

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

HERNANDO COUNTY,

Petitioner,

vs.

OGC CASE NO. 94-0403

FLORIDA MINING & MATERIALS,  
and  
STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Respondents.

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

This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner Hernando County under rule 17-103.070 of the Florida Administrative Code to grant an extension of time to file a petition for an administrative hearing on Application No. AC27-240349. See Exhibit 1.

Although Counsel for Petitioner has not discussed this request with counsel for the Respondent State of Florida Department of Environmental Protection, the Department has no objection to it. Therefore,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until March 7, 1994, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

# ROUTING AND TRANSMITTAL SLIP

TO: (NAME, OFFICE, LOCATION)

1. *Bruce Mitchell*
- 2.
3. *Air*
- 4.

## RECEIVED

MAR 4 1994

Bureau of  
Air Regulation

FROM: *Holly Burnaman*

DATE: *3-4-94*

PHONE

DONE AND ORDERED on this 9<sup>th</sup> day of February 1994 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
KENNETH J. PLANTE  
General Counsel

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400  
Telephone: (904) 488-9314

CERTIFICATE OF SERVICE

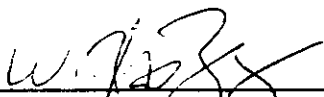
I CERTIFY that a true copy of the foregoing was mailed to:

C. Anthony Cleveland  
OERTEL, HOFFMAN, FERNANDEZ,  
& COLE  
2700 Blair Stone Road  
Suite C  
Tallahassee, Florida 32301

David Dee  
CARLTON, FIELDS, WARD  
EMMANUEL, SMITH & CUTLER  
215 South Monroe Street  
Suite 500  
Tallahassee, Florida 32302

on this 9<sup>th</sup> day of February 1994.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
W. DOUGLAS BEASON  
Assistant General Counsel

2600 Blair Stone Road  
Tallahassee, FL 32399-2400  
Telephone: (904) 488-9730

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

HERNANDO COUNTY,

Petitioner,

vs.

OGC CASE NO. 94-0403

FLORIDA MINING & MATERIALS,  
and  
STATE OF FLORIDA DEPARTMENT  
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Respondents.

RECEIVED

APR 08 1994

Bureau of  
Air Regulation

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APR 08 1994

Bureau of  
Air Regulation

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

This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner Hernando County under rule 17-103.070 of the Florida Administrative Code to grant an extension of time to file a petition for an administrative hearing on Application No. AC27-240349. See Exhibit 1.

Counsel for Petitioner has discussed this request with counsel for the Respondent State of Florida Department of Environmental Protection, the Department has no objection to it. Therefore,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until April 29, 1994, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ROUTING AND TRANSMITTAL SLIP

TO: (NAME, OFFICE, LOCATION)

- 1. Bruce Mitchell
- 2.
- 3. Air
- 4.

FROM: Doug Beason

DATE 4/8  
PHONE

RECEIVED

CE

DONE AND ORDERED on this 6<sup>th</sup> day of April 1994 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
KENNETH J. PLANTE  
General Counsel

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400  
Telephone: (904) 488-9314

CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was mailed to:

C. Anthony Cleveland  
OERTEL, HOFFMAN, FERNANDEZ,  
& COLE  
2700 Blair Stone Road  
Suite C  
Tallahassee, Florida 32301

David Dee  
CARLTON, FIELDS, WARD  
EMMANUEL, SMITH & CUTLER  
215 South Monroe Street  
Suite 500  
Tallahassee, Florida 32302

on this 6<sup>th</sup> day of April 1994.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
W. DOUGLAS BEASON  
Assistant General Counsel

2600 Blair Stone Road  
Tallahassee, FL 32399-2400  
Telephone: (904) 488-9730

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

HERNANDO COUNTY,

Petitioner,

vs.

OGC FILE NO.: 94-0403

STATE OF FLORIDA, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION, and  
FLORIDA MINING & MATERIALS,

Respondents.

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MOTION FOR EXTENSION OF TIME

Pursuant to Rule 17-103.070, Fla. Admin. Code, Hernando County requests an extension of time in which to file a petition for formal administrative proceedings. In support thereof, Hernando County states as follows:

1. On January 20, 1994, Hernando County received a copy of the Department's Intent to Issue and Proposed Construction Permit which would allow Florida Mining & Materials to utilize whole tires as a supplemental permitted fuel (AC 27-240349).

2. Hernando County has been informed that Florida Mining & Materials is seeking to modify certain provisions of the proposed construction permit. In order to allow Hernando County to review the changes proposed by Florida Mining & Materials and to further allow review of the proposed construction permit for consistency with respect to language proposed jointly by Hernando County and Florida Mining & Materials, an extension of time to March 7, 1994, to file a petition for formal administrative proceedings was granted by the Department at Hernando County's request.

3. Hernando County and Florida Mining & Materials have reached a tentative agreement which will resolve any outstanding

issues and which will be provided to the Department for insertion in the final permit. Accordingly, Hernando County requests a further extension of time to March 21, 1994. Hernando County believes that this will provide an opportunity to finalize its agreement with Florida Mining & Materials and avoid the need for any formal administrative proceedings.

4. Douglas Beason, Department counsel, and counsel for Florida Mining & Materials have no objection to this request.

WHEREFORE, Hernando County respectfully requests that the Department enter an order granting an extension of time in which to file a petition for formal administrative proceedings with respect to DEP File No. AC 27-240349 to and including March 21, 1994.

Respectfully submitted this 7<sup>th</sup> day of March, 1994.

OERTEL, HOFFMAN, FERNANDEZ  
& COLE, P.A.  
Post Office Box 6507  
Tallahassee, FL 32314-6507  
(904) 877-0099

  
C. ANTHONY CLEVELAND  
Fla. Bar ID No. 217859

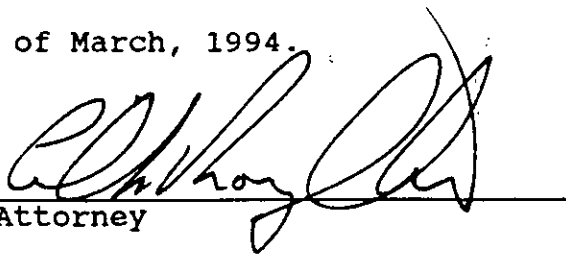
Attorneys for HERNANDO COUNTY

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original and one copy of the foregoing have been filed by Hand-Delivery with the AGENCY CLERK, Office of General Counsel, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and that true copies have been furnished by Hand-Delivery to W. DOUGLAS BEASON, Assistant General Counsel, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400;



and by U. S. Mail to DAVID DYE, P. O. Drawer 190, Tallahassee,  
Florida 32302-0190, this 7<sup>th</sup> day of March, 1994.

  
Attorney

CAC/dg/1579  
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