

Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

TINER
Hernando SWD
RECEIVED

DEC 16 2002

Solid Waste Section
David B. Struhs
Secretary

40777

Mr. Charles Walz, Environmental Manager
CEMEX Cement Inc.
P.O. Box 6
Brooksville, Fl. 34605-0006

December 11, 2002

RE: CEMEX (f/k/a Southdown) Waste Tire Processing Facility
Financial Assurance Cost Estimates
Permit No.: 71066-001-WT, Hernando County

Dear Mr. Walz:

This letter is to acknowledge receipt of the inflation-adjusted cost estimates dated November 4, 2002 (received November 6, 2002), for closure of the CEMEX Waste Tire Processing Facility. The cost estimates received November 6, 2002 (total for closure \$24,480), are **APPROVED for 2002**. This approval is for a maximum of 240 tons total of waste tires, processed tires and residuals, and does not include tires with rims. Therefore, tires with rims shall not be stored at the site unless the financial assurance cost estimates are revised to include loading, transportation and disposal of these materials.

Due to recent revisions of Chapter 62-701, F.A.C., owners or operators who use alternate funding mechanisms described in Rules 62-701.630(6) and 62-711.500(3)(a), F.A.C., must update their cost estimates no later than March 1st each year. The next annual update (revised or inflation-adjusted estimates) is due no later than **March 1, 2003**.

A copy of these estimates will be forwarded to Mr. Fred Wick, Financial Coordinator, Solid Waste Section, MS#4565, FDEP, 2600 Blair Stone Road, Tallahassee, Florida 32399-2407. Please work with him directly to assess the facility's compliance with the funding mechanism requirements of Rule 62-711.500(3), F.A.C. If you have any questions, you may contact me at (813) 744-6100 ext. 386.

Sincerely,

Susan J. Pelz, P.E.
Solid Waste Manager
Southwest District

sjp

cc: Dawn Durham, Hernando County Planning Dept., 20 N. Main Street, Room 262, Brooksville, Fl. 34601
Fred Wick, FDEP, Tallahassee, w/attachment
Kim Ford, P.E., FDEP Tampa



Florida Department of Environmental Protection
Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, FL 32399-2400

Fred W. J. C.

DEP Form #	62-701.900(28)
Form Title	Financial Assurance Cost Estimate
Form Effective Date	05-27-01
DEP Application No.	
(Filled by DEP)	

FINANCIAL ASSURANCE COST ESTIMATE FORM

NOV - 6 2002

Date: November 4, 2002

Date of DEP Approval: _____

I. GENERAL INFORMATION:

Facility Name: CEMEX Waste Tire Facility WACS or GMSID #: WACS 0004077

Permit / Application No.: Permit No. 71066-001-WT Expiration Date: November 7, 2006

Facility Address: 16301 Ponce De Leon Blvd., Brooksville FL, 34605

Permittee: CEMEX Cement, Inc.

Mailing Address: PO Box 6, Brooksville FL, 34605

Latitude: 28° 38' 37" Longitude: 82° 28' 24" or UTM: (17) 356.0 km E, 3169.2 km N

Solid Waste Disposal Units Included in Estimate:

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Phase / Cell	Acres	Date Unit Began Accepting Waste	Design Life of Unit From Date of Initial Receipt of Waste
Not Applicable	N/A	N/A	N/A

Solid Waste Section

Total Landfill Acreage included in this estimate. N/A Closure N/A Long-Term Care

Type of landfill: N/A Class I N/A Class III N/A C&D Debris

II. TYPE OF FINANCIAL ASSURANCE DOCUMENT (Check Type)

<u> </u> Letter of Credit*	<u> </u> Insurance Certificate
<u> </u> Performance Bond*	<u> </u> Escrow Account
<u>XX</u> Guaranty Bond*	<u> </u> Trust Fund Agreement

*Indicates mechanisms that require use of a Standby Trust Fund Agreement.

Northwest District 160 Governmental Center Pensacola, FL 32501-5794 904-444-8360	Northeast District 625 Baymeadows Way, Ste. B200 Jacksonville, FL 32256-7590 904-448-4300	Central District 3909 Maguire Blvd., Ste. 232 Orlando, FL 32803-3767 407-894-7555	Southwest District 3804 Coconut Palm Dr. Tampa, FL 33619 813-744-6100	South District 2295 Victoria Ave., Ste. 364 Fort Myers, FL 33901-3881 941-332-6975	Southeast District 400 North Congress Ave. West Palm Beach, FL 33401 561-681-660
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III. ESTIMATE ADJUSTMENT

40 CFR Part 264 Subpart H as adopted by reference in Rule 62-701.630, Florida Administrative Code sets forth the method of annual cost estimate adjustment. Cost estimates may be adjusted by using an inflation factor or by recalculating the maximum costs of closure in current dollars. Select one of the methods of cost estimate adjustment below.

