



SEP 19 2013

Southwest District

September 17, 2013

Mr. Steven G. Morgan, Waste Management Section
Florida Department of Environmental Protection
Southwest District Office
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

Re: Permit No. 22787-004-SO/31, Proof of Publication – Public Notice of Intent to
Issue Alternative Fuels Storage Permit

Dear: Mr. Morgan:

Please find enclosed the affidavit and article that was published in the legal section of the
Tampa Bay Times (Hernando County addition) on September 8, 2013.

Should you have any questions and/or comments concerning this submittal or require
additional information, please contact me at 352-799-7881.

Respectfully,

George Townsend

pc: Jim Daniel, Plant Manager
Tammy Reed, P.E., Koogler & Associates

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Tampa Bay Times

Published Daily

St. Petersburg, Pinellas County, Florida

SEP 19 2013

STATE OF FLORIDA
COUNTY OF Pinellas

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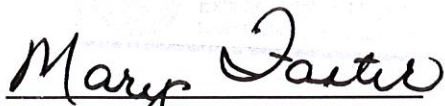
Before the undersigned authority personally appeared **D. Almeida** who on oath says that he/she is **Legal Clerk** of the **Tampa Bay Times** a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a **Legal Notice** in the matter **RE: INTENT TO ISSUE** was published in said newspaper in the issues of **Classified Hernando & Citrus, 9/8/2013**.

Affiant further says the said **Tampa Bay Times** is a newspaper published at St. Petersburg, in said Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as second class mail matter at the post office in St. Petersburg, in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he /she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Signature of Affiant

Sworn to and subscribed before me
this **10th** day of **September** A.D.2013



Signature of Notary Public

Personally known or produced identification

Type of identification produced _____

Southwest District

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of _____
Application for Permit by: _____ Permit No.: 22787-004-SO/31
Hernando County

James S. Daniel, Plant Manager
CEMEX Construction Materials Florida, LLC
10311 Cement Plant Road
Brooksville, Florida 34601

INTENT TO ISSUE

The Department of Environmental Protection gives notice of its intent to issue an operation/closure permit (copy attached) for the proposed project as detailed in the applications specified above, for the reasons stated below.

The applicant, CEMEX Construction Materials Florida, LLC, applied on November 16, 2012 to the Department of Environmental Protection for a permit to operate an alternative fuel material processing facility, referred to as the CEMEX Brooksville South Cement Plant Alternative Fuel Material Processing Facility, subject to the specific and general conditions attached, to be located at 10311 Cement Plant Road, Brooksville, Hernando County, Florida.

The Department has permitting jurisdiction under Sections 403.707 and 403.861, Florida Statutes (F.S.), and Chapters 62-4 and 62-701, Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that a solid waste operation/closure permit is required for the proposed work.

The Department intends to issue this permit based on its belief that reasonable assurances have been provided to indicate that the proposed project will not adversely impact water quality and the proposed project will comply with appropriate provisions of Chapters 62-4 and 62-701, F.A.C., subject to the specific conditions attached in the permit.

Pursuant to Section 403.815, Florida Statutes and Chapters 62-110 and 28-106, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Proposed Agency Action on Permit Application. The notice must be published one time only within thirty (30) days of receipt of this intent in the legal ad section of a newspaper of general circulation in the area affected. Proof of publication must be provided to the Department within seven (7) days of publication of the notice. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit. The Department will issue the permit with the attached conditions unless petition for administrative proceeding (hearing) is filed pursuant to the provisions of Sections 120.569 and 120.57, Florida Statutes.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57 of the Florida Statutes. 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 other person 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. A petitioner must 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 (or a request for mediation, as discussed below) 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 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number, and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the action or proposed action addressed in this notice of intent.

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 notice of intent. 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.

Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within fourteen days of receipt of this notice of intent.

When the Order (Permit) is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, 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 30 days from the date the Final Order is filed with the Clerk of the Department.