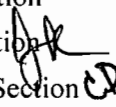



Florida Department of Environmental Protection

Memorandum

To: Trina Vielhauer, Bureau of Air Regulation
Through: Jeff Koerner, New Source Review Section 
From: Christy DeVore, New Source Review Section 
Date: August 2, 2010
Subject: Project No. 1190041-002-AC/PSD-FL-358A
Sumter Cement Company, Center Hill Cement Plant
New Cement Plant Project
Extension of Air Permit No. 1190041-001-AC/PSD-FL-358

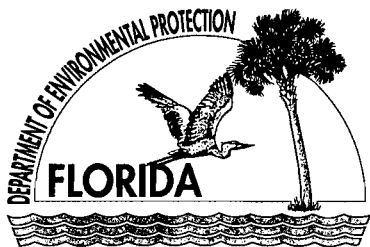
Attached for your review is a letter authorizing an extension of the permit expiration date from June 30, 2010 to January 31, 2011 on air construction Permit No. 1190041-001-AC/PSD-FL-358 for the Center Hill Cement Plant. The proposed location is at Country Road 469, Sumter County in Center Hill, Florida. The UTM coordinates of the proposed facility are Zone 17, 404.2 km East and 3167.5 km North. Sumter Cement Company requests additional time to begin construction due to the current economic conditions resulting in a significant reduction in cement demand in Florida. Prior to the original project, Florida imported approximately 6 million short tons of cement. The peak demand for cement has gone from 12 million short tons in 2005 to less than 4 million short tons currently.

Sumter Cement Company has purchased over 85% of the process equipment for the plant. Some of this equipment is at the Center Hill Cement Plant site and the rest is in storage at various points of export all over the world ready for construction when economic conditions improve increasing cement demand. The attached letter extends the authorization to construct through January 31, 2011; however, prior to proceeding with any new construction and for any subsequent extension, it also requires a "re-validation" of the Best Available Control Technology determinations as well as a revised Air Quality Analysis that addresses the new federal ambient air quality standards. The additional time granted by this action will allow the applicant to evaluate new federal requirements including NESHAP Subpart LLL and to decide on whether to proceed with the new plant.

I recommend your approval of the attached extension.

Attachments

TLV/jfk/scd



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

August 2, 2010

Sent by Electronic Mail – Received Receipt Requested

Martin Fallon, Chief Executive Officer
Sumter Cement Company
P.O. Box 410
Branford, FL 32008

Re: Project No. 1190041-002-AC/PSD-FL-358A
Sumter Cement Company, Center Hill Cement Plant
New Cement Plant Project
Extension of Air Permit No. 1190041-001-AC/PSD-FL-358

Dear Mr. Fallon:

On June 28, 2010, the Department received your request for an extension of the expiration date to January 29, 2011 on air construction Permit No. 1190041-001-AC/PSD-FL-358 for the Center Hill Cement Plant. The proposed location is at Country Road 469, Sumter County in Center Hill, Florida. The UTM coordinates of the proposed facility are Zone 17, 404.2 km East and 3167.5 km North. Sumter Cement Company requests additional time to begin construction due to the current economic conditions resulting in a significant reduction in cement demand in Florida.

Sumter Cement Company has purchased over 85% of the process equipment for the plant. Some of this equipment is at the Center Hill Cement Plant site and the rest is in storage at various points of export all over the world ready for construction when economic conditions improve increasing cement demand. This letter extends the authorization to construct through January 31, 2011; however, prior to proceeding with any new construction and for any subsequent extension, it also requires a "re-validation" of the Best Available Control Technology determinations as well as a revised Air Quality Analysis that addresses the new federal ambient air quality standards. The additional time granted by this action will allow the applicant to evaluate new federal requirements including NESHAP Subpart LLL and to decide on whether to proceed with the new plant.

Based on the circumstances and information provided, the Department approves this request.

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 850/488-0114.

Determination: The expiration date is hereby **extended from June 30, 2010 to January 31, 2011** to provide additional time to evaluate new federal regulations and decide whether to proceed with the new cement plant.

EXTENSION OF AIR CONSTRUCTION PERMIT EXPIRATION DATE

Prior to proceeding with any new construction and for any subsequent extension, it also requires a “re-validation” of the Best Available Control Technology determinations as well as a revised Air Quality Analysis that addresses the new federal ambient air quality standards. The additional time granted by this action will allow the applicant to evaluate new federal requirements including NESHAP Subpart LLL and to decide on whether to proceed with the new plant. 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 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 (Telephone: 850/245-2241). 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

EXTENSION OF AIR CONSTRUCTION PERMIT EXPIRATION DATE

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.

Executed in Tallahassee, Florida.



Trina Vielhauer, Chief
Bureau of Air Regulation

TLV/jfk/scd

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 8/2/10 to the persons listed below.

- Mr. Martin Fallon, VCSMC (mffallon@vcsmc.com)
- Mr. Joe Horton, VCNA (jbhorton@vcnainc.com)
- Ms. Cindy Zhang-Torres, DEP SWD (cindy.zhang-torres@dep.state.fl.us)
- Ms. Heather Abrams, U.S. EPA Region 4 (abrams.heather@epa.gov)
- Ms. Katy Forney, U.S. EPA Region 4 (forney.kathleen@epamail.epa.gov)
- Ms. Victoria 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.