☒ (a) Inflation Factor Adjustment

Inflation adjustment using an inflation factor may only be made when a Department approved closure cost estimate exists and no changes have occurred in the facility operation which would necessitate modification to the closure plan. The inflation factor is derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its survey of Current Business. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year. The inflation factor may also be obtained from the Solid Waste Financial Coordinator at (850)-488-0300.

This adjustment is based on the Department approved closure cost estimate dated:

N/A

Latest Department Approved
Closure Cost Estimate:

\$24,000.00

X

Current Year
Inflation Factor

1.02

=

Inflation Adjusted
Closure Cost Estimate:

\$24,480.00

This adjustment is based on the Department approved long-term care cost estimate dated:

N/A

Latest Department Approved
Annual Long-Term Care Cost
Estimate:

N/A

X

Current Year
Inflation Factor

N/A

=

Inflation Adjusted
Annual Long-Term Care
Cost Estimate:

N/A

Number of Years of Long-Term Care Remaining:

X

N/A

Inflation Adjusted Long-Term Care Cost Estimate:

=

N/A

☐ (b) Recalculate Estimates (see section V)

IV. CERTIFICATION BY ENGINEER

This is to certify that the Financial Assurance Cost Estimates pertaining to the engineering features of the this solid waste management facility have been examined by me and found to conform to engineering principles applicable to such facilities. In my professional judgement, the Cost Estimates are a true, correct and complete representation of the financial liabilities for closing and long-term care of the facility and comply with the requirements of Florida Administrative Code (F.A.C.), Rule 62-701.630 and all other Department of Environmental Protection rules, and statutes of the State of Florida. It is understood that the Financial Assurance Cost Estimates shall be submitted to the Department annually, revised or adjusted as required by Rule 62-701.630(4), F.A.C.

SCC 11/4/02
Signature of Engineer

Steven C. Cullen

Name & Title (please type)

45188

Florida Registration Number (affix seal)

4014 NW 13th Street, Gainesville FL 32609

Mailing Address

(352) 377-5822

Telephone Number

DEP FORM 62-701.900(28)

Effective 05-27-01

Steven R. Walser / Plant Manager
Signature of Owner/Operator

Steven R. Walser, Plant Manager

Name & Title (please type)

(352) 799-2011

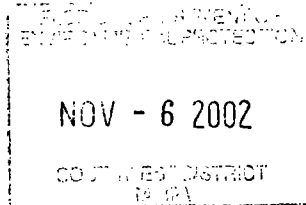
Telephone Number

swalser@cemexusa.com

Owner/Operator E-Mail Address

scullen@kooglerassociates.com

Engineer E-Mail Address



DEP Form # 62-701.900(5)(b)
Form Title SWM Fac. Financial Guarantees Bond
Effective Date December 23, 1999
DEP Application No. _____

STATE OF FLORIDA
SOLID WASTE MANAGEMENT FACILITY FINANCIAL GUARANTEE BOND
TO DEMONSTRATE FINANCIAL ASSURANCE

RECEIVED

DEC 16 2002

☒ Closing ☐ Long-Term Care ☐ Corrective Action
[Check Appropriate Box(es)]

Solid Waste Section

The term "Required Action" as used in this document means closing, long-term care, or corrective action, or any combination of these, which is checked above.

Date bond executed: 3/31/02

Effective date: 3/31/02

Principal: CEMEX, INC.
1200 Smith Houston TX 77002
Legal Name and Business Address of Owner or Operator

Type of Organization: ☐ Individual ☐ Joint Venture ☐ Partnership ☒ Corporation
Check One

State of Incorporation: Louisiana

Surety(ies): TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

One Constitution Plaza Hartford CT 06103

Name(s) and Business Address(es)

List for each facility: FDEP Identification Number, name, and address. Indicate "Required Action" amounts for each facility separately.

