

Adams, Patty

From: Harvey, Mary
Sent: Wednesday, March 21, 2007 2:34 PM
To: 'jose.delagarza@cemexusa.com'; 'denise.corrales@cemexusa.com'; Blackburn, Ron; 'campbell@epchc.org'; 'jkoogler@kooglerassociates.com'; 'praval@kooglerassociates.com'
Cc: Mitchell, Bruce; Adams, Patty; Gibson, Victoria
Subject: CEMEX CONSTRUCTION MATERIALS L.P. #7775369-001-AC - FINAL
Attachments: 7775369.001.AC.F_pdf.zip

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 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,

DEP, Bureau of Air Regulation

Adams, Patty

From: Harvey, Mary
Sent: Wednesday, March 21, 2007 3:03 PM
To: Adams, Patty
Subject: FW: CEMEX CONSTRUCTION MATERIALS L.P. #7775369-001-AC - FINAL

From: John Koogler [mailto:jkoogler@kooglerassociates.com]
Sent: Wednesday, March 21, 2007 2:59 PM
To: Harvey, Mary
Subject: RE: CEMEX CONSTRUCTION MATERIALS L.P. #7775369-001-AC - FINAL

Thanks Mary

John B Koogler
Koogler & Associates, Inc
4014 NW 13th St
Gainesville, FL 32609
352/377-5822
jkoogler@kooglerassociates.com

From: Harvey, Mary [mailto:Mary.Harvey@dep.state.fl.us]
Sent: Wednesday, March 21, 2007 2:34 PM
To: jose.delagarza@cemexusa.com; denise.corrales@cemexusa.com; Blackburn, Ron; campbell@epchc.org; jkoogler@kooglerassociates.com; praval@kooglerassociates.com
Cc: Mitchell, Bruce; Adams, Patty; Gibson, Victoria
Subject: CEMEX CONSTRUCTION MATERIALS L.P. #7775369-001-AC - FINAL

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Thank you,

DEP, Bureau of Air Regulation

4/19/2007

Adams, Patty

From: Harvey, Mary
Sent: Thursday, March 22, 2007 9:48 AM
To: Adams, Patty
Subject: FW: CEMEX CONSTRUCTION MATERIALS L.P. #7775369-001-AC - FINAL

From: Campbell, Jerry [<mailto:Campbell@epchc.org>]
Sent: Thursday, March 22, 2007 9:20 AM
To: undisclosed-recipients
Subject: Read: CEMEX CONSTRUCTION MATERIALS L.P. #7775369-001-AC - FINAL

Your message

To: Campbell@epchc.org
Subject:

was read on 3/22/2007 9:20 AM.

From: JOSE.DELAGARZA@cemexusa.com [mailto:JOSE.DELAGARZA@cemexusa.com]

Sent: Wednesday, March 21, 2007 6:41 PM

To: Harvey, Mary

Cc: Mitchell, Bruce; campbell@epchc.org; denise.corrales@cemexusa.com; jkoogler@kooglerassociates.com; Adams, Patty; praval@kooglerassociates.com; Blackburn, Ron; Gibson, Victoria

Subject: Re: CEMEX CONSTRUCTION MATERIALS L.P. #7775369-001-AC - FINAL

Confirm receipt of email and documents.....

Regards,
Jose

813-269-1085 Office
713-254-7084 Cell
jose.delagarza@cemexusa.com

"Harvey, Mary" <Mary.Harvey@dep.state.fl.us>

03/21/2007 02:33 PM

To <jose.delagarza@cemexusa.com>, <denise.corrales@cemexusa.com>, "Blackburn, Ron" <Ron.Blackburn@dep.state.fl.us>, <campbell@epchc.org>, <jkoogler@kooglerassociates.com>, <praval@kooglerassociates.com>
cc "Mitchell, Bruce" <Bruce.Mitchell@dep.state.fl.us>, "Adams, Patty" <Patty.Adams@dep.state.fl.us>, "Gibson, Victoria" <Victoria.Gibson@dep.state.fl.us>
Subject CEMEX CONSTRUCTION MATERIALS L.P. #7775369-001-AC - FINAL

