

Bobby

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA ROCK INDUSTRIES,
Thompson S. Baker Cement Plant,

Petitioner,

v.

OGC #05-0679
DEP Permit 0010087-013-AC

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

ORDER GRANTING REQUEST FOR EXTENSION
OF TIME TO FILE PETITION FOR HEARING

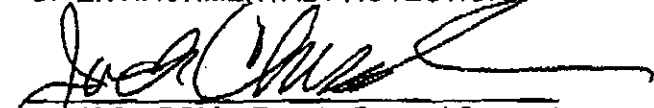
This cause has come before the Florida Department of Environmental Protection upon receipt of a request made by Petitioner Florida Rock Industries, to grant an extension of time to file a petition for an administrative hearing to allow time to provide certain information to the FDEP on several specific permit conditions for its facility in Duval County, Florida. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until **May 27, 2005**, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED in this *17th* day of April, 2005, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard, M.S. 35
Tallahassee, Florida 32399-3000
850-245-2242 facsimile 850-245-2302

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via
_ U. S. Mail facsimile only, this 19th day of April, 2005, to:

Segundo J. Fernandez
Oertel, Fernandez, Cole
& Bryant, P.A.
P. O. Box 1110
Tallahassee, FL 32302

facsimile: 850-521-0720



W. Douglas Beason, Assistant General Counsel
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION
3900 Commonwealth Boulevard - Mail Station 35
Tallahassee, FL 32399-3000
850-245-2242 facsimile 850-245-2302

with a courtesy copy to:

Trina L. Vielhauer
Chief
Bureau of Air Regulation

facsimile: 850-921-9533

B. B. Bay

RECEIVED

APR 12 2005

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF AIR
RESOURCE MANAGEMENT

Draft Permit No.: 0010087-013-AC;
PSD-FL-350
Project: Draft Air Construction Permit for
Construction of a New Dry Process, Pre-
Heater/Pre-Calculator Kiln System at the
Thompson S. Baker Cement Plant

IN RE: IN THE MATTER OF AN
APPLICATION FOR PERMIT BY
FLORIDA ROCK INDUSTRIES

155 East 21st Street
Jacksonville, Florida 32202

Permittee/Permit Applicant.

**REQUEST FOR EXTENSION OF TIME TO FILE A SECTION
120.57(1), FLORIDA STATUTES, PETITION FOR FORMAL
ADMINISTRATIVE PROCEEDINGS**

Permittee/Permit Applicant, Florida Rock Industries, Inc., by and through its undersigned counsel, hereby files this its Request for Extension of Time to File a Petition for Formal Administrative Proceedings pursuant to Sections 120.569 and 120.57(1), Florida Statutes.

1. On March 29, 2005, the Florida Department of Environmental Protection ("Department") issued an Intent to Issue and Draft Permit in the above-referenced matter. The permit applicant received a copy of the Intent to Issue on March 29, 2005.
2. The Intent to Issue advised that "petitions filed by the permit applicant ... must be filed within fourteen (14) days of receipt of this notice of intent."
3. This request for extension of time is timely filed within the "Point of Entry Provisions" of the Department's Notice of Intent.

4. Extensions of time in which to file Petitions for Hearing are allowed under Chapter 120, Florida Statutes, and Rules 28-106.111(3) and 62-110.106(4), Florida Administrative Code.

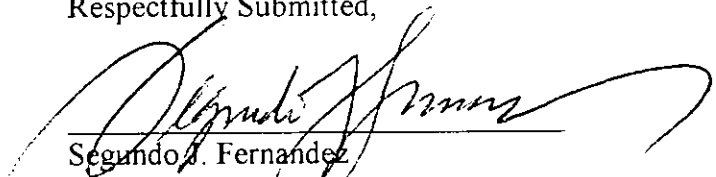
5. The applicant seeks a forty-five (45) day extension of time in order to meet with Department staff and to review the draft permit to correct typographical and scrivener's errors.

6. Pursuant to Rule 28-106.111(3), Florida Administrative Code, the undersigned certifies that he has consulted with Trina L. Vielhauer, Chief, Bureau of Air Regulation, FDEP, who has no objection to this request.

7. Consequently, the applicant seeks additional time to file a Petition for Hearing up to and including May 27, 2005.

8. In an overabundance of caution, if for any reason this request is not granted or is otherwise disregarded, Florida Rock Industries, Inc. would specifically request, by means of this pleading, a formal administrative proceeding pursuant to Section 120.569 and 120.57(1), Florida Statutes.

