



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

March 15, 2011

Sent by Electronic Mail – Received Receipt Requested

Jim Daniel, Cement Plant Manager
CEMEX Construction Materials, LLC
10311 Cement Plant Road
Brooksville, Florida 34601

Re: Exemption from the Requirement to Obtain an Air Construction Permit
CEMEX Construction Materials, LLC, Brooksville South Cement Plant
Project No. 0530021-032-AC
Portholes in Base of Precalciner

Dear Mr. Daniel:

On March 11, 2011, CEMEX Construction Materials Florida, LLC submitted a request to place portholes in the base of the precalciner. The existing CEMEX Brooksville South Cement Plant is located in Hernando County at 10311 Cement Plant Road in Brooksville, Florida. The portholes are for the future trial testing of alternative fuels. The proposed installation will be completed during the kiln outage beginning March 14, 2011. The kiln must be down for the ports to be installed and the next anticipated kiln outage is not until the fall. The portholes will not be used until authorized by the Department through an air construction permit. Therefore, installation of the portholes will have no impact on emissions.

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." The portholes shall not be used until authorized by the Department through an air construction permit. 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 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.

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

EXEMPTION FROM AIR CONSTRUCTION PERMITTING

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 62-110.106, 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 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 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.

EXEMPTION FROM AIR CONSTRUCTION PERMITTING

Executed in Tallahassee, Florida.

Jeffrey Voen

for

Trina Vielhauer, Chief
Bureau of Air Regulation

TLV/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 3/15/11 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, Ph.D., P.E., Koogler and Associates, Inc. (mlee@kooglerassociates.com)
- Ms. Cindy Zang-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.

[Signature]

(Clerk)

3/15/11
(Date)

Livingston, Sylvia

From: .Livingston, Sylvia
Sent: Tuesday, March 15, 2011 3:00 PM
To: 'jdaniel@cemexusa.com'
Cc: 'gtownsend@cemexusa.com'; 'mlee@kooglerassociates.com'; Zhang-Torres; Gibson, Victoria; Koerner, Jeff; Walker, Elizabeth (AIR)
Subject: CEMEX Construction Materials, LLC - Brooksville South Cement Plant; 0530021-032-AC - Exemption
Attachments: 0530021-032-AC_Exemption.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 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(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 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> .

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,

Sylvia Livingston
Division of Air Resource Management (DARM)
Department of Environmental Protection
850/717-9043 (*New Phone*)
sylvia.livingston@dep.state.fl.us

Livingston, Sylvania

From: Daniel, James S. (Jim) [JDaniel@cemexusa.com]
Sent: Tuesday, March 15, 2011 4:01 PM
To: Livingston, Sylvania
Subject: RE: CEMEX Construction Materials, LLC - Brooksville South Cement Plant; 0530021-032-AC - Exemption

Received. Thanks.



Jim Daniel

Plant Manager – Brooksville South Cement - United States of America
Office: (352) 799-7881 Fax: (352) 799-6088 Mobile: (352) 584-3798
Address: 10311 Cement Plant Rd, Brooksville, FL 34601
e-Mail: jdaniel@cemexusa.com
www.cemexusa.com



Please consider the environment before printing this email.

From: Livingston, Sylvania [<mailto:Sylvia.Livingston@dep.state.fl.us>]
Sent: Tuesday, March 15, 2011 3:00 PM
To: Daniel, James S. (Jim)
Cc: Townsend, George; mlee@kooqlerassociates.com; Zhang-Torres; Gibson, Victoria; Koerner, Jeff; Walker, Elizabeth (AIR)
Subject: CEMEX Construction Materials, LLC - Brooksville South Cement Plant; 0530021-032-AC - Exemption

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Thank you,

Sylvia Livingston

Livingston, Sylvia

From: Townsend, George [gtownsend@cemexusa.com]
Sent: Tuesday, March 15, 2011 3:54 PM
To: Livingston, Sylvia
Subject: RE: CEMEX Construction Materials, LLC - Brooksville South Cement Plant; 0530021-032-AC - Exemption

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

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

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Sent: Tuesday, March 15, 2011 3:00 PM
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