

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

TARMAC AMERICA, INC.
Tarmac Pennsuco Cement Plant

Petitioner,

v.

OGC CASE NO. 04-1739
FDEP Draft Permit No.:0250020-013-AV

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent,
_____ /

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


This cause has come before the Department of Environmental Protection upon receipt of a request made by Petitioner, Tarmac America Inc., to grant an eleventh extension of time to file a petition for an administrative hearing to allow time to discuss with DEP several specific permit conditions for its facility in Miami-Dade 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 an administrative hearing is **GRANTED**. Petitioner shall have until **December 29, 2006**, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. The aforementioned Order shall be final agency action if Petitioner fails to timely file a petition for administrative hearing by the above deadline.

DONE AND ORDERED on this 12 day of October, 2006, in Tallahassee,
Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

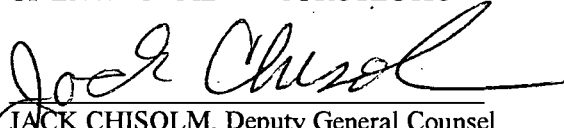

JACK CHISOLM
Deputy General Counsel
3900 Commonwealth Blvd., MS-35
Tallahassee, Fl. 32399-3000
Telephone: (850) 245-2242

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via:
U.S. Mail facsimile Federal Express hand delivery, this 12 day of October, 2006,

Robert A. Manning
Hopping Green & Sams, P.A.
P. O. Box 6526
Tallahassee, Florida 32314

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


JACK CHISOLM, Deputy General Counsel
State of Florida Department of Environmental
Protection
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850-245-2242 facsimile 850-245-2302

with a courtesy copy to:

Trina L. Vielhour
Chief
Bureau of Air Regulation

Gibson, Victoria

From: Gibson, Victoria
Sent: Friday, October 13, 2006 10:34 AM
To: Linero, Alvaro; Heron, Teresa
Subject: FW: Tarmac Order Granting Ext. of Time

Importance: High

Attachments: Di4700610131024.PDF



Di4700610131024.
PDF (376 KB)

FYI,

Vickie

-----Original Message-----

From: Gingery, Betsy
Sent: Friday, October 13, 2006 10:27 AM
To: Vielhauer, Trina
Cc: Gibson, Victoria
Subject: Tarmac Order Granting Ext. of Time

for your files

-----Original Message-----

From: Knight, Barnard
Sent: Friday, October 13, 2006 10:25 AM
To: Gingery, Betsy
Subject: From KONICA MINOLTA Di470

Gibson, Victoria

From: Gibson, Victoria
Sent: Thursday, October 12, 2006 12:02 PM
To: Linero, Alvaro; Heron, Teresa
Subject: FW: Tarmac 0250020-013-AV

FYI,

Vickie

From: Gibson, Victoria
Sent: Thursday, October 12, 2006 12:01 PM
To: Gingery, Betsy
Subject: RE: Tarmac 0250020-013-AV

Okay....thanks....

From: Gingery, Betsy
Sent: Thursday, October 12, 2006 12:00 PM
To: Miskelley, Valerie; Gibson, Victoria
Subject: RE: Tarmac 0250020-013-AV

Jack is doing an order granting until 12/9/06. I have a few edits to do then it will be signed off on and sent out

-----Original Message-----

From: Miskelley, Valerie
Sent: Thursday, October 12, 2006 11:56 AM
To: Gibson, Victoria
Cc: Gingery, Betsy
Subject: RE: Tarmac 0250020-013-AV

Betsy Gingery is handling this for Jack...

-----Original Message-----

From: Gibson, Victoria
Sent: Thursday, October 12, 2006 11:53 AM
To: Miskelley, Valerie
Subject: Tarmac 0250020-013-AV

Hi,

The last thing I heard from the permit writer was that this request for an extension of time would be granted; could you tell me the status of this?

Thanks.

Vickie

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
DEP/Bureau of Air Regulation
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533

Gibson, Victoria

From: Linero, Alvaro
Sent: Tuesday, October 03, 2006 6:42 PM
To: Gibson, Victoria
Cc: Heron, Teresa; Vielhauer, Trina
Subject: RE: TARMAC

Vicky:

I saw Jack Chisolm today.

I explained the exact situation and reason for all the extension requests.

Told him we will issue an action (Renewal of Title V Permit) soon that will make all this moot (Revising Initial Title V Permit).

After listening to it all, he concluded the best action was for him to go ahead and grant.

When we issue the Renewal, we will withdraw the Intent for the one they filed the extensions on. They will then close that OGC file.

Then Tarmac will withdraw those old applications, thus closing our files.

Al.

-----Original Message-----

From: Gibson, Victoria
Sent: Tue 10/3/2006 10:52 AM
To: Linero, Alvaro; Heron, Teresa
Cc:
Subject: TARMAC

Hi,

We recently received TARMAC's request for additional time to file an extension; will we grant or deny this one?

Vickie

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
DEP/Bureau of Air Regulation
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533

10/4/2006

Gibson, Victoria

From: Crandall, Lea
Sent: Friday, September 29, 2006 12:09 PM
To: Gibson, Victoria
Subject: RE: Tarmac America -- Received a copy of the Extension Request

No thanks, I'm sure it will be along soon - if not, I'll let you know.

