

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED  
AUG 19 2005  
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

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**SEVENTH 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 October 28, 2005, 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 Sixth Request for Enlargement of Time on May 18, 2005, extending the time until August 20, 2005; more time is needed to resolve the remaining issues.

5. Accordingly, Tarmac hereby files this Seventh Request for Enlargement of Time until October 28, 2005, in order to resolve remaining issues before the Department.

6. This seventh 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 October 28, 2005.

RESPECTFULLY SUBMITTED this 19th day of August, 2005.

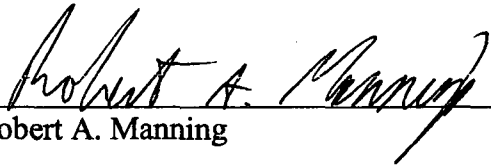
By: \_\_\_\_\_

*Robert A. Manning*  
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  
(850) 224-8551 Facsimile

Attorneys 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 Kathy Carter, 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 19th day of August, 2005.

  
Robert A. Manning

## Gibson, Victoria

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**From:** Gibson, Victoria  
**Sent:** Friday, August 19, 2005 3:33 PM  
**To:** Light, Lisa  
**Subject:** TARMAC

Hi,

Regarding the 7th request for extension of time on TARMAC; no plans to grant or deny....just hold.....the permit should be done soon.

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

*per al*

## Gibson, Victoria

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**From:** Crandall, Lea  
**Sent:** Friday, August 19, 2005 2:41 PM  
**To:** Phillips, Cindy; Light, Lisa; Warden, Stan; Gibson, Victoria  
**Subject:** Request for Ext. of Time Rec'd. - 0250020-013-AV - Tarmac

FYI, Seventh Request for Ext. of Time Rec'd. - 0250020-013-AV - Tarmac.

Thanks,  
Lea

## Gibson, Victoria

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**From:** Gibson, Victoria  
**Sent:** Friday, August 19, 2005 12:00 PM  
**To:** Crandall, Lea  
**Subject:** TARMAC

Happy Friday!!

As you probably have seen already.....I did receive today a hand delivered copy of their request for an extension of time.

Thanks.

Have a great weekend.

*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**

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**From:** Vielhauer, Trina  
**Sent:** Wednesday, August 17, 2005 11:55 AM  
**To:** Heron, Teresa  
**Cc:** Gibson, Victoria; Linero, Alvaro  
**Subject:** RE: Tarmac Extension of time request 0250020-013-AV: Request fro Enlargement of Time

Teresa,  
It is confusing, isn't it! :>

These are two different issues.

1. The Title V project/extension of time that is expiring is different from what Dave sent. The extension that is expiring is the company's extension of time to file a petition for hearing.
2. Dave sent us a waiver of the 90-day permit processing timeclock. That's a different issue.

We/they may need two different items.

To address item 1, the company needs to file an additional request to extend the timeframe for petitioning the Title V permit. That would largely resemble what they've filed previously but wouldn't need to be signed by an attorney.

On item 2, do we need additional time on the AC? If we do [because the co-processing with Title V doesn't stop our 90-day issuance clock on the AC; it does extend our time to send an RAI], then we would also need the waiver that Dave submitted.

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**From:** Heron, Teresa  
**Sent:** Wednesday, August 17, 2005 11:33 AM  
**To:** Vielhauer, Trina  
**Cc:** Gibson, Victoria  
**Subject:** FW: Tarmac Extension of time request 0250020-013-AV: Request fro Enlargement of Time

RE: Pending project 0250020-013-AV

Trina: Is this format acceptable? It is different that all the previous one and it is not signed by an attorney. Please let me know. Thanks, Teresa

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**From:** Buff, Dave [mailto:DBuff@GOLDER.com]  
**Sent:** Wednesday, August 17, 2005 10:15 AM  
**To:** Heron, Teresa  
**Cc:** ATownsend@titanamerica.com; Lancaster Terry  
**Subject:** RE: Tarmac Extension of time request 0250020-013-AV

Teresa, thanks for the heads up. Attached is the request for additional time. Let me know if this works. Thanks again.

