



# 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

August 3, 2007

*Electronically Sent – Received Receipt Requested*

[michaelanthony.gonzales@cemexusa.com](mailto:michaelanthony.gonzales@cemexusa.com)

Mr. Michael A. Gonzales  
Plant Manager  
CEMEX Cement, Inc.  
Post Office Box 6  
Brooksville, Florida 34605-0006

Re: DEP File 0530010-033-AC  
Extension of the Expiration Date of Permit 0530010-022-AC  
CEMEX Brooksville Plant

Dear Mr. Gonzales:

The Department reviewed Koogler & Associates letter dated June 27, 2007 in your behalf for an extension of the expiration date of the referenced air construction permit for the construction of a tire feed system for Kiln No. 2; and temporary field-testing to determine site specific emission characteristics and technical feasibility of firing whole tire derived fuel in Kiln No. 2 at CEMEX Cement's Brooksville Portland cement plant. The Department evaluated your request and agrees to modify the expiration date as requested.

For a construction permit, an extension shall be granted if the applicant can demonstrate that, upon completion, the extended permit will comply with the standards and conditions required by the applicable regulations. [Rule 62-4.080(3), Florida Administrative Code (F.A.C.)]

The expiration date is hereby extended from September 30, 2007 to September 30, 2008 to allow sufficient time to complete the trial burn and compliance testing.

A copy of this permit modification shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes (F.S.).

The Department's proposed agency action shall become final unless a timely petition for an administrative determination (hearing) is filed under sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3), F.S., must be filed within

fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen 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 discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department'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 the petitioner received notice of the agency 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 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 Department'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..

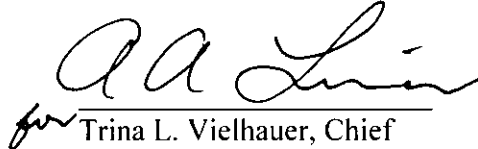
Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this permit modification. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above. Mediation is not available in this proceeding.

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 order will not be effective until further order of the Department.

Any party to this permitting modification (order) has the right to seek judicial review of it under section 120.68 of the Florida Statutes, 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 thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

  
for Trina L. Vielhauer, Chief  
Bureau of Air Regulation

TLV/aal/th

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this Permit Modification and all copies were sent electronically (with Received Receipt) before the close of business on **August 3, 2007** to the persons listed below:

Michael A. Gonzales, CEMEX: [michaelanthony.gonzales@cemexusa.com](mailto:michaelanthony.gonzales@cemexusa.com)

Charles Walz, CEMEX: [charles.walz@cemexusa.com](mailto:charles.walz@cemexusa.com)

Amarjits Gill, CEMEX: [amarjits.gill@cemexusa.com](mailto:amarjits.gill@cemexusa.com)

Mara Nasca, DEP SWD: [mara.nasca@dep.state.fl.us](mailto:mara.nasca@dep.state.fl.us)

John Koogler, P.E. K&A: [jkoogler@kooglerassociates.com](mailto:jkoogler@kooglerassociates.com)

Fawn Bergen, P.E., K&A: [fbergen@kooglerassociates.com](mailto:fbergen@kooglerassociates.com)

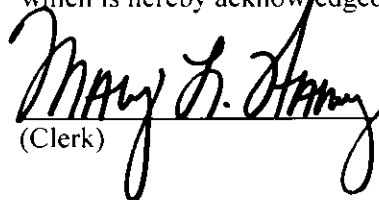
Segundo J. Fernandez, Esq., OHF&C: [sfernandez@ohfc.com](mailto:sfernandez@ohfc.com)

Jim Little, EPA Region 4: [Little.James@epamail.epa.gov](mailto:Little.James@epamail.epa.gov)

Kathy Forney, EPA Region 4: [Forney.Kathleen@epamail.epa.gov](mailto:Forney.Kathleen@epamail.epa.gov)

Clerk Stamp

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

  
(Clerk) 8/3/07  
(Date)

