

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED  
NOV 02 1995  
BUREAU OF  
AIR REGULATION

TARMAC FLORIDA, INC.,

Petitioner,

vs.

OGC CASE NO. 95-2301

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Respondent.

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

This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner TARMAC FLORIDA, INC. under rule 62-103.070 of the Florida Administrative Code to grant an extension of time to file a petition for an administrative hearing on Application No. AC13-273887, PSD-FL-230. See Exhibit 1.

Counsel for Petitioner has discussed this request with counsel for the Respondent State of Florida Department of Environmental Protection, which has no objection to it. Therefore,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until November 15, 1995, 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, Tallahassee, Florida  
32399-3000.

DONE AND ORDERED on this 30<sup>th</sup> day of October, 1995 in  
Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
KENNETH J. PLANTE  
General Counsel

Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399-3000  
Telephone: (904) 488-9314

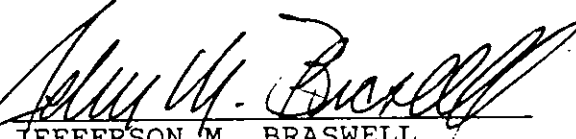
CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was mailed  
to:

James S. Alves, Esquire  
Gary V. Perko, Esquire  
HOPPING GREEN SAMS & SMITH, P.A.  
Post Office Box 6526  
123 South Calhoun Street  
Tallahassee, Florida 32314

on this 1<sup>st</sup> day of ~~October~~ November, 1995.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
JEFFERSON M. BRASWELL  
Assistant General Counsel  
Florida Bar No. 800996

3900 Commonwealth Boulevard  
Tallahassee, FL 32399-3000  
Telephone: (904) 488-9730

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED

SEP 27 1995

DEPARTMENT OF  
ENVIRONMENTAL PROTECTION  
OFFICE OF GENERAL COUNSEL

In the Matter of  
Application for Permit by:

DEP File No. AC 13-273887  
PSD-FL-230  
Dade County

Tarmac Florida, Inc.  
455 Fairway Drive  
Deerfield Beach, Florida 33441

OGC Case No. 95- 2301

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REQUEST FOR EXTENSION OF TIME

Tarmac Florida, Inc. ("Tarmac"), by and through undersigned counsel, hereby requests an extension of time, through November 15, 1995, to file a petition for formal administrative proceedings in accordance with Section 120.57(1), Florida Statutes, regarding a proposed air construction permit for a blast furnace slag processing operation at the Pennsuco Cement Plant in Medley, Dade County, Florida [DEP File No. AC 13-273887/PSD-FL-230]. This request for an extension of time is filed pursuant to Rule 62-103.070, Florida Administrative Code. In support of the request, Tarmac states:

1. On September 15, 1995, Tarmac received the Department's Notice of Intent to Issue the above-referenced permit [DEP File No. AC 13-273887/PSD-FL-230]. Under the terms of the notice, Tarmac has until October 2, 1995, to file a petition for administrative proceedings on the proposed permit.

2. The proposed permit contains twenty-one specific conditions, some of which appear to warrant clarification, revision, or other change.

3. Representatives of Tarmac have been or will be conferring with representatives of the Department in an attempt to reach agreement on mutually acceptable permit language. However, additional time is needed to reach such an agreement.

4. This request is filed simply as a protective measure to avoid waiver of Tarmac's right to challenge objectionable conditions in the proposed permit. Grant of this request will not prejudice either party, but will further their mutual interest and likely avoid the need to initiate formal administrative proceedings.

5. I hereby certify that I have attempted to confer with Jefferson M. Braswell, Esq., of the Department's Office of General Counsel, but was not able to reach Mr. Braswell to determine the Department's position on the requested extension.

WHEREFORE, Tarmac respectfully requests that the Department enter an order granting it through and until November 15, 1995, to file a petition for formal administrative proceedings regarding the proposed air construction permit [DEP File No. AC 13-273887/PSD-FL-230] for a blast furnace slag processing operation at the Pennsuco Cement Plant in Medley, Dade County, Florida.

Respectfully submitted this 27<sup>th</sup> day of September, 1995.

HOPPING GREEN SAMS & SMITH, P.A.

By: 

James S. Alyes  
Gary V. Perko  
Post Office Box 6526  
123 South Calhoun Street  
Tallahassee, Florida 32314  
(904) 222-7500

Attorneys for TARMAC FLORIDA, INC.

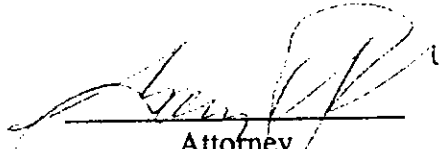
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original and one true and correct copy of the foregoing motion was hand-delivered to Kathy Carter, Clerk, Department of Environmental Protection, 3900 Commonwealth Blvd., Tallahassee, FL 32399-2400, and a true and correct copy was sent to the following this 27<sup>th</sup> day of September, 1995.

**BY HAND-DELIVERY**

Jefferson M. Braswell, Esquire  
Office of General Counsel  
Department of Environmental Protection  
3900 Commonwealth Blvd., Room 353-3  
Tallahassee, Florida 32399-3000 .

Clair H. Fancy, P.E., Chief  
Bureau of Air Regulation  
Division of Air Resources Management  
Department of Environmental Protection  
111 South Magnolia, Suite 4  
Tallahassee, FL 32301

  
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Attorney

cc: W. Hanks  
C. Holladay