

## NOTICE OF ADMINISTRATIVELY CORRECTED AIR PERMIT

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*In the Matter of a Request for Administrative Correction:*

CEMEX Construction Materials Florida, LLC  
10311 Cement Plant Road  
Brooksville, Florida 34601

*Responsible Official:*  
Mr. Jim Daniel, Cement Plant Manager

Project No. 0530021-046-AV

Administrative Correction to:  
Permit No. 0530021-029-AV

CEMEX Brooksville South Cement Plant  
Hernando County

Dear Mr. Daniel:

Enclosed is an administrative correction to Air Permit No. 0530021-029-AV for the CEMEX Brooksville South Cement Plant which is located in Hernando County at 10311 Cement Plant Road, Brooksville, Florida. The Universal Transverse Mercator (UTM) Coordinates for the site are: Zone 17; 360.00 km East; and 3162.50 km North. Latitude is: 28° 35' 00" North; and, Longitude is: 82° 25' 53" West.

On September 7, 2012, the Department received the applicant's request for a correction to Permit No. 0530021-029-AV. Specifically, the applicant requested that the particulate matter (PM) emission limits for (Emissions Unit Identification Number (E.U. ID No.) 052 cited in Specific Condition E.4. to match the PM emission limits cited in Specific Condition E.5.

This administrative correction is issued pursuant to Rule 62-210.360, Florida Administrative Code (F.A.C.), and Chapter 403, Florida Statutes (F.S.). This corrective action does not alter the effective dates of the existing permit.

The 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.

**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. Petitions must be filed within 14 days of receipt of this administratively corrected permit. 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 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

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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.

**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  
(*Electronic Signature*)

for Jeffery F. Koerner, Program Administrator  
Office of Permitting and Compliance  
Division of Air Resource Management

JFK/aal/sms

### CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this **Notice of Administratively Corrected Air Permit** 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 the date indicated below to the following persons.

Mr. Jim Daniel, Cement Plant Manager: [jdaniel@cemexusa.com](mailto:jdaniel@cemexusa.com)

Mr. George Townsend, Environmental Manager: [gtownsend@cemexusa.com](mailto:gtownsend@cemexusa.com)

Dr. Maxwell R. Lee, P.E., Koogler and Associates, Inc.: [mlee@kooglerassocates.com](mailto:mlee@kooglerassocates.com)

Mr. Robert Wong, DEP SWD: [robert.wong@dep.state.fl.us](mailto:robert.wong@dep.state.fl.us)

Ms. Barbara Friday, DEP OPC: [barbara.friday@dep.state.fl.us](mailto:barbara.friday@dep.state.fl.us)

Ms. Lynn Searce, DEP OPC: [lynn.searce@dep.state.fl.us](mailto:lynn.searce@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.

(*Electronic Signature*)

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The following permit condition(s) is/are revised as indicated. **Strikethrough** is used to denote the deletion of text. **Double-underlines** are used to denote the addition of text. All changes are emphasized with **yellow highlight** in the electronic document.

**Permit Being Administratively Corrected: Permit No. 0530021-029-AV**

Permit No. 0530021-018-AC/PSD-FL-351C was issued on 02/18/2010. Permit No. 0530021-033-AC modifying Permit No. 0530021-018-AC/PSD-FL-351C was issued on 06/28/2011. Permit No. 0530021-033-AC authorized an increase in cement production and a corresponding increase in feed material rate from 225 to 246 TPH), and lowered numerous affected “lb/ton” emission limits. The PM emission limits for E.U. ID No. 052 were modified by the later permit. {Note: The new equivalent “lb/hr” values based on the new limits of 0.029 & 0.020 lb/ton are 7.13 & 4.92 lb/hr, respectively. These equivalent lb/hr values are lower than the lb/hr limits in Permit No. 0530021-018-AC/PSD-FL-351C. The new limits of 0.029 & 0.020 lb/ton are therefore more restrictive.}

Specific Condition E.4. is therefore corrected to reflect the lowered emission limits from Specific Condition B.6. of Permit No. 0530021-033-AC. Specific Condition E.4. is corrected to read as follows:

**E.4. Emissions Limits.** Emissions from the following emissions units shall not exceed the following PM/PM<sub>10</sub> limits for the following pollutants:

| EMISSIONS UNIT                     | BAGHOUSE ID No. | EMISSION LIMIT PM/PM <sub>10</sub><br>(LB/HR, <b>unless otherwise specified</b> ) | AVERAGING TIME <sup>1</sup> | OPACITY (%) <sup>2</sup> |
|------------------------------------|-----------------|---|-----------------------------|--------------------------|
| ...                                |                 |   |                             |                          |
| <b>Process: Finish Mill System</b> |                 |   |                             |                          |
| 051                                | 511.BF650       | 0.57/0.40   | 3 hours                     | 5                        |
| 052                                | 531.BF500       | <del>8.57/6.90</del> <b>0.029/0.020 lb/ton feed FM</b> <sup>3</sup>               | 3 hours                     | 5                        |
| ...                                |                 |   |                             |                          |

<sup>1</sup> The averaging times for PM and PM<sub>10</sub> correspond to the required length of sampling for the emission tests.

<sup>2</sup> The averaging time for visible emissions shall be a 6-minute block average computed from a minimum of one measurement every 15 seconds. The 6 minute block averages shall start at the beginning of each hour.

<sup>3</sup> **Condition from Permit 0530021-033-AC.**

[Rules 62-4.070(3), 62-210.700(5) and 62-212.400, F.A.C.; BACT; and, 0530021-018-AC/PSD-FL-351C, Specific Condition B.1. **& 0530021-033-AC, Specific Condition B.6.**]