**Harvey, Mary**

---

**From:** Harvey, Mary  
**Sent:** Friday, August 03, 2007 10:53 AM  
**To:** 'michaelanthony.gonzales@cemexusa.com'; 'charles.walz@cemexusa.com'; 'amarjits.gill@cemexusa.com'; Nasca, Mara; 'jkoogler@kooglerassociates.com'; 'fbergen@kooglerassociates.com'; 'sfernandez@ohfc.com'; 'Little.James@epamail.epa.gov'; 'Forney.Kathleen@epamail.epa.gov'  
**Cc:** Heron, Teresa; Adams, Patty; Gibson, Victoria  
**Subject:** Extension Letter - CEMEX Cement, Inc. - Project #0530010-033-AC  
**Attachments:** 033EXTEExpiration07.pdf

Tracking:	Recipient	Read
	'michaelanthony.gonzales@cemexusa.com'	
	✓ 'charles.walz@cemexusa.com'	
	'amarjits.gill@cemexusa.com'	
	✓ Nasca, Mara	Read: 8/3/2007 10:58 AM
	✓ 'jkoogler@kooglerassociates.com'	
	'fbergen@kooglerassociates.com'	
	✓ 'sfernandez@ohfc.com'	
	✓ 'Little.James@epamail.epa.gov'	
	✓ 'Forney.Kathleen@epamail.epa.gov'	
	✓ Heron, Teresa	
	✓ Adams, Patty	Read: 8/3/2007 3:09 PM
	✓ Gibson, Victoria	Read: 8/3/2007 10:55 AM

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,

8/3/2007

## Harvey, Mary

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**From:** Heron, Teresa  
**To:** Harvey, Mary  
**Sent:** Tuesday, August 07, 2007 1:52 PM  
**Subject:** Read: Extension Letter - CEMEX Cement, Inc. - Project #0530010-033-AC

### Your message

**To:** 'michaelanthony.gonzales@cemexusa.com'; 'charles.walz@cemexusa.com'; 'amarjits.gill@cemexusa.com'; Nasca, Mara; 'jkoogler@kooglerassociates.com'; 'fbergen@kooglerassociates.com'; 'sfernandez@ohfc.com'; 'Little.James@epamail.epa.gov'; 'Forney.Kathleen@epamail.epa.gov'  
**Cc:** Heron, Teresa; Adams, Patty; Gibson, Victoria  
**Subject:** Extension Letter - CEMEX Cement, Inc. - Project #0530010-033-AC  
**Sent:** 8/3/2007 10:53 AM

was read on 8/7/2007 1:52 PM.

## Harvey, Mary

---

**From:** Adams, Patty  
**To:** Harvey, Mary  
**Sent:** Friday, August 03, 2007 3:09 PM  
**Subject:** Read: Extension Letter - CEMEX Cement, Inc. - Project #0530010-033-AC

### Your message

**To:** 'michaelanthony.gonzales@cemexusa.com'; 'charles.walz@cemexusa.com'; 'amarjits.gill@cemexusa.com'; Nasca, Mara; 'jkoogler@kooglerassociates.com'; 'fbergen@kooglerassociates.com'; 'sfernandez@ohfc.com'; 'Little.James@epamail.epa.gov'; 'Forney.Kathleen@epamail.epa.gov'  
**Cc:** Heron, Teresa; Adams, Patty; Gibson, Victoria  
**Subject:** Extension Letter - CEMEX Cement, Inc. - Project #0530010-033-AC  
**Sent:** 8/3/2007 10:53 AM

was read on 8/3/2007 3:09 PM.

## Harvey, Mary

---

**From:** Forney.Kathleen@epamail.epa.gov  
**Sent:** Friday, August 03, 2007 1:30 PM  
**To:** Harvey, Mary  
**Cc:** Little.James@epamail.epa.gov  
**Subject:** Re: Extension Letter - CEMEX Cement, Inc. - Project #0530010-033-AC

**Attachments:** 033EXTEExpiration07.pdf



033EXTEExpiration07.pdf (130 KB...)

