



April 8, 2008

Mr. Wayne Lewis  
FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION  
Air Management Section  
2295 Victoria Av. Suite 364  
Ft. Myers, FL 33901-3881

VIA FEDERAL EXPRESS

Re: Cemex Construction Materials, L.P.  
Facility Status  
Portable Transloader  
7775369-001-AC

Dear Mr. Lewis,

Please be advised that the proposed portable transloader mentioned above will not be placed into operation. Upper management has decided against following through with this project. As a result, we respectfully request that the permit be rescinded.

If you have any questions please do not hesitate to contact me.

Sincerely,

Jason Jones  
Environmental Manager  
West Florida Division

RECEIVED

APR 11 2008

BUREAU OF AIR REGULATION

RECEIVED - D.E.P.  
APR 09 2008  
SOUTH DISTRICT

Florida Operations

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

**Mitchell, Bruce**

---

**From:** Endsley, Carter  
**Sent:** Friday, April 11, 2008 8:43 AM  
**To:** Mitchell, Bruce  
**Cc:** Satyal, Ajaya  
**Subject:** CEMEX - 7775369-001-AC

**Attachments:** Cemex\_7775369-001-AC.PDF

Bruce,

I had the letter scanned and below is the attached electronic file version of the CEMEX notification letter that we discussed. This pertains to the "portable transloader" on permit No. 7775369-001-AC.

They have cancelled the project and want to rescind the permit which was issued under your jurisdiction and offices.



Cemex\_7775369-001-AC.PDF (95 K...

Best Regards,

Carter

***Carter B. Endsley, P.E.***

Professional Engineer  
Supervisor II  
Air Resource Management  
Florida Department of Environmental Protection  
2295 Victoria Avenue, Ste. 364  
P.O. Box 2549  
Fort Myers, Florida 33902  
(239) 332-6975 Ext. 127  
(239) 332-6969 FAX

# Memorandum

# Florida Department of Environmental Protection

---

TO: Trina Vielhauer

THRU: Jeff Koerner *JK*

FROM: Bruce Mitchell *BM*

DATE: April 11, 2008

SUBJECT: CEMEX Construction Materials L.P.  
Potential Sites in Charlotte, Collier and Hillsborough Counties  
Request to Rescind Air Construction Permit  
7775369-001-AC  
Portable Transloader

Attached is the Notice to Rescind Air Construction Permit, Project No. 7775369-001-AC.

The Department's South District received a request to rescind the statewide air construction permit issued for a statewide portable transloader. The request was forwarded to me by e-mail to process by Carter Endsley. The Notice to Rescind Air Construction Permit letter is attached for your signature.

Attachments

TLV/jfk/bm

## **NOTICE TO RESCIND AIR CONSTRUCTION PERMIT**

In the Matter of a Request to  
Rescind an Air Construction Permit:

Mr. Jose De La Garza  
Director - Logistics Operations Florida  
CEMEX Construction Materials, L.P.  
3820 Northdale Blvd., Suite 100B  
Tampa, Florida 33624

DEP Project No. 7775369-001-AC  
Portable Transloader Operation  
Statewide Permit  
Charlotte, Collier and Hillsborough Counties

**Project:** On April 9, 2008, the Department's South District received a letter from Mr. Jason Jones, Environmental Manager – West Florida Division, CEMEX Construction Materials, L.P., requesting that the above referenced air construction permit be rescinded. The request was forwarded to the Department's Bureau of Air Regulation to process. Based on the request, the Department has changed the operational status to "inactive" in our database. If this is not correct, please advise the Department by contacting Bruce Mitchell by phone at 850/413-9198 or by e-mail at [bruce.mitchell@dep.state.fl.us](mailto:bruce.mitchell@dep.state.fl.us).

**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, Florida Statutes (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 / Facsimile: 850/245-2303). 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, Florida Administrative Code (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.

