

# Affidavit of Publication

Leesburg, Lake County, Florida

**RECEIVED**  
**JUL 12 2010**  
**BUREAU OF**  
**AIR REGULATION**

Case No. \_\_\_\_\_

STATE OF FLORIDA  
 COUNTY OF LAKE

Before the undersigned authority personally appeared Ron Wallace who on oath says that he is the Publisher of the Daily Commercial, a daily newspaper published at Leesburg in Lake County, Florida, that the attached copy of advertisement, being

224679

in the matter of Notice

in the \_\_\_\_\_ Court,

was inserted in said newspaper in the issues of

June 28, 2010

Affiant further says that the said Daily Commercial is a newspaper published in said Leesburg, in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each day and has been entered as second class matter at the post office in Leesburg in said Lake County, Florida, for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says that he 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 said newspaper.

Signed [Signature]  
 Ron Wallace, Publisher

Sworn to and subscribed before me this 29 day of June, 2010, by Ron Wallace, Publisher, who is personally known to me.

(Seal)

[Signature]  
 Tina Reader, Notary Public



## Attach No

### PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection  
 Division of Air Resource Management, Bureau of Air Regulation  
 Revised Draft Air Construction Permit  
 Project No. 1190042-006-AC/PSD-FL-361E  
 American Cement Company, L.L.C., Sumterville Cement Plant  
 Sumter County, Florida

**Applicant:** The applicant for this project is American Cement Company, L.L.C. The applicant's authorized representative and mailing address is: Cary Cohrs, President, American Cement Company, Sumterville Cement Plant, P.O. Box 445, Sumterville, FL 33585.

**Facility Location:** American Cement Company, L.L.C. operates the existing Sumterville Cement Plant, which is located in Sumter County at 4750 E. County Road 470 in Sumterville.

**Project:** The applicant requested a 180-day extension to install the Mercury Continuous Emissions Monitoring System due to the economy and decreased demand for cement production. The cement plant has operated at 23.6% of its capacity over the past eleven months due to the decreased demand for cement. The applicant monitors the mercury inputs through a material balance and the permit limits remain the same. This revision does not change any federal requirements.

**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 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. The Permitting Authority's mailing address is: 260C Blair Stone Road, 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 the physical address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application and information submitted by the applicant (exclusive of confidential records under Section 403.111, F.S.). Interested persons may contact the Permitting Authority's project engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available on the following web site by entering draft permit number: <http://www.dep.state.fl.us/air/emission/apds/default.asp>.

**Notice of Intent to Issue Air Permit:** The Permitting Authority gives notice of its intent to issue an air construction permit to the ap-

licant for the project described above. The applicant has provided reasonable assurance that operation of 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 this Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of the 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 (Telephone: 850/245-2241). 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 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

purposes during the course of the proceeding; and an explanation of how the petitioner's substantial rights will be affected by the agency determination; (c) A statement of when and how the 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 Public Notice of Intent to Issue Air Permit. 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 for this proceeding.

Ad No.: 224679  
 June 28, 2010

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



RECEIVED

July 7, 2010

JUL 12 2010

BUREAU OF  
AIR REGULATION

Dear Ms. DeVore,

Enclosed please find the original affidavit of publication for American Cement Company's notice of intent to issue air permit.

Please contact me if you need any additional information. I appreciate your assistance.

Sincerely,

AMERICAN CEMENT COMPANY, LLC

Charles Robertson  
Environmental Manager

4750 E C 470 • P.O. Box 445 • Sumterville, FL 33585  
Phone 352.569.5393 • Fax 352.569.5397  
[www.americancementcompany.com](http://www.americancementcompany.com)