Thanks we did get this letter.

katy

-----  
Katy R. Forney  
Air Permits Section  
EPA - Region 4  
61 Forsyth St., SW  
Atlanta, GA 30024

Phone: 404-562-9130  
Fax: 404-562-9019

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

08/03/2007 10:53 AM

To  
<michaelanthony.gonzales@cemexusa.com>,  
<charles.walz@cemexusa.com>,  
<amarjits.gill@cemexusa.com>,  
"Nasca, Mara"  
<Mara.Nasca@dep.state.fl.us>,  
<jkoogler@kooglerassociates.com>,  
<fbergen@kooglerassociates.com>,  
<sfernandez@ohfc.com>, James  
Little/R4/USEPA/US@EPA, Kathleen  
Forney/R4/USEPA/US@EPA

cc

"Heron, Teresa"  
<Teresa.Heron@dep.state.fl.us>,  
"Adams, Patty"  
<Patty.Adams@dep.state.fl.us>,  
"Gibson, Victoria"  
<Victoria.Gibson@dep.state.fl.us>

Subject

Extension Letter - CEMEX Cement,  
Inc. - Project #0530010-033-AC

## Harvey, Mary

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**From:** John Koogler [jkoogler@kooglerassociates.com]  
**Sent:** Friday, August 03, 2007 11:50 AM  
**To:** Harvey, Mary  
**Subject:** RE: Extension Letter - CEMEX Cement, Inc. - Project #0530010-033-AC

Thank you

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:** Friday, August 03, 2007 10:53 AM  
**To:** michaelanthony.gonzales@cemexusa.com; charles.walz@cemexusa.com; amarjits.gill@cemexusa.com; Nasca, Mara; jkoogler@kooglerassociates.com; fbergen@kooglerassociates.com; sfernandez@ohfc.com; Little.James@epamail.epa.gov; Forney.Kathleen@epamail.epa.gov  
**Cc:** Heron, Teresa; Adams, Patty; Gibson, Victoria  
**Subject:** Extension Letter - CEMEX Cement, Inc. - Project #0530010-033-AC

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The document(s) may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible.

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<http://www.adobe.com/products/acrobat/readstep.html>.

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Thank you,

8/3/2007



## Harvey, Mary

---

**From:** Segundo J. Fernandez [sfernandez@ohfc.com]  
**To:** Harvey, Mary  
**Sent:** Friday, August 03, 2007 3:17 PM  
**Subject:** Read: Extension Letter - CEMEX Cement, Inc. - Project #0530010-033-AC \

Your message

To: sfernandez@ohfc.com  
Subject:

was read on 8/3/2007 3:17 PM.

## Harvey, Mary

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**From:** charles.walz@cemex.com  
**Sent:** Friday, August 03, 2007 10:59 AM  
**To:** Harvey, Mary  
**Cc:** amarjits.gill@cemexusa.com; charles.walz@cemexusa.com; fbergen@kooglerassociates.com; Forney.Kathleen@epamail.epa.gov; jkoogler@kooglerassociates.com; Little.James@epamail.epa.gov; Nasca, Mara; michaelanthony.gonzales@cemexusa.com; Adams, Patty; sfernandez@ohfc.com; Heron, Teresa; Gibson, Victoria  
**Subject:** Re: Extension Letter - CEMEX Cement, Inc. - Project #0530010-033-AC

Thank you



**Charles E Walz**

Environmental Manager - Brooksville Plant - United States of America

Office : +1352(799)2011 , Fax: +1352(754)9836 , Mobile. +1352(279)1415

Address: 16301 Ponce de Leon Blvd Brooksville, Florida 34614

E-Mail: Charles.Walz@CEMEXUSA.com

www.cemexusa.com

8/3/2007

## Harvey, Mary

---

**From:** Nasca, Mara  
**To:** Harvey, Mary  
**Sent:** Friday, August 03, 2007 10:58 AM  
**Subject:** Read: Extension Letter - CEMEX Cement, Inc. - ~~Project #0530010-033-AC~~