<u>FDEP I.D. No.</u>	<u>Name</u>	<u>Address</u>	<u>Required Action Amount</u>
WACS 00040777	Cemex, Inc. Closed Solid Waste Facility FKA Florida Mining and Materials Landfill	16301 Ponce DeLeon Blvd., Brooksville, FL 34614	\$209,350.00

Total penal sum of bond: \$ 209,350.00

Surety's bond number: 103776585

Know All Persons By These Presents, That we, the Principal and Surety(ies) hereto are firmly bound to the Florida Department of Environmental Protection (hereinafter called FDEP), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Sureties are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be full amount of the penal sum.

WHEREAS, said Principal is required, under the Florida Solid Waste Management Act as amended, to have a permit in order to construct, operate or close each solid waste management facility identified above, and

WHEREAS, said Principal is required to provide financial assurance for the "Required Action," as a condition of the permit(s), and

WHEREAS, said principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

NOW, THEREFORE, the conditions of the obligation are such that if the Principal shall faithfully, before the beginning of final closure of each facility identified above, fund the standby trust fund in the amount(s) identified above for the facility,

Or, if the Principal shall fund the standby trust fund in such amount(s) within 15 days after an order to begin closure is issued by the Secretary of the FDEP or a U.S. district court or other court of competent jurisdiction,

Or, if the Principal shall provide alternate financial assurance and obtain the FDEP Secretary's written approval of such assurance, within 90 days after the date of notice or cancellation is received by both the Principal and the FDEP Secretary from the Surety(ies), then this obligation shall be null and void, otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by FDEP Secretary that the Principal has failed to perform as guaranteed by this bond, the Surety(ies) shall place funds in the amount guaranteed for the facility(ies) into the standby trust fund as directed by the FDEP Secretary.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the Secretary of the FDEP; however, cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the FDEP Secretary, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies); provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the Secretary of the FDEP.

Principal and Surety(ies) hereby agree to adjust the penal sum of the bond yearly so that it guarantees a new "Required Action" amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the FDEP Secretary.

IN WITNESS WHEREOF, the Principal and Surety(ies) have executed this Financial Guarantee Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies).

PRINCIPAL

CEMEX, INC.

Signature

Everardo Villarreal-Treasurer

Type Name and Title

713-653-6966

Telephone Number

Corporate Seal

Bond premium: \$ 1,047.00

CORPORATE SURETY(IES)

For each co-surety provide the following

TRAVELERS CASUALTY AND SURETY COMPANY OF

AMERICA

Name and address

One Constitution Plaza
Hartford, CT 06103

CT

State of Incorporation

Liability Limit \$ 209,350.00

Signature

Angela M. Tindol
Attorney-in-Fact

Type Name and Title

713-430-6000

Telephone Number

Corporate Seal

Countersigned

By: William L. Parker
William L. Parker, FL Resident Agent

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
TRAVELERS CASUALTY AND SURETY COMPANY
FARMINGTON CASUALTY COMPANY
Hartford, Connecticut 06183-9062

POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S)-IN-FACT

KNOW ALL PERSONS BY THESE PRESENTS, THAT TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, corporations duly organized under the laws of the State of Connecticut, and having their principal offices in the City of Hartford, County of Hartford, State of Connecticut, (hereinafter the "Companies") hath made, constituted and appointed, and do by these presents make, constitute and appoint: William N. Burke, Michael J. Herrod, Wendy W. Stuckey, Karen M. Kellner, Lupe Tamayo, Joan Bagnall, Margaret Buboltz, Angela M. Tindol, Lisa M. Loeffler, of Houston, Texas, their true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any place within the United States, the following instrument(s): by his/her sole signature and act, any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any and all consents incident thereto and to bind the Companies, thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Companies, and all the acts of said Attorney(s)-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This appointment is made under and by authority of the following Standing Resolutions of said Companies, which Resolutions are now in full force and effect:

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her.

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary.

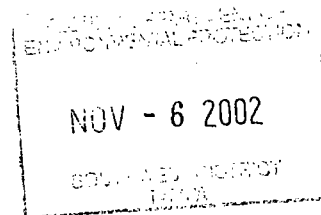
VOTED: That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary, or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile (mechanical or printed) under and by authority of the following Standing Resolution voted by the Boards of Directors of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, which Resolution is now in full force and effect:

VOTED: That the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature and facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.



RIDER



To be attached to and form part of Bond No. 103776553.

Issued on behalf of Cemex, Inc. as Principal, and in favor of State of Florida as Obligee.

It is agreed that:

☒ 1. The Surety hereby gives its consent to change the Name:

from: Cemex, Inc.
to: Cemex Cement Inc.

