

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FIFTH 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 May 21, 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 initial 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. By Order dated January 20, 2005, the Department granted Tarmac's prior requested extension until February 11, 2005.

5. Tarmac then requested a Fourth Request for Enlargement of Time until April 11, 2005, in order to resolve remaining issues before the Department.

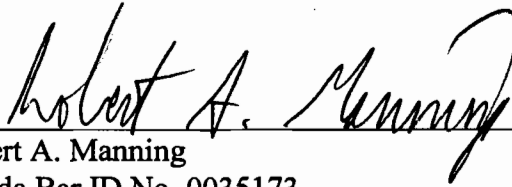
6. This morning, on March 21, 2005, Tarmac was made aware that DEP issued an Order in response to Tarmac's Fourth Request, dated February 16, 2005, extending the time to file a Petition until March 15, 2005. Neither Tarmac nor its undesigned counsel received this Order, and therefore were not aware until this morning that its Fourth extension was set to expire on March 15, 2005, instead of April 11, 2005.

7. Based on this information, and pursuant to 62-110.106(4), F.A.C., Tarmac hereby files this Fifth Request for Enlargement of Time until May 21, 2005, in order to resolve remaining issues before the Department.

8. This fifth 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 May 21, 2005.

RESPECTFULLY SUBMITTED this 21st day of March, 2005.

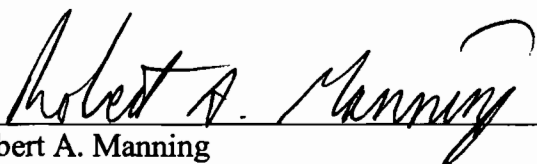
By: 

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
(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 21st day of March, 2005.


Robert A. Manning

Gibson, Victoria

From: Linero, Alvaro
Sent: Tuesday, March 22, 2005 10:54 AM
To: Gibson, Victoria; Heron, Teresa; Phillips, Cindy
Cc: Vielhauer, Trina
Subject: RE: TARMAC

Thanks Vicky:

No need to take action for now. I'll let you know after discussing with Trina or Doug.

Al.

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

From: Gibson, Victoria
Sent: Tue 3/22/2005 10:01 AM
To: Linero, Alvaro; Heron, Teresa; Phillips, Cindy
Cc: Vielhauer, Trina
Subject: TARMAC

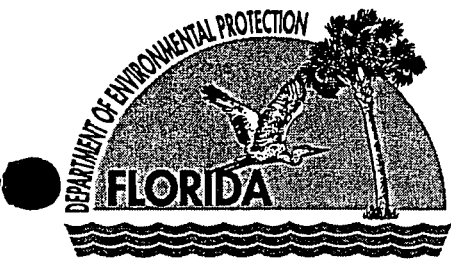
Hi,

Tarmac's 5th request for an extension of time was hand delivered to us yesterday late. I will place a copy into your mail boxes.

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 45 AM



Florida Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

F A X T R A N S M I T T A L S H E E T

DATE: 3/21/05

TO: Robert Manning

PHONE: _____

FAX: 224-8551

FROM: Al Linero (by: Vickie)

PHONE: 921-9504

Division of Air Resources Management

FAX: **850.922.6979**

RE: TARMAC

CC: _____

Total number of pages including cover sheet: 3

Message

As you requested, please find attached a copy of the order granting an extension of time on TARMAC until 3/15/2005.

Have a great week.

If there are any problems with this fax transmittal, please call the above phone number.

"Protect, Conserve, and Manage Florida's Environmental and Natural Resources"

Printed on recycled paper

Gibson, Victoria

From: Light, Lisa
Sent: Friday, March 18, 2005 10:02 AM
To: Gibson, Victoria
Subject: RE: Any New Requests This Week

haven't seen anything yet, but I yesterday was nuts (ended up making the high speed run to the First DCA to file a brief). We'll check around. If something shows up, I'll fax.

Lisa ☺

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

From: Gibson, Victoria
Sent: Friday, March 18, 2005 10:01 AM
To: Light, Lisa
Subject: Any New Requests This Week

Hi,

I was looking to see if any of the following facilities had requested another extension of time:

1050046-018-AV	Mosaic / Bartow	05-0018
1050234-010-AC	Progress Energy/Hines	05-0197
0250020-013-AV	TARMAC	04-1739

Thank you.

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, March 08, 2005 10:13 AM
To: Gibson, Victoria; Phillips, Cindy
Subject: RE: TARMAC

Thanks for the update.

Let's see if they submit another request or whether we get another set of draft permits out there first that will give them a new opportunity to comment and start a new clock for filing a petition.

If we don't act first and they ask again, just don't act on it until we issue the drafts I am talking about.

Al.

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

From: Gibson, Victoria
Sent: Tuesday, March 08, 2005 9:58 AM
To: Phillips, Cindy
Cc: Linero, Alvaro
Subject: TARMAC

FYI,

Tarmac's extension of time will expire in one week on 3/15.

Vickie

Victoria Gibson, Administrative Secretary
Bureau Chief's Office
DEP/Bureau of Air Regulation
victoria.gibson@dep.state.fl.us
850-921-9504