Respectfully Submitted,



Segundo J. Fernandez
Florida Bar No. 218391
Timothy P. Atkinson
Florida Bar No. 982260

OERTEL, FERNANDEZ, COLE &
BRYANT, P.A.
301 South Bronough Street, Suite 500
Post Office Box 1110
Tallahassee, Florida 32302

Attorneys for Permittee/Permit Applicant,
Florida Rock Industries

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and a copy of the foregoing document was filed via Hand Delivery to Kathy Carter, Agency Clerk of the Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399 and a copy was Hand Delivered to Trina Vielhauer, Florida Department of Environmental Protection, Air Division, 2600 Blairstone Road, MS-5500, Tallahassee, Florida 32399, on this 12th day of April 2005.


ATTORNEY

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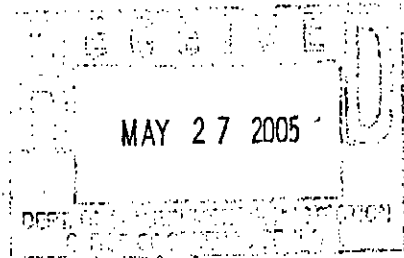
BEFORE THE STATE OF FLORIDA
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FLORIDA ROCK INDUSTRIES

155 East 21st Street
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Permittee/Permit Applicant.



**REQUEST FOR EXTENSION OF TIME TO FILE A SECTION
120.57(1), FLORIDA STATUTES, PETITION FOR FORMAL
ADMINISTRATIVE PROCEEDINGS**

Permittee/Permit Applicant, Florida Rock Industries, Inc., by and through its undersigned counsel, hereby files this its Request for a further Extension of Time to File a Petition for Formal Administrative Proceedings pursuant to Sections 120.569 and 120.57(1), Florida Statutes.

1. On March 23, 2005, the Florida Department of Environmental Protection ("Department") issued an Intent to Issue and Draft Permit in the above-referenced matter. The permit applicant received a copy of the Intent to Issue on March 29, 2005.

2. The Intent to Issue advised that "petitions filed by the permit applicant ... must be filed within fourteen (14) days of receipt of this notice of intent."

3. This request for extension of time is timely filed. The applicant previously filed its initial request for additional time to file a petition for formal

administrative proceedings within the fourteen (14) day period. The Department's order granted Permittee/Permit applicant's request for extension of time by its order dated April 19, 2005. (See attached).

4. Extensions of time in which to file Petitions for Hearing are allowed under Chapter 120, Florida Statutes, and Rules 28-106.111(3) and 62-110.106(4), Florida Administrative Code.

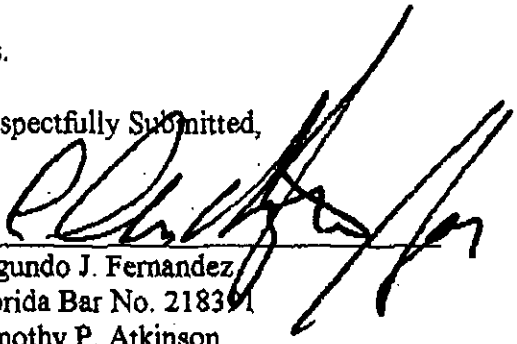
5. The applicant seeks a forty-five (45) day extension of time in order to meet with Department staff and to review the draft permit following the Department's receipt of public comments.

6. Pursuant to Rule 28-106.111(3), Florida Administrative Code, the undersigned certifies that he has unsuccessfully attempted to contact counsel for the Department, Douglas Beason, regarding this motion.

7. Consequently, the applicant seeks additional time to file a Petition for Hearing up to and including July 11, 2005.

8. In an overabundance of caution, if for any reason this request is not granted or is otherwise disregarded, Florida Rock Industries, Inc. would specifically request, by means of this pleading, a formal administrative proceeding pursuant to Section 120.569 and 120.57(1), Florida Statutes.

Respectfully Submitted,



Segundo J. Fernandez
Florida Bar No. 218391
Timothy P. Atkinson
Florida Bar No. 982260

OERTEL, FERNANDEZ, COLE &

BRYANT, P.A.
301 South Bronough Street, Suite 500
Post Office Box 1110
Tallahassee, Florida 32302

Attorneys for Permittee/Permit Applicant,
Florida Rock Industries

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and a copy of the foregoing document was filed via Hand Delivery to Kathy Carter, Agency Clerk of the Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399 and a copy was Hand Delivered to Douglas Beason, Florida Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399, on this 27th day of May, 2005.


ATTORNEY

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