Dear Sir/Madam:

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To: Adams, Patty
Subject: FW: CEMEX CONSTRUCTION MATERIALS L.P. #7775369-001-AC - FINAL

From: Blackburn, Ron
Sent: Thursday, March 22, 2007 1:19 PM
To: Harvey, Mary
Subject: Read: CEMEX CONSTRUCTION MATERIALS L.P. #7775369-001-AC - FINAL

Your message

To: 'jose.delagarza@cemexusa.com'; 'denise.corrales@cemexusa.com'; Blackburn, Ron; 'campbell@epchc.org'; 'jkoogler@kooglerassociates.com'; 'praval@kooglerassociates.com'
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Subject: CEMEX CONSTRUCTION MATERIALS L.P. #7775369-001-AC - FINAL
Sent: 3/21/2007 2:34 PM

was read on 3/22/2007 1:19 PM.



March 7, 2007

Mr. Bruce Mitchell
FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION
2600 Blair Stone Road
MS #5505
Tallahassee, FL 32399-2400

VIA FEDEX

Re: CEMEX Construction Materials, L.P.
Request for Relocatable Transloader
Draft Permit No: 7775369-001-AC

Dear Mr. Mitchell:

Enclosed please find Proof of Publication for the above-captioned draft permit from the following newspapers:

1. Affidavit from Naples Daily News,
2. Affidavit from Charlotte Sun, and
3. Affidavit from Tampa Tribune.

If you have any questions, or require additional information, please do not hesitate to contact me.

Very truly yours,

Denise Corrales
Director Environmental
Southeast

Enclosures

RECEIVED

MAR 08 2007

BUREAU OF AIR REGULATION

Florida Operations

3820 Northdale Boulevard, Suite 100-B, Tampa, FL 33624, USA. (800) 282-9133

Florida Department of Environmental Protection
 Division of Air Resource Management
 Draft Air Permit No. 775369-001-AC
 Portable Transloader
 CEMEX Construction Materials L.P.
 Charlotte, Collier and Hillsborough Counties

Applicant: The applicant for this project is CEMEX Construction Materials L.P. The applicant's authorized representative and mailing address is Mr. Jose De La Garza, Director of Logistics Operations Florida, CEMEX Construction Materials L.P., 3820 Northdale Blvd., Suite 100B, Tampa, Florida 33624.

Facility Location: The applicant proposes to construct a portable transloader rated at 100 tons per hour to unload non-hazardous solid materials from trucks and railcars to hauling or tanker trucks. The applicant proposes to operate the portable transloader at any of its plant sites throughout Charlotte, Collier and Hillsborough counties. The portable unit will be based primarily at the following locations:
 CEMEX Construction Materials L.P., 3433 Acline Road, Punta Gorda, Charlotte County;
 CEMEX Construction Materials L.P., 1425 Wiggins Pass Road East, Naples, Collier County; and
 CEMEX Construction Materials L.P., 6311 E. Sligh Avenue, Tampa, Hillsborough County.

However, the portable transloader may also be operated at other any site within the permitted counties (Charlotte, Collier and Hillsborough).

Project: The applicant proposes to construct a portable transloader rated at 100 tons per hour, which will be used to transfer various materials directly from railcars or trucks. Materials suitable for transloading will be non-hazardous materials such as sand, gravel, cement, silicates, gypsum, flyash, lime, river rock, etc. Powered by a diesel engine, the unit has an enclosed chain conveyor and an integral dust collector to control particulate matter emissions. The railcar-to-conveyor transfer point is sealed with a pneumatic rubber boot. The conveyor-to-truck transfer point has an outer shell that seals against the truck and is equipped with a telescoping inner chute through which the material discharges. The entire transfer system is maintained under negative pressure and exhausted through the dust collector. The portable transloader will process no more than 500,000 tons of materials in any consecutive 12 months. Potential particulate matter emissions generated from the material transfer are estimated to be 1.1 tons per year after control by the dust collector. The diesel engine will result in minor emissions of carbon monoxide, nitrogen oxides, particulate matter, sulfur dioxide, and volatile organic compounds from fuel combustion.