Enjoy the weekend!

Lea Crandall

Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

-----Original Message-----

From: Gibson, Victoria
Sent: Friday, September 29, 2006 12:06 PM
To: Crandall, Lea
Subject: RE: Tarmac America -- Received a copy of the Extension Request

Would you like a fax or scan copy for any reason asap

From: Crandall, Lea
Sent: Friday, September 29, 2006 12:03 PM
To: Gibson, Victoria
Subject: RE: Tarmac America -- Received a copy of the Extension Request

okay, thanks. I haven't rec'd. a copy yet, but I'm sure I will.

Thanks,
Lea

Lea Crandall

Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

-----Original Message-----

From: Gibson, Victoria
Sent: Friday, September 29, 2006 12:03 PM
To: Crandall, Lea
Subject: Tarmac America -- Received a copy of the Extension Request
Importance: High

Hi,

I just received the hand delivered copy of TARMAC's 11th request for an extension of time on 0250020-013-AV.

Just wanted you to know that I don't need an e-mail copy of it.

Have a great weekend; enjoy the beautiful weather.

Vickie

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
DEP/Bureau of Air Regulation
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED
SEP 29 2006
BUREAU OF AIR REGULATION

In the Matter of an
Application for Permit by:

OGC CASE NO.: 04-1739
FDEP Draft Permit No.: 0250020-013-AV

Tarmac America, Inc.
Tarmac Pennsuco Cement Plant
Miami-Dade County, Florida

ELEVENTH REQUEST FOR ENLARGEMENT OF TIME

By and through undersigned counsel, Tarmac America, Inc. (Tarmac) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including December 29, 2006, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Tarmac states the following:

1. On or about October 5, 2004, Tarmac America, Inc. received from the Department of Environmental Protection ("Department") an "Intent to Issue Title V Air Operation Permit Revision" and accompanying "Revised Draft Permit," (Draft Permit No.0250020-013-AV), for the Tarmac Pennsuco Cement Plant, located at 11000 NW 121 Way, Medley, Miami-Dade County, Florida.

2. Based on Tarmac's review, the Revised Draft Permit and associated documents contain several provisions that warrant clarification or corrections.

3. Tarmac and DEP are in the process of discussing possible resolutions to the issues needing clarification or correction.

4. Tarmac filed a Tenth Request for Enlargement of Time on March 29, 2006, extending the time until September 29, 2006; more time is needed to resolve the remaining issues. Moreover, Tarmac submitted an application to renew its Title V Permit in February, and presumably all of the issues can be combined and resolved as part of that process.

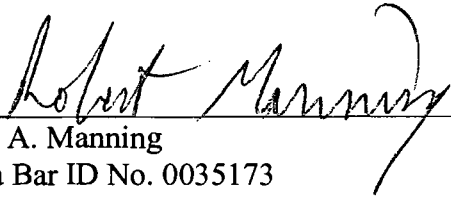
5. Accordingly, Tarmac hereby files this Eleventh Request for Enlargement of Time until December 29, 2006, in order to resolve remaining issues before the Department.

6. This eleventh request is filed simply as a protective measure to avoid waiver of Tarmac's right to challenge certain conditions contained in the Revised Draft Title V Permit. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing.

WHEREFORE, Tarmac America, Inc. respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Title V Air Operation Permit Revision No.0250020-013-AV be formally extended to and including December 29, 2006.

RESPECTFULLY SUBMITTED this 29th day of September, 2006.

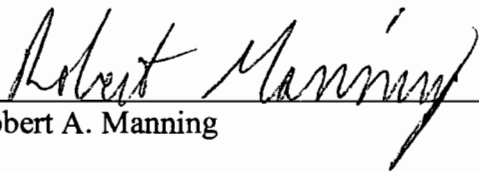
By: _____


Robert A. Manning
Florida Bar ID No. 0035173
Hopping Green & Sams, P.A.
123 South Calhoun Street
Post Office Box 6526
Tallahassee, Florida 32314
(850) 222-7500 Telephone
(850) 224-8551 Facsimile

Attorney for Tarmac America, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Lea Crandall, Agency Clerk, and Doug Beason, General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Suite 300, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399 this 29th day of September, 2006.



Robert A. Manning

Gibson, Victoria

From: Gibson, Victoria
Sent: Monday, September 25, 2006 10:46 AM
To: Linero, Alvaro
Cc: Heron, Teresa
Subject: RE: TARMAC 0250020-013-AV

Okay....thanks.....OGC should probably receive one sometime on or before this Friday, 9/29.

From: Linero, Alvaro
Sent: Monday, September 25, 2006 10:44 AM
To: Gibson, Victoria
Cc: Heron, Teresa
Subject: RE: TARMAC 0250020-013-AV

I probably do expect to receive one.

From: Gibson, Victoria
Sent: Monday, September 25, 2006 10:43 AM
To: Linero, Alvaro; Heron, Teresa
Subject: TARMAC 0250020-013-AV

Hi,

Do you expect to receive another request for an extension of time on this permit?

Vickie

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
DEP/Bureau of Air Regulation
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533