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

# NOTICE OF ADMINISTRATIVELY CORRECTED TITLE V AIR OPERATION PERMIT

In the Matter of a Request for Administrative Permit Correction:

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|---|---|
| Ms. Leslie White | Project No. 0530021-025-AV |
| Executive Vice President and General Counsel | Administrative Correction to Permit No. 0530021-011-AV |
| CEMEX Construction Materials Florida, LLC<br>920 Memorial City Way, Suite 100<br>Houston, Texas 77024 | CEMEX Brooksville South Cement Plant<br>Hernando County |

Enclosed is an Administrative Permit Correction to the Title V Air Operation Permit, No. 0530021-011-AV, for the operation of the **CEMEX Brooksville South Cement Plant** located in Hernando County at 10311 Cement Plant Road, Brooksville, Florida. This correction is issued pursuant to Rule 62-210.360, Florida Administrative Code (F.A.C.), and Chapter 403, Florida Statutes (F.S.). This change is made at the applicant's request dated July 22, 2009, to change the name of the facility from "Florida Crushed Stone Company" to "CEMEX Construction Materials Florida, LLC (CEMEX)". This corrective action does not alter the effective dates of the existing permit.

The Department of Environmental Protection (Department) will consider the above-noted action final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. Mediation under Section 120.573, F.S., will not be available for this proposed action.

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. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this proposed action. 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 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. If there are none, the petition must so indicate; (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 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.

Any party to this order (permit) has the right to seek judicial review of it under Section 120.68, F.S., by the filing of a Notice of Appeal, under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #35, 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 of Appeal must be filed within thirty days from the date this notice is filed with the Clerk of the permitting authority.

Executed in Tallahassee, Florida.

Trina Vielhauer, Chief
Bureau of Air Regulation

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this Notice Of Administratively Corrected Permit (including the corrected page) or a link to these documents available electronically on a publicly accessible server, was sent by electronic mail with received receipt requested before the close of business on 8/18/09 to the persons listed below.

Ms. Leslie White, Executive Vice President and General Counsel, CEMEX: lwhite@cemexusa.com
Mr. Jim Daniel, Cement Plant Manager, CEMEX: jdaniel@cemexusa.com
Mr. Terry Woodard, Power Plant Manager, Central Power & Lime: wwoodard@deltapowerservices.com
Mr. George Townsend, CEMEX: gtownsend@cemexusa.com
Ms. Lillian DePrimo, CEMEX: lillianf.deprimo@cemexusa.com
Ms. Mara Nasca, DEP-SWD: mara.nasca@dep.state.fl.us
Ms. Cynthia Falandysz, DEP-SWD: cynthia.falandysz@dep.state.fl.us
Ms. Katy Forney, U.S. EPA Region 4: forney.kathleen@epamail.epa.gov
Ms. Ana Oquendo, EPA Region 4: oquendo.ana@epamail.epa.gov
Ms. Barbara Friday, DEP BAR: barbara.friday@dep.state.fl.us (for posting with U.S. EPA, Region 4)
Ms. Victoria Gibson, DEP BAR: victoria.gibson@dep.state.fl.us (for reading file)

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) (Date) 8/18/09

**1. Company/Owner name is hereby changed:**

**FROM:** Florida Crushed Stone Company.

**TO:** CEMEX Construction Materials Florida, LLC.