With a 1-day advance notification, the draft permit authorizes the portable transloader to be relocated to any site within the permitted counties. With a same-day notification, the draft permit authorizes temporary relocation of the portable transloader within the permitted counties to mitigate impacts due to railcar or truck accidents, material spills, and other similar activities. The air permit does not relieve the owner from complying with other local provisions such as zoning.

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

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 address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant 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.

The Tampa Tribune

Published Daily

Tampa, Hillsborough County, Florida

State of Florida }
 County of Hillsborough) SS.

Before the undersigned authority personally appeared C. Pugh, who on oath says that she is the Advertising Billing Supervisor of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of the

Legal Ads IN THE Tampa Tribune

In the matter of Legal Notices

was published in said newspaper in the issues of

02/23/2007

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

C. Pugh

Sworn to and subscribed by me, this 23 day
 of February, A.D. 2007

Personally Known or Produced Identification
 Type of Identification Produced _____



Ana Maria Hodel
 Commission #DD551367
 Expires: MAY 11, 2010
 www.AARONOTARY.com

Ana Maria Hodel

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MAR 08 2007

BUREAU OF AIR REGULATION

Comments: The Permitting Authority will accept written comments concerning the proposed Draft Permit for a period of fourteen (14) days from the date of publication of this Public Notice. Written comments must be provided to the Permitting Authority at the above address. Any written comments filed will be made available for public inspection. 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.

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. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within fourteen (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 fourteen (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 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 rights will be affected by the agency determination; (c) A statement of how and when the petitioner received notice of the agency action or proposed action; (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; 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.

Affidavit of Publication
Naples Daily News

CEMEX, INC.
1425 E WIGGINS PASS RD
NAPLES FL 34110

REFERENCE: 064949
59362354 FLORIDA DEPARTMENT O

State of Florida
County of Collier

Before the undersigned authority, personally appeared B. Lamb, who on oath says that she serves as Assistant Corporate Secretary of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida; that the attached copy of advertising was published in said newspaper on dates listed.

Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she 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 the said newspaper.

PUBLISHED ON: 02/26 02/26

AD SPACE: 447.000 INCH
FILED ON: 02/26/07

Signature of Affiant

B. Lamb

Sworn to and Subscribed before me this 2nd day of March

Personally known by me

Chanel A. McD



Chanel A. McD
MY COMMISSION # DD211
June 29, 2007
BONDED THRU TROY FAIN INS.

RECEIVED

MAR 08 2007

BUREAU OF AIR REGULATION

Florida Department of Environmental Protection
Division of Air Resource Management
Draft Air Permit No. 775369-001-AC
Portable Transloader
CEMEX Construction Materials L.P.
Charlotte, Collier and Hillsborough Counties

Applicant: The applicant for this project is CEMEX Construction Materials L.P. The applicant's authorized representative and mailing address is: Mr. Jose De La Garza, Director of Logistics Operations Florida, CEMEX Construction Materials L.P., 3820 Northdale Blvd., Suite 100B, Tampa, Florida 33624.

Facility Location: The applicant proposes to construct a portable transloader rated at 100 tons per hour to unload non-hazardous solid materials from trucks and railcars to hauling or tanker trucks. The applicant proposes to operate the portable transloader at any of its plant sites throughout Charlotte, Collier and Hillsborough counties. The portable unit will be based primarily at the following locations:

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CEMEX Construction Materials L.P., 1425 Wiggins Pass Road East, Naples, Collier County; and

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However, the portable transloader may also be operated at other any site within the permitted counties (Charlotte, Collier and Hillsborough).