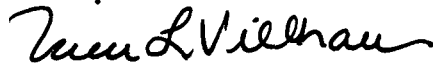
Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this written notice. Persons whose substantial interests will be affected by any such 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 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 L. Vielhauer, Chief  
Bureau of Air Regulation

## CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE TO RESCIND AIR CONSTRUCTION PERMIT was sent electronically (received receipt requested) before the close of business on 4/16/08 to the persons listed or as otherwise noted:

Mr. Jose De La Garza, Director-Logistics Operations Florida, CEMEX Construction Materials L.P.  
([jose.delagarza@cemexusa.com](mailto:jose.delagarza@cemexusa.com))

Ms. Denise Corrales, Facility Contact, CEMEX Construction Materials L.P. ([denise.corrales@cemexusa.com](mailto:denise.corrales@cemexusa.com))

Mr. Ajaya (AJ) Satyal, DEP – South District ([ajaya.satyal@dep.state.fl.us](mailto:ajaya.satyal@dep.state.fl.us))

Mr. Carter Endsley, DEP – South District ([carter.endsley@dep.stste.fl.us](mailto:carter.endsley@dep.stste.fl.us))

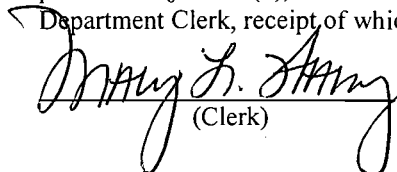
Mr. Jerry Campbell, Environmental Protection Commission of Hillsborough County ([campbell@epchc.org](mailto:campbell@epchc.org))

Dr. John B. Koogler, P.E., Koogler & Associates, Inc. ([jkoogler@kooglerassociates.com](mailto:jkoogler@kooglerassociates.com))

Mr. Pradeep Raval, Application Contact, Koogler & Associates, Inc. ([praval@kooglerassociates.com](mailto:praval@kooglerassociates.com))

Clerk Stamp

**FILING AND ACKNOWLEDGMENT FILED**, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

  
(Clerk) 4/16/08  
(Date)

Tracking Page - 7775369-001-AC

**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.

Executed in Tallahassee, Florida.



Trina L. Vielhauer, Chief  
Bureau of Air Regulation

### CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE TO RESCIND AIR CONSTRUCTION PERMIT was sent electronically (received receipt requested) before the close of business on 4/16/18 to the persons listed or as otherwise noted:

Mr. Jose De La Garza, Director Logistics Operations Florida, CEMEX Construction Materials L.P.  
([jose.delagarza@cemexusa.com](mailto:jose.delagarza@cemexusa.com))

Ms. Denise Corrales, Facility Contact, CEMEX Construction Materials L.P. ([denise.corrales@cemexusa.com](mailto:denise.corrales@cemexusa.com))

Mr. Ajaya (AJ) Satyal, DEP – South District ([ajaya.satyal@dep.state.fl.us](mailto:ajaya.satyal@dep.state.fl.us))

Mr. Carter Endsley, DEP – South District ([carter.endsley@dep.state.fl.us](mailto:carter.endsley@dep.state.fl.us))

Mr. Jerry Campbell, Environmental Protection Commission of Hillsborough County ([campbell@epchc.org](mailto:campbell@epchc.org))

Dr. John B. Koogler, P.E., Koogler & Associates, Inc. ([jkoogler@kooglerassociates.com](mailto:jkoogler@kooglerassociates.com))

Mr. Pradeep Raval, Application Contact, Koogler & Associates, Inc. ([praval@kooglerassociates.com](mailto:praval@kooglerassociates.com))

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Diana J. Satyal 4/16/18  
(Clerk) (Date)

**Harvey, Mary**

---

**From:** Satyal, Ajaya  
**Sent:** Wednesday, April 16, 2008 1:22 PM  
**To:** Harvey, Mary  
**Subject:** RE: NOTICE TO RESCIND AIR CONSTRUCTION PERMIT #7775369-001-AC - CEMEX Construction Materials

Received. Thank You.

