

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Tarmac America, Inc.
Tarmac Pennsuco Cement Plant

Petitioner,

v.

OGC #04-1739
DEP Permit 0250020-013-AV

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

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

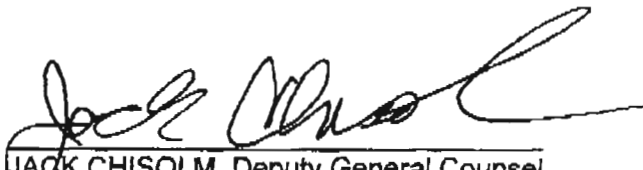
This cause has come before the Florida Department of Environmental Protection upon receipt of a request made by Petitioner Tarmac America, Inc., to grant an extension of time to file a petition for an administrative hearing to allow time to discuss with FDEP several specific permit conditions for its 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 administrative proceeding is granted. Petitioner shall have until **February 11, 2005**, 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, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 20th day of January, 2005, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard, M.S. 35
Tallahassee, Florida 32399-3000
850-245-2242 facsimile 850-245-2302

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via
_ U. S. Mail facsimile orally, this 20th day of January, 2005, to:

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

Fax 850-224-8551



W. Douglas Beason, Assistant General Counsel
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION
3900 Commonwealth Boulevard - Mail Station 35
Tallahassee, FL 32399-3000
850-245-2242 facsimile 850-245-2302

with a courtesy copy to:

Trina L. Vielhauer
Chief
Bureau of Air Regulation

facsimile: 850-921-9533

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

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facsimile: 850-921-9533

Gibson, Victoria

From: Gibson, Victoria
Sent: Thursday, January 20, 2005 9:38 AM
To: Light, Lisa
Cc: Vielhauer, Trina
Subject: RE: Copies

Fax # is still 921-9533.

Vickie

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

From: Light, Lisa
Sent: Thursday, January 20, 2005 9:35 AM
To: Gibson, Victoria
Cc: Vielhauer, Trina
Subject: RE: Copies

Has your fax number changed? Cuz you did orders on all those, so the must be someplace over there... I'll try to get them over again today.

Lisa ☺

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

From: Gibson, Victoria
Sent: Thursday, January 20, 2005 9:28 AM
To: Light, Lisa
Cc: Vielhauer, Trina
Subject: Copies

Hi,

I still haven't received by fax the signed orders to grant for:

Mosaic 1050046-018-AV

Suwannee American Cement 1210465-006-Av

Tarmac 0250020-013-AV

Also, I need a copy of the request of 12/17/04 from CF Industries 0570005-007-AV

Would it be possible for me to receive these today?

Thank you.

Vickie

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

Gibson, Victoria

From: Vielhauer, Trina
Sent: Friday, January 21, 2005 3:51 PM
To: Light, Lisa; Gibson, Victoria
Subject: RE: Copies

Lisa,
Thank you for sending over the SAC and Tarmac orders that were signed *yesterday* [so they certainly haven't been sitting over here].

We still do not have a copy of the *order granting* Mosaic [not their request- we've received that by fax several times] nor the CF request for extension of time. The CF request was filed, supposedly, December 17. We requested copies of that document on: 12/22 [when we found out via LCT that it had been filed], 12/29, 1/4 [I emailed this one], 1/12, and 1/20.

Could you please get us copies of those as well?

Thanks!

Trina

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

From: Light, Lisa
Sent: Thursday, January 20, 2005 9:35 AM
To: Gibson, Victoria
Cc: Vielhauer, Trina
Subject: RE: Copies

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Thank you.

Vickie

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

Gibson, Victoria

From: Gibson, Victoria
Sent: Friday, January 21, 2005 9:23 AM
To: Phillips, Cindy
Subject: TARMAC

Hi,

Received a copy of the signed order on TARMAC from OGC late yesterday afternoon. I have a copy for your files.

Vickie

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

Gibson, Victoria

From: Light, Lisa
Sent: Tuesday, January 11, 2005 2:24 PM
To: Gibson, Victoria
Subject: RE: From Vickie

Computer is crashing... **piece of crap.**

I'll get the ones you just sent me out tomorrow (everybody is at the WPA meeting). And I thought Mosiac went last week. I'll dig.

