

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, **January 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 December, 2004, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



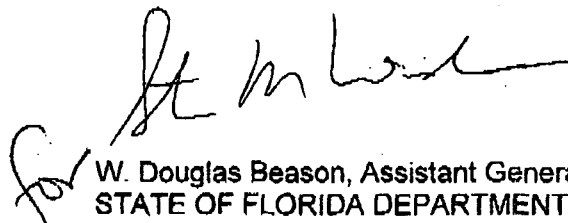
JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard, M.S. 35
Tallahassee, Florida 32399-3000
850-245-2242 facsimile 850-245-2302

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via
_ U. S. Mail facsimile or ly, this 20th day of December, 2004, to:

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

Fax 850-224-8551



for 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

Gibson, Victoria

From: Light, Lisa
Sent: Friday, December 17, 2004 10:59 AM
To: Gibson, Victoria
Subject: RE: DRAFT Order to Grant for TARMAC

Apparently the prior version came to me the first time. I reopened it, and it was still Nov.

Got this one, I'll have Jack sign today.

We're all out of the office this afternoon for our OGC barbeque & staff meeting at Maclay. In case of something urgent, try my cell. 445-6273

Lisa ☺

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

From: Gibson, Victoria
Sent: Friday, December 17, 2004 8:12 AM
To: Light, Lisa
Subject: RE: DRAFT Order to Grant for TARMAC

On my copy of the draft....I gave them until January 11, 2005....take a look at it one more time.... Thanks.....

<< File: OrdGrant on TARMAC.doc >>

Vickie

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

From: Light, Lisa
Sent: Thursday, December 16, 2004 3:33 PM
To: Gibson, Victoria
Subject: RE: DRAFT Order to Grant for TARMAC

Um.... this doesn't work. Ah, you're giving them until NOVEMBER 12, 2004, which was A MONTH AGO.

What did you want it to say? I can change it, or you can redo/resend.

Having "one of those days"?

Lisa ☺

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

From: Gibson, Victoria
Sent: Thursday, December 16, 2004 3:31 PM
To: Light, Lisa; Beason, Doug
Cc: Vielhauer, Trina
Subject: DRAFT Order to Grant for TARMAC

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: Thursday, December 16, 2004 3:31 PM
To: Light, Lisa; Beason, Doug
Cc: Vielhauer, Trina
Subject: DRAFT Order to Grant for TARMAC



OrdtoGrantTARMA
C.doc (37 KB)

Vickie

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

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED

NOV 12 2004

In the Matter of an
Application for Permit by:

BUREAU OF AIR REGULATION

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

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

SECOND 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 January 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. October 13, 2004, Tarmac filed a request for an extension of time to file a petition challenging the Draft Permit so that the parties could have time to discuss potential clarifications or corrections.
3. By Order dated October 18, 2004, the Department granted the requested extension until November 12, 2004.

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

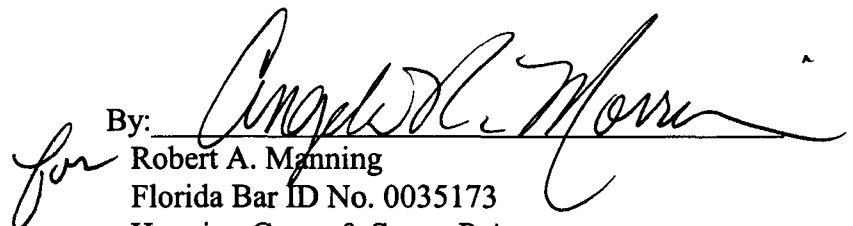
5. Tarmac and DEP are in the process of discussing possible resolutions to the issues needing clarification or correction.

6. Tarmac is now requesting until January 11, 2005, in order to resolve remaining issues before the Department's intended deadline to send all Title V renewals to the Environmental Protection Agency as proposed permits.

7. This second 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 January 11, 2005.

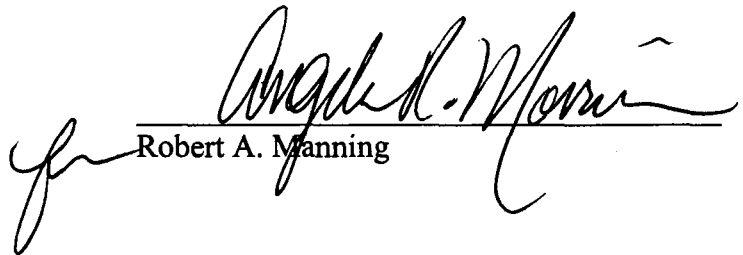
RESPECTFULLY SUBMITTED this 12th day of November, 2004.

By: 
for 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 12th day of November, 2004.


Robert A. Manning

Gibson, Victoria

From: Phillips, Cindy
Sent: Thursday, November 04, 2004 9:56 AM
To: Gibson, Victoria
Subject: RE: OGC Report for November 3rd

Vickie, TECo Big Bend can not have any extensions beyond November 12th.

CFI and Tarmac can be extended.

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

From: Gibson, Victoria
Sent: Wednesday, November 03, 2004 3:11 PM
To: Kirts, Christopher; Felton-Smith, Rita; Phillips, Cindy; Cascio, Tom; Mitchell, Bruce; Holtom, Jonathan; Bull, Robert; Arif, Syed; Halpin, Mike; Holladay, Cleve; Heron, Teresa
Cc: Vielhauer, Trina; Linero, Alvaro; Pennington, Jim
Subject: OGC Report for November 3rd

<< File: OGCNovemberReport.doc >>

Vickie

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