(Clerk)

8/2/10
(Date)

Livingston, Sylvania

From: Fallon Marty [MFFallon@vcsmc.com]
Sent: Monday, August 09, 2010 9:33 AM
To: Livingston, Sylvania
Cc: Horton Joe; Zhang-Torres; abrams.heather@epa.gov; forney.kathleen@epamail.epa.gov; Gibson, Victoria; DeVore, Christy; Koerner, Jeff; Walker, Elizabeth (AIR)
Subject: RE: SUMTER CEMENT COMPANY, LLC - CENTER HILL PLANT; 1190041-002-AC - Extension

Dear Sylvania and colleagues,

Thank you for processing the extension to our air permit. We have reviewed and are happy to comply with the conditions outlined and will contact you again in the timeframe noted on the extension to review new federal regulations that will be in effect by then. If you do receive any public comment can you please notify us.

Regards and thanks again Marty.

Martin Fallon,
President Sumter Cement Company,
VP Business Development VCNA,
8529 South Park Circle,
Suite 320,
Orlando, FL, 32819.
E-Mail. mffallon@vcsmc.com
Direct. 407-802-3552.
Cell. 313-418-3493.
Fax. 407-226-0359

From: Livingston, Sylvania [mailto:Sylvia.Livingston@dep.state.fl.us]
Sent: Monday, August 02, 2010 5:05 PM
To: Fallon Marty
Cc: Horton Joe; Zhang-Torres; abrams.heather@epa.gov; forney.kathleen@epamail.epa.gov; Gibson, Victoria; DeVore, Christy; Koerner, Jeff; Walker, Elizabeth (AIR)
Subject: SUMTER CEMENT COMPANY, LLC - CENTER HILL PLANT; 1190041-002-AC - Extension

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_files/1190041.002.AC.F_pdf.zip

Owner/Company Name: SUMTER CEMENT COMPANY, LLC
Facility Name: CENTER HILL PLANT
Project Number: 1190041-002-AC
Permit Status: FINAL

Permit Activity: CONSTRUCTION

Facility County: SUMTER

Processor: Christy Devore

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://www.dep.state.fl.us/air/eproducts/apds/default.asp> .

Permit project documents are 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 would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation at (850)488-0114.

Sylvia Livingston
Division of Air Resource Management (DARM)
850/921-9561
sylvia.livingston@dep.state.fl.us

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole 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](#). Thank you in advance for completing the survey.

Livingston, Sylvia

From: Livingston, Sylvia
Sent: Monday, August 02, 2010 5:05 PM
To: 'mffallon@vcsmc.com'
Cc: 'jbhorton@vcnainc.com'; 'cindy.zhang-torres@dep.state.fl.us'; 'abrams.heather@epa.gov'; 'forney.kathleen@epamail.epa.gov'; 'victoria.gibson@dep.state.fl.us'; 'christy.devore@dep.state.fl.us'; 'jeff.koerner@dep.state.fl.us'; 'elizabeth.walker@dep.state.fl.us'
Subject: SUMTER CEMENT COMPANY, LLC - CENTER HILL PLANT; 1190041-002-AC - Extension
Attachments: 1190041-002-AC_Signatures.pdf

Dear Sir/ Madam:

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

http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/1190041.002.AC.F_pdf.zip

Owner/Company Name: SUMTER CEMENT COMPANY, LLC
Facility Name: CENTER HILL PLANT
Project Number: 1190041-002-AC
Permit Status: FINAL
Permit Activity: CONSTRUCTION
Facility County: SUMTER
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Sylvia Livingston
Division of Air Resource Management (DARM)
850/921-9561
sylvia.livingston@dep.state.fl.us

Livingston, Sylvia

From: Fallon Marty [MFFallon@vcsmc.com]
Sent: Tuesday, August 03, 2010 9:00 AM
To: Livingston, Sylvia
Cc: Horton Joe; Zhang-Torres; abrams.heather@epa.gov; forney.kathleen@epamail.epa.gov; Gibson, Victoria; DeVore, Christy; Koerner, Jeff; Walker, Elizabeth (AIR)
Subject: RE: SUMTER CEMENT COMPANY, LLC - CENTER HILL PLANT; 1190041-002-AC - Extension

Sylvia, thank you for sending over the documents I am out of town until later in the week but will review and respond shortly.

Regards Marty.

From: Livingston, Sylvia [mailto:Sylvia.Livingston@dep.state.fl.us]
Sent: Monday, August 02, 2010 5:05 PM
To: Fallon Marty
Cc: Horton Joe; Zhang-Torres; abrams.heather@epa.gov; forney.kathleen@epamail.epa.gov; Gibson, Victoria; DeVore, Christy; Koerner, Jeff; Walker, Elizabeth (AIR)
Subject: SUMTER CEMENT COMPANY, LLC - CENTER HILL PLANT; 1190041-002-AC - Extension

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