

To: *Pinkey File*

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DATE: January 29, 1999

TIME: _____

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AL LINERO	922-6979
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SCOTT BENYON	561/820-8388
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OUR FILE NUMBER: **4787.003**

FROM: **Dan Thompson**

NUMBER OF PAGES SENT: 3 (including cover page)

MESSAGE (if any):

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Daniel H. Thompson
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January 29, 1999

VIA HAND DELIVERY

C.H. Fancy, P.E., Chief
Bureau of Air Regulation
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: Permit Modification Application No. 0250014-006-AC
Rinker Modernization Project, Review of Permit Conditions
OGC Case No. 98-3190

Dear Clair:

By this letter Rinker Materials Corporation hereby withdraws the above-referenced application to modify certain permit conditions in Rinker's Air Construction Permit (Permit No. 0250014-002-AC). This withdrawal is without prejudice as to Rinker's ability to file a modification at a subsequent date in order to address the concerns Rinker sought to address in this modification. This could occur later during the construction phase or at the time of Rinker's application for its Title V permit for this facility.

This withdrawal is being made with the understanding that the Department accepts this withdrawal, will withdraw its intent to issue in this matter, and will close the permit file. Rinker further understands that the Department has no objection to Rinker's seeking these or other modifications in the future. Rinker recognizes that the Department will require, of course, that any such later modification request contain sufficient information to provide the Department with reasonable assurance that the modification will comply with Department standards and rules. Rinker also understands that the Department may readdress the modifications it proposed in the now-withdrawn intent to issue in conjunction with any future permit modifications sought by Rinker or upon the Department's own initiative. The Department and Rinker can address the appropriateness of any proposed Department-imposed conditions at that time.

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Based upon this understanding with the Department, Rinker will not file any further pleadings in OGC Case No. 98-3190. Jeff Brown has advised me that the Department will close the OGC file because the permit withdrawal will have rendered further proceedings moot. Since the current OGC order granting Rinker's request for an extension of time gives Rinker until close of business Monday, February 1, 1999, to file a petition challenging the Department's intent to issue, please let me know by 3:00 p.m. on Monday whether the Department considers incorrect any of the representations set forth in this letter. Thank you, Al Linero, Jeff Brown and the rest of the Department staff involved for your assistance and cooperation in resolving this matter.

Yours truly,

BERGER DAVIS & SINGERMAN



Daniel H. Thompson

DHT:eam

cc: Jeff Brown
Al Linero
Mike Vardeman
Scott Benyon
John Koogler