☐ 2. The Surety hereby gives its consent to change the Address

from:
to:

☒ 3. The Surety hereby gives its consent to change the FDEP I.D. No., Name, Address

from: 71066-001-WT Cemex (f/k/a Southdown) Waste Tire Processing Facility Hillsborough County
to: WACS 0004077 Cemex Cement Waste Tire Facility 16301 Ponce de Leon, Brooksville, FL 34614
Hernando County

4. This rider shall become effective as of 10/21/2002 :

PROVIDED, however, that the liability of the Surety under the attached bond as changed by this Rider shall not be cumulative.

Signed, sealed and dated 10/21/2002

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

By: Lisa A. Ward
Lisa A. Ward Attorney-in-Fact

Accepted: _____
Obligee

or CEMEX CEMENT INC.
Principal

By: _____

By: Everardo Villarreal
Treasurer

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
TRAVELERS CASUALTY AND SURETY COMPANY
FARMINGTON CASUALTY COMPANY
Hartford, Connecticut 06183-9062

POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S)-IN-FACT

KNOW ALL PERSONS BY THESE PRESENTS, THAT TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, corporations duly organized under the laws of the State of Connecticut, and having their principal offices in the City of Hartford, County of Hartford, State of Connecticut, (hereinafter the "Companies") hath made, constituted and appointed, and do by these presents make, constitute and appoint: **William N. Burke, Michael J. Herrod, Wendy W. Stuckey, Lupe Tamayo, Margaret Buboltz, Angela M. Tindol, Lisa M. Loeffler, Lisa A. Ward, Patti A. Ebarb,** of Houston, Texas, their true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any place within the United States, the following instrument(s): by his/her sole signature and act, any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any and all consents incident thereto and to bind the Companies, thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Companies, and all the acts of said Attorney(s)-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This appointment is made under and by authority of the following Standing Resolutions of said Companies, which Resolutions are now in full force and effect:

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her.

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary.

VOTED: That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary, or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile (mechanical or printed) under and by authority of the following Standing Resolution voted by the Boards of Directors of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, which Resolution is now in full force and effect:

VOTED: That the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

DECREASE CERTIFICATE

(Duplicate Original)

**TRAVELERS CASUALTY AND SURETY COMPANY
TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
Hartford, Connecticut 06183**

NOV - 6 2002

SOLICIT DISTRICT

Bond No. 103776585

Amount of Bond \$ 209,350.00

Principal CEMEX, INC.

Hereby decreased to \$ 170,829.60

Obligee STATE OF FLORIDA

As of the 23rd day of April, 2002, the amount of the above described bond is decreased from the sum of \$ 209,350.00 to the sum of \$ 170,829.60. The liability of the surety for any acts or defaults occurring after the effective date hereof, and for any acts or defaults occurring prior to the effective date hereof and not discovered after the effective date hereof, shall in no event exceed the sum last named. The aggregate liability of the surety for any and all acts and defaults, whenever committed, shall in no event exceed the sum first named, it being the intent hereof to preclude cumulative liability. This certificate, when signed by the Obligee (Employer, or Insured) shall become part of the said bond.

Signed, sealed and dated this 14th day of June, 2002.

By: Lisa A. Ward
Lisa A. Ward, Attorney-in-Fact

This certificate was executed by the surety pursuant to my (our) request, and in consideration of a reduced premium I (we) hereby formally consent to the decrease.

Signed, sealed and dated this 14th day of June, 2002.

Adrienne Jones
Adrienne Jones (Witness)CEMEX, INC. (Seal)
(Obligee, Employer, or Insured)Attest Kara R. Williams
Kara R. WilliamsBy Everardo Villarreal Treasurer**INSTRUCTIONS TO AGENTS — IMPORTANT**

Do not deliver this certificate to the Obligee (Employer, or Insured) until that party has signed, sealed and dated it. In case of individual, schedule, or specific excess indemnity, execution on behalf of the Obligee (Employer, or Insured) by the person whose bond is being decreased is not acceptable.

One signed copy must be returned to the surety.