### Your message

**To:** 'michaelanthony.gonzales@cemexusa.com'; 'charles.walz@cemexusa.com'; 'amarjits.gill@cemexusa.com'; Nasca, Mara; 'jkoogler@kooglerassociates.com'; 'fbergen@kooglerassociates.com'; 'sfernandez@ohfc.com'; 'Little.James@epamail.epa.gov'; 'Forney.Kathleen@epamail.epa.gov'  
**Cc:** Heron, Teresa; Adams, Patty; Gibson, Victoria  
**Subject:** Extension Letter - CEMEX Cement, Inc. - Project #0530010-033-AC  
**Sent:** 8/3/2007 10:53 AM

was read on 8/3/2007 10:58 AM.

## Harvey, Mary

---

**From:** Charles E Walz [charles.walz@cemex.com]  
**Sent:** Friday, August 03, 2007 10:57 AM  
**To:** Harvey, Mary  
**Subject:** Extension Letter - CEMEX Cement, Inc. - Project #0530010-033-AC

### Return Receipt

Your document: Extension Letter - CEMEX Cement, Inc. - Project #0530010-033-AC

was received by: charles.walz@cemex.com

at: 08/03/2007 10:57:03 EDT

## Harvey, Mary

---

**From:** Gibson, Victoria  
**To:** Harvey, Mary  
**Sent:** Friday, August 03, 2007 10:55 AM  
**Subject:** Read: Extension Letter - CEMEX Cement, Inc. - Project #0530010-033-AC

### Your message

**To:** 'michaelanthony.gonzales@cemexusa.com'; 'charles.walz@cemexusa.com'; 'amarjits.gill@cemexusa.com'; Nasca, Mara; 'jkoogler@kooglerassociates.com'; 'fbergen@kooglerassociates.com'; 'sfernandez@ohfc.com'; 'Little.James@epamail.epa.gov'; 'Forney.Kathleen@epamail.epa.gov'  
**Cc:** Heron, Teresa; Adams, Patty; Gibson, Victoria  
**Subject:** Extension Letter - CEMEX Cement, Inc. - Project #0530010-033-AC  
**Sent:** 8/3/2007 10:53 AM

was read on 8/3/2007 10:55 AM.



4014 NW 13th STREET  
GAINESVILLE, FL 32609-1923  
352/377-5822 ▪ FAX/377-7158

KA 521-06-20  
June 26, 2007

RECEIVED

JUN 27 2007

BUREAU OF AIR REGULATION

Ms. Trina Vielhauer  
Florida Department of Environmental Protection  
Bureau of Air Regulation  
2600 Blair Stone Road MS 5500  
Tallahassee, Florida 32399-2400

**RE: CEMEX Cement, Inc.; Brooksville Cement Plant  
Permit No. 0530010-022-AC Extension Request; Trial Period for Tire-Derived Fuel**

Dear Trina:

CEMEX Cement, Inc. (CEMEX) is requesting a 1-year extension of Air Construction Permit No. 0530010-022-AC (Trial Period to Burn Tire-Derived Fuel in Kiln No. 2, expiration date September 30, 2007). CEMEX is still moving forward with this project, but would like additional time to complete the trial burn and compliance testing.

Please feel free to contact me at (352) 377-5822 or [FBergen@kooglerassociates.com](mailto:FBergen@kooglerassociates.com), or Mr. Charles Walz, CEMEX, at (352) 799-2011, if you have any questions regarding this issue.

Very truly yours,

KOOGLER & ASSOCIATES, INC.

Fawn W. Bergen, PE  
Project Engineer

FB

cc: S. Fernandez, OHF&C  
J. Gill, CEMEX  
M. Gonzales, CEMEX  
A. Linero, FDEP – Tallahassee  
M. Nasca, FDEP – SW District  
C. Walz, CEMEX