cement Plant
Project No. 0530021-034-AC (PSD-FL-091I)
Extension of Air Permit No. 0530021-028-AC (PSD-FL-091H)

Dear Mr. Daniel:

On May 27, 2011, the Department received a request for extension of the expiration date of air construction Permit No. 0530021-028-AC (PSD-FL-091H) for the Brooksville South Cement Plant located in Hernando County at 10311 Cement Plant Road in Brooksville, Florida. The construction permit authorized CEMEX to install the Tire Injection Mechanism System (TIMS) on Kiln 1.

In June 2010, the Department granted a second extension of permit (0530021-028-AC/PSD-FL-091H) to extend the permit from September 1, 2010 to September 1, 2011 to install the TIMS and perform compliance testing on Kiln 1. In the previous permit extension, the permittee had anticipated increased production for 2011; however, since September 1, 2010, the kiln has only operated 171 hours due to decreased market demand.

CEMEX requests the additional time to complete the installation and testing of the TIMS on Kiln 1. Based on the circumstances and information provided, the Department approves this request. The Department is extending the expiration date to September 1, 2013.

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 Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making a determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida 32301. The 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.

Determination: The expiration date is hereby extended from **September 1, 2011** to **September 1, 2013** to provide the necessary time to complete construction and submit a complete application for a Title V air operation permit. This permitting action does not authorize any new construction. 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.

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

EXTENSION OF AIR CONSTRUCTION PERMIT EXPIRATION DATE

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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions must be filed within 14 days of receipt of this permit extension. 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; (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 written 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.

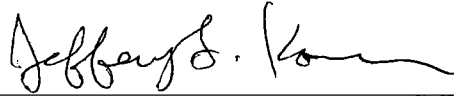
Mediation: Mediation is not available in this proceeding.

Effective Date: This permitting decision is final and effective on the date filed with the clerk of the Department 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 62-110.106, 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 Department.

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 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.

EXTENSION OF AIR CONSTRUCTION PERMIT EXPIRATION DATE

Executed in Tallahassee, Florida.



Trina Vielhauer, Deputy Director
Division of Air Resource Management

For

TLV/jfk/rlb

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Extension of Air Construction Permit Expiration Date 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

6/2/11 to the persons listed below.

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

George Townsend, CEMEX: gtownsend@cemexusa.com

Max Lee, P.E., K&A: mlee@kooglerassociates.com

Cindy Zhang-Torres, DEP SWD: cindy.zhang-torres@dep.state.fl.us

David Hamilton, County Administrator, Hernando County: CountyAdministrator@hernandocounty.us

Victoria Gibson, DEP BAR: victoria.gibson@dep.state.fl.us (for reading file)

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)

6/2/11
(Date)

Livingston, Sylvia

From: Livingston, Sylvia
Sent: Thursday, June 02, 2011 3:43 PM
To: 'jdaniel@cemexusa.com'
Cc: 'gtownsend@cemexusa.com'; 'mlee@kooglerassociates.com'; Zhang-Torres; 'CountyAdministrator@hernandocounty.us'; Gibson, Victoria; Bull, Robert; Walker, Elizabeth (AIR)
Subject: CEMEX Construction Materials - Brooksville South Cement Plant 0530021-034-AC/ PSD-FL-0911 - Extension
Attachments: 0530021-034-AC_Extension.pdf

Tracking:	Recipient	Read
	'jdaniel@cemexusa.com'	
	'gtownsend@cemexusa.com'	
	'mlee@kooglerassociates.com'	
	Zhang-Torres	Read: 6/2/2011 4:06 PM
	'CountyAdministrator@hernandocounty.us'	
	Gibson, Victoria	Read: 6/2/2011 3:53 PM
	Bull, Robert	
	Walker, Elizabeth (AIR)	

Dear Sir/ Madam:

Attached is the official **Notice of Final Permit** for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; 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".

Note: We must receive verification that you are able to access the documents. Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).

Click on the following link to access the permit project documents:

http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0530021.034.AC.F_pdf.zip

Owner/Company Name: CEMEX CNSTRCTION MATERIALS FLORIDA, LLC

Facility Name: CEMEX BROOKSVILLE S. CEMENT and POWER PLANT

Project Number: 0530021-034-AC/ PSD-FL-0911

Permit Status: FINAL

Permit Activity: CONSTRUCTION

Facility County: HERNANDO

Processor: Robert Bull

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. Access these documents by clicking on the link provided above, or search for other project documents using the "*Air Permit Documents Search*" website at <http://approd.dep.state.fl.us/air/emission/apds/default.asp>.

Permit project documents addressed in this email may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any problems opening the documents or

Livingston, Sylvania

From: Townsend, George [gtownsend@cemexusa.com]
Sent: Thursday, June 02, 2011 5:11 PM
To: Livingston, Sylvania
Subject: RE: CEMEX Construction Materials - Brooksville South Cement Plant 0530021-034-AC/
PSD-FL-091I - Extension

Documents received, Thank you!

George Townsend
Environmental Manager - Brooksville South - United States of America
Office: (352) 799-7881 Fax: (352) 799-6088 Mobile: (352) 238-9102
Address: 10311 Cement Plant Road, Brooksville, FL 34601
e-Mail: gtownsend@cemexusa.com
www.cemexusa.com

Please consider the environment before printing this email.

-----Original Message-----

From: Livingston, Sylvania [<mailto:Sylvia.Livingston@dep.state.fl.us>]
Sent: Thursday, June 02, 2011 3:43 PM
To: Daniel, James S. (Jim)
Cc: Townsend, George; mlee@kooglerassociates.com; Zhang-Torres;
CountyAdministrator@hernandocounty.us; Gibson, Victoria; Bull, Robert;
Walker, Elizabeth (AIR)
Subject: CEMEX Construction Materials - Brooksville South Cement Plant
0530021-034-AC/ PSD-FL-091I - Extension

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Thanks,

Sylvia Livingston

Division of Air Resource Management (DARM)

Department of Environmental Protection

850/717-9043 (New Phone)

sylvia.livingston@dep.state.fl.us
<<mailto:sylvia.livingston@dep.state.fl.us>>

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Herschel T. Vinyard Jr. is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on this link to the DEP Customer Survey
<<http://survey.dep.state.fl.us/?refemail=Sylvia.Livingston@dep.state.fl.us>> . Thank you in advance for completing the survey.

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