Must reboot again.

Lisa ☺

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

From: Gibson, Victoria
Sent: Tuesday, January 11, 2005 2:21 PM
To: Light, Lisa
Subject: From Vickie

Hi,

Thank you very much for the fax copies today.

Were we able to get signatures on MOSAIC 1050046-018-AV

If it has been signed - would you please fax me a copy of this also.

Thanks. 921-9533

Vickie

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

Gibson, Victoria

From: Gibson, Victoria
Sent: Tuesday, January 11, 2005 1:50 PM
To: Light, Lisa; Beason, Doug
Cc: Vielhauer, Trina
Subject: DRAFT Order to Grant for TARMAC 0250020-013-AV OGC # 04-1739

Importance: High



OrdGrant on
\\RMAC.doc (38 KB)

Vickie

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

Gibson, Victoria

From: Gibson, Victoria
Sent: Tuesday, January 11, 2005 8:12 AM
To: Phillips, Cindy
Subject: RE: TARMAC

To resolve remaining issues before the Department also as a protective measure to avoid waiver of Tarmac's right to challenge certain conditions contained in the revised draft tv permit

Vickie

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

From: Phillips, Cindy
Sent: Monday, January 10, 2005 4:48 PM
To: Gibson, Victoria
Cc: Vielhauer, Trina
Subject: RE: TARMAC

I think 30 days should be enough time. What did they list as the reason for the request?

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

From: Gibson, Victoria
Sent: Monday, January 10, 2005 4:09 PM
To: Phillips, Cindy
Cc: Vielhauer, Trina
Subject: TARMAC
Importance: High

Hi,

TARMAC has requested another extension of time. The request was received today. They have requested time through and including March 11, 2005.

Should I still grant them just the 30 days as we discussed?

Vickie

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

RECEIVED

JAN 10 2005

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF AIR
RESOURCE MANAGEMENT

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

THIRD 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 March 11, 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:

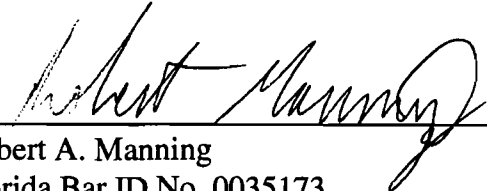
1. On or about October 5, 2004, Tarmac America, Inc. received from the Department of Environmental Protection ("Department") an "Intent to Issue Title V Air Operation Permit Revision" and accompanying "Revised Draft Permit," (Draft Permit No.0250020-013-AV), for the Tarmac Pennsuco Cement Plant, located 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 December 20, 2004, the Department granted Tarmac's prior requested extension until January 11, 2005.

5. Tarmac is now requesting until March 11, 2005, in order to resolve remaining issues before the Department.

6. This third 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 March 11, 2005.

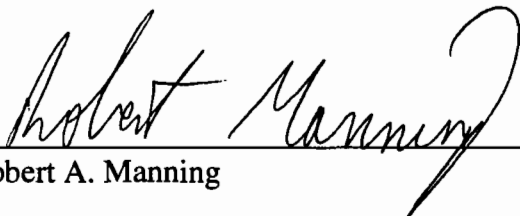
RESPECTFULLY SUBMITTED this 10th day of January, 2005.

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 10th day of January, 2005.



Robert A. Manning

Gibson, Victoria

From: Phillips, Cindy
Sent: Tuesday, January 04, 2005 11:48 AM
To: Vielhauer, Trina; Gibson, Victoria
Subject: RE: TARMAC

I met with Dave Buff right before he (and I) went on vacation and, though we did go through the numbers and resolve most of the discrepancies, he was going to send me some additional information after the holidays. If I haven't received anything by the end of this week I will call him.

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

From: Gibson, Victoria
Sent: Tuesday, January 04, 2005 8:28 AM
To: Phillips, Cindy
Cc: Vielhauer, Trina
Subject: TARMAC
Importance: High

FYI,

Just one week to go before the extension expires on January 11th for TARMAC.

Have a great day.

Vickie

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