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FACSIMILE TRANSMISSION COVER SHEET

TO: Trina L. Vielhauer, Chief

FAX NUMBER: 922-6979

FROM: David A. Theriaque, Esquire

DATE: August 16, 2006

NUMBER OF PAGES (including cover page): 12

MESSAGE:

LETTER DATED AUGUST 16, 2006, FROM DAVID A. THERIAQUE, ESQUIRE, TO TRINA L. VIELHAUER, CHIEF, REGARDING FINAL PERMIT NO. 1190041-001-AC (SUMTER CEMENT PLANT).

If you encounter any difficulty in receiving this transmission, please call (850) 224-7332.

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THERIAQUE VORBECK & SPAIN

ATTORNEYS AT LAW

REPLY TO: TALLAHASSEE

August 16, 2006

VIA TELEFACSIMILE AND UNITED STATES MAIL

Trina L. Vielhauer, Chief
Bureau of Air Regulation
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: Final Permit No. 1190041-001-AC (PSD-FL-358) (Sumter Cement Company, LLC - Center Hill)

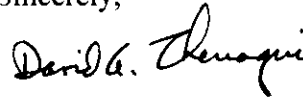
Dear Ms. Vielhauer:

On or about February 6, 2006, the Florida Department of Environmental Protection ("Department") issued the above-referenced Final Air Construction Permit to Sumter Cement Company, LLC ("SCC"), to construct a 1,715,500 tons per year (clinker) portland cement plant in the City of Center Hill, Sumter County, Florida. Our law firm represents Monty McBryde, who owns real property located at 7732 CR 736, Center Hill, Sumter County, Florida, which is directly adjacent to, and surrounded on three (3) sides by, the property that is the subject of the Final Air Construction Permit.

On February 2, 2006, our client filed two (2) lawsuits challenging the City of Center Hill's approval of the limerock mine and cement plant proposed by SCC. On August 8, 2006, the Circuit Court granted our client's Petition for Writ of Certiorari, thereby invalidating the City's annexation of SCC's property and the City's approval of a conditional use permit for the proposed limerock mine and cement plant. (For your convenience, I have enclosed a copy of the Court's Order on Writ of Certiorari). In light of the Circuit Court's ruling invalidating the City's approval of the proposed cement plant which is the subject of the Final Air Construction Permit, we respectfully submit, on behalf of Mr. McBryde, that it would be appropriate for the Department to investigate whether to rescind or otherwise revisit the Final Air Construction Permit.

I appreciate your attention to this matter. Please do not hesitate to call me if you have any questions or need any additional information.

Sincerely,



David A. Theriaque

DAT/kr

Enclosure

cc: Monty McBryde

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