AJ Satyal

---

**From:** Harvey, Mary  
**Sent:** Wednesday, April 16, 2008 1:20 PM  
**To:** 'jose.delagarza@cemexusa.com'; 'denise.corrales@cemexusa.com'; Satyal, Ajaya; Endsley, Carter; 'campbell@epchc.org'; 'jkoogler@koogerassociates.com'; 'prava@kooglerassociates.com'  
**Cc:** Mitchell, Bruce; Walker, Elizabeth (AIR); Gibson, Victoria  
**Subject:** NOTICE TO RESCIND AIR CONSTRUCTION PERMIT #7775369-001-AC - CEMEX Construction Materials

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

4/16/2008

## Harvey, Mary

---

**From:** John Koogler [jkoogler@kooglerassociates.com]  
**Sent:** Wednesday, April 16, 2008 2:18 PM  
**To:** Harvey, Mary  
**Subject:** RE: NOTICE TO RESCIND AIR CONSTRUCTION PERMIT #7775369-001-AC - CEMEX Construction Materials

Thanks Mary.

John

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, April 16, 2008 1:36 PM  
**To:** jkoogler@kooglerassociates.com; praval@kooglerassociates.com  
**Subject:** FW: NOTICE TO RESCIND AIR CONSTRUCTION PERMIT #7775369-001-AC - CEMEX Construction Materials

*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.*

**From:** Harvey, Mary  
**Sent:** Wednesday, April 16, 2008 1:20 PM  
**To:** 'jose.delagarza@cemexusa.com'; 'denise.corrales@cemexusa.com'; Satyal, Ajaya; Endsley, Carter; 'campbell@epchc.org'; 'jkoogler@kooglerassociates.com'; 'prava@kooglerassociates.com'  
**Cc:** Mitchell, Bruce; Walker, Elizabeth (AIR); Gibson, Victoria  
**Subject:** NOTICE TO RESCIND AIR CONSTRUCTION PERMIT #7775369-001-AC - CEMEX Construction Materials

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:

4/16/2008



**Harvey, Mary**

**From:** Pradeep Raval [praval@kooglerassociates.com]  
**Sent:** Wednesday, April 16, 2008 2:14 PM  
**To:** Harvey, Mary; jkoogler@kooglerassociates.com  
**Subject:** RE: NOTICE TO RESCIND AIR CONSTRUCTION PERMIT #7775369-001-AC - CEMEX Construction Materials

Mary: I got it. Thanks.

Pradeep Raval  
 KOOGLER AND ASSOCIATES, INC.  
 4014 NW 13th Street  
 Gainesville, FL 32609  
 Tel (352) 377-5822  
 Fax (352) 377-7158  
 Cell (352) 317-8635

CONFIDENTIALITY: This message is the property of Koogler and Associates, Inc. The information contained in this message may contain legally privileged and confidential information. It is intended only for the use of the person(s) or addressee(s) named above. If you are not the intended recipient, you are hereby notified that any review, disclosure, distribution or duplication of this communication, and the information contained in it, is strictly prohibited. If you are not the intended recipient, please contact the sender by electronic mail and immediately destroy all copies of the original message.

---

**From:** Harvey, Mary [mailto:Mary.Harvey@dep.state.fl.us]  
**Sent:** Wednesday, April 16, 2008 1:36 PM  
**To:** jkoogler@kooglerassociates.com; praval@kooglerassociates.com  
**Subject:** FW: NOTICE TO RESCIND AIR CONSTRUCTION PERMIT #7775369-001-AC - CEMEX Construction Materials

*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.*

**From:** Harvey, Mary  
**Sent:** Wednesday, April 16, 2008 1:20 PM  
**To:** 'jose.delagarza@cemexusa.com'; 'denise.corrales@cemexusa.com'; Satyal, Ajaya; Endsley, Carter; 'campbell@epchc.org'; 'jkoogler@kooglerassociates.com'; 'prava@kooglerassociates.com'  
**Cc:** Mitchell, Bruce; Walker, Elizabeth (AIR); Gibson, Victoria  
**Subject:** NOTICE TO RESCIND AIR CONSTRUCTION PERMIT #7775369-001-AC - CEMEX Construction Materials

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).

4/16/2008