Project: The applicant proposes to construct a portable transloader rated at 100 tons per hour, which will be used to transfer various materials directly from railcars or trucks. Materials suitable for transloading will be non-hazardous materials such as sand, gravel, cement, silicates, gypsum, flyash, lime, dous materials such as sand, gravel, cement, silicates, gypsum, flyash, lime, river rock, etc. Powered by a diesel engine, the unit has an enclosed chain conveyor and an integral dust collector to control particulate matter emissions. The railcar-to-conveyor transfer point is sealed with a pneumatic rubber boot. The conveyor-to-truck transfer point has an outer chute through which the material discharges. The entire transfer system is maintained under negative pressure and exhausted through the dust collector. The portable transloader will process no more than 500,000 tons of materials in any consecutive 12 months. Potential particulate matter emissions generated from the material transfer are estimated to be 1.1 tons per year after control by the dust collector. The diesel engine will result in minor emissions of carbon monoxide, nitrogen oxides, particulate matter, sulfur dioxide, and volatile organic compounds from fuel combustion.

With a 1-day advance notification, the draft permit authorizes the portable transloader to be relocated to any site within the permitted counties. With a same-day notification, the draft permit authorizes temporary relocation of the portable transloader within the permitted counties to mitigate impacts due to railcar or truck accidents, material spills, and other similar activities. The air permit does not relieve the owner from complying with other local provisions such as zoning.

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

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 address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the 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 fourteen (14) days from the date of publication of this Public Notice. Written comments must be provided to the Permitting Authority at the above address. Any written comments filed will be made available for public inspection. 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.

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 of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within fourteen (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 fourteen (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 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.

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RECEIVED

MAR 08 2007

BUREAU OF AIR REGULATION



PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Amber Freeman, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, DeSoto Sun, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Permit, was published in said newspaper in the issues of:

February 22, 2007

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she 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 the said newspaper.

(Signature of Affiant)

Sworn and subscribed before me this 22nd day of February, 2007.

(Signature of Notary Public)

NOTARY PUBLIC-STATE OF FLORIDA
Donna Sebastian
Commission #DD440410
Expires: JUNE 13, 2009
Bonded Thru Atlantic Bonding Co., Inc.

PUBLIC NOTICE OF INTENT
TO ISSUE AIR PERMIT

Florida Department of Environmental Protection
Division of Air Resource Management
Draft Air Permit No. 7775369-001-AC
Portable Transloader
CEMEX Construction Materials L.P.
Charlotte, Collier, and Hillsborough Counties

Applicant: The applicant for this project is CEMEX Construction Materials L.P. The applicant's authorized representative and mailing address is: Mr. Jose De La Garza, Director of Logistics Operations, Florida, CEMEX Construction Materials L.P., 3820 Northdale Blvd., Suite 100B, Tampa, Florida 33624.

Facility Location: The applicant proposes to construct a portable transloader rated at 100 tons per hour to unload non-hazardous solid materials from trucks and railcars to hauling or tanker trucks. The applicant proposes to operate the portable transloader at any of its plant sites throughout Charlotte, Collier and Hillsborough counties. The portable unit will be based primarily at the following locations: CEMEX Construction Materials L.P., 3433 Acline Road, Punta Gorda, Charlotte County; CEMEX Construction Materials L.P., 1425 Wiggins Pass Road East, Naples, Collier County; and CEMEX Construction Materials L.P., 6311 E. Sligh Avenue, Tampa, Hillsborough County. However, the portable transloader may also be operated at other any site within the permitted counties (Charlotte, Collier and Hillsborough).

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

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 address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation, and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant 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 fourteen (14) days from the date of publication of this Public Notice. Written comments must be provided to the Permitting Authority at the above address. Any written comments filed will be made available for public inspection. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require applicable another Public Notice.

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. Petitions filed by any persons other than those entitled to written notice under Section

120.60(3), F.S. must be filed within fourteen (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 fourteen (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 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 rights will be affected by the agency determination; (c) A statement of how and when the petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petitioner 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; 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 a 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. Publish: February 22, 2007. 266437; 1834672