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
TRAVELERS CASUALTY AND SURETY COMPANY
FARMINGTON CASUALTY COMPANY
Hartford, Connecticut 06183-9062

POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S)-IN-FACT

KNOW ALL PERSONS BY THESE PRESENTS, THAT TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY corporations duly organized under the laws of the State of Connecticut, and having their principal offices in the City of Hartford, County of Hartford, State of Connecticut, (hereinafter the "Companies") hath made, constituted and appointed, and do by these presents make, constitute and appoint: William N. Burke, Michael J. Herrod, Wendy W. Stuckey, Karen M. Kellner, Lupe Tamayo, Joan Bagnall, Margaret Buboltz, Angela M. Tindol, Lisa M. Loeffler, of Houston, Texas, their true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any place within the United States, the following instrument(s): by his/her sole signature and act, any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any and all consents incident thereto and to bind the Companies, thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Companies, and all the acts of said Attorney(s)-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This appointment is made under and by authority of the following Standing Resolutions of said Companies, which Resolutions are now in full force and effect:

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her.

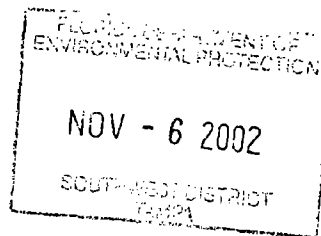
VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary.

VOTED: That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary, or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile (mechanical or printed) under and by authority of the following Standing Resolution voted by the Boards of Directors of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, which Resolution is now in full force and effect:

VOTED: That the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

RIDER
(Duplicate Original)



To be attached to and form part of Bond No. 103776585

issued on behalf of CEMEX, INC. (Principal)

and in favor of STATE OF FLORIDA (Obligee)

executed by TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA,

as Surety, in the amount of One Hundred Seventy Thousand Eight Hundred Twenty-Nine & 60/100 Dollars

effective 03/31/2002

The Principal and the Surety hereby consent to changing the said bond as follows:

Amending the FDEP I.D. No. _____

From: WACS 00040777

To: 126785-001-SF

This Rider is effective as of 04/23/2002

Nothing contained herein shall vary, alter or extend any provision or condition of the said bond other than as specifically stated above.

Signed, sealed and dated (enter below)
06/14/2002

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

By Lisa A. Ward
Lisa A. Ward Attorney-in-Fact

**TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
TRAVELERS' CASUALTY AND SURETY COMPANY
FARMINGTON CASUALTY COMPANY
Hartford, Connecticut 06183-9062**

POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S)-IN-FACT

KNOW ALL PERSONS BY THESE PRESENTS, THAT TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, corporations duly organized under the laws of the State of Connecticut, and having their principal offices in the City of Hartford, County of Hartford, State of Connecticut, (hereinafter the "Companies") hath made, constituted and appointed, and do by these presents make, constitute and appoint: **William N. Burke, Michael J. Herrod, Wendy W. Stuckey, Lupe Tamayo, Margaret Buboltz, Angela M. Tindol, Lisa M. Loeffler, Lisa A. Ward, Patti A. Ebarb, of Houston, Texas,** their true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any place within the United States, the following instrument(s): by his/her sole signature and act, any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any and all consents incident thereto and to bind the Companies, thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Companies, and all the acts of said Attorney(s)-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This appointment is made under and by authority of the following Standing Resolutions of said Companies, which Resolutions are now in full force and effect:

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her.

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary.

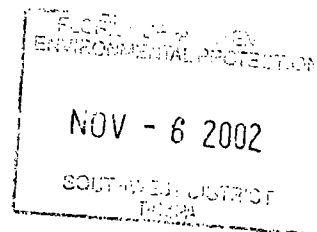
VOTED: That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary, or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile (mechanical or printed) under and by authority of the following Standing Resolution voted by the Boards of Directors of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, which Resolution is now in full force and effect:

VOTED: That the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.



RIDER



To be attached to and form part of Bond No. 103776585.

Issued on behalf of CEMEX, INC. as Principal, and in favor of STATE OF FLORIDA as Obligee.

It is agreed that:

☒ 1. The Surety hereby gives its consent to change the **Name**:

from: Cemex, Inc.
to: Cemex Cement Inc.

☐ 2. The Surety hereby gives its consent to change the **Address**

from:
to:

☐ 3. The Surety hereby gives its consent to change the _____

from:
to:

4. This rider shall become effective as of 10/21/02:

PROVIDED, however, that the liability of the Surety under the attached bond as changed by this Rider shall not be cumulative.

Signed, sealed and dated 10/21/02.

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

By: Lisa A. Ward
Lisa A. Ward Attorney-in-Fact

Accepted: _____
Obligee

or CEMEX CEMENT INC.
Principal

By: _____

By: Everardo Villafraa
Treasurer

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
TRAVELERS CASUALTY AND SURETY COMPANY
FARMINGTON CASUALTY COMPANY
Hartford, Connecticut 06183-9062

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