David A. Buff, P.E., Q. E. P.  
Golder Associates Inc.  
Phone: (352)336-5600 x 545

8/18/2005

Fax: (352)336-6603    Mobile: (325)514-5600  
E-Mail: dave\_buff@golder.com

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**From:** Heron, Teresa [mailto:Teresa.Heron@dep.state.fl.us]  
**Sent:** Wednesday, August 17, 2005 9:24 AM  
**To:** Buff, Dave  
**Subject:** Tarmac Extension of time request 0250020-013-AV

This extension of time request will expire August 20, 2005

*Thanks,  
Teresa Heron, Engineer  
Permitting South Section  
Bureau of Air Regulation  
Phone 850/921-9529  
teresa.heron@dep.state.fl.us*

8/18/2005



STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

WAIVER OF PERMIT APPLICATION PROCESSING TIME PERIODS  
UNDER SECTIONS 120.60(1), 403.0872 AND 403.0876 FLORIDA STATUTES

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Applicant: **Titan America, LLC**

Permit Application/Project: **0250020-013-AV**  
**Title V Air Operation Permit Revision**

Facility ID No.: **0250020**

The undersigned has read sections 120.60(1), 403.0872 and 403.0876, Florida Statutes, and fully understands the applicant's rights under those sections.

With regard to the above referenced permit application, the applicant hereby with full knowledge and understanding of its rights under Sections 120.60(1), 403.0872, and 403.0876, Florida Statutes, waives the right under Sections 120.60(1), 403.0872, and 403.0876, Florida Statutes, to have the application approved or denied by the State of Florida Department of Environmental Protection within the 90-day time period prescribed in Sections 120.60(1), and 403.0876, Florida Statutes.

Said waiver is made freely and voluntarily by the applicant, is in its self interest and without any pressure or coercion by anyone employed by the State of Florida Department of Environmental Protection.

This waiver shall expire on **November 20, 2005**, at which time all processing time clocks will resume.

The undersigned is authorized to make this waiver on behalf of the applicant.

Signature David A. Buff

Date 8/17/2005

By: David A. Buff, P.E.  
Golder Associates Inc.  
6241 NW 23 Street  
Gainesville, FL 32653

## Gibson, Victoria

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**From:** Gibson, Victoria  
**Sent:** Monday, July 18, 2005 12:03 PM  
**To:** Light, Lisa  
**Cc:** Vielhauer, Trina; Heron, Teresa  
**Subject:** RE: Tarmac?

Okay, thanks.. I will let Trina know.

Vickie

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**From:** Light, Lisa  
**Sent:** Monday, July 18, 2005 12:02 PM  
**To:** Gibson, Victoria  
**Subject:** RE: Tarmac?

Ok... Fine by us.... but FYI, this popped up because Robert Manning's assistant Susan called about the orders this morning, asking about them.

Lisa ☺

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

**From:** Gibson, Victoria  
**Sent:** Monday, July 18, 2005 12:00 PM  
**To:** Light, Lisa  
**Subject:** RE: Tarmac?

We are going to let them sit for now.

Vickie

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**From:** Light, Lisa  
**Sent:** Monday, July 18, 2005 11:46 AM  
**To:** Gibson, Victoria  
**Subject:** RE: Tarmac?

OK, so are you going to grant the extension requests? Or are we just letting them sit for now?

Lisa ☺

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

**From:** Gibson, Victoria  
**Sent:** Monday, July 18, 2005 11:24 AM  
**To:** Light, Lisa  
**Subject:** RE: Tarmac?

A new permit is being drafted to replace the old permit

Vickie

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**From:** Light, Lisa  
**Sent:** Monday, July 18, 2005 10:20 AM  
**To:** Gibson, Victoria  
**Subject:** Tarmac?

Vicky, what's up with Tarmac? [OGC #04-1739, 0250020-013-AV] Do you still have the last 2 requests pending over there?

Lisa 😊