

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

HERNANDO COUNTY,

Petitioner,

vs.

OGC CASE NO. 93-2128

FLORIDA CRUSHED STONE CO. and
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

**ORDER GRANTING FOURTH 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. AC27-222095. 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 3, 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.

Department of Environmental Regulation
Routing and Transmittal Slip

To: (Name, Office, Location)

1. *Bruce*

2. *Mitchell*

3.

4. *AIR*

Remarks:

RECEIVED

DEC 10 1993

Division of Air
Resources Management

From

Holly Burnaman

Date

12-10-93

Phone

DONE AND ORDERED on this 3rd day of December 1993 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, P.A.
2700 Blair Stone Road
Suite C
Tallahassee, Florida 32301

on this 10th day of December 1993.

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

RECEIVED
NOV 30 1993

DEPARTMENT OF
ENVIRONMENTAL PROTECTION
OFFICE OF GENERAL COUNSEL

HERNANDO COUNTY,

Petitioner,

v.

OGC CASE NO.: 93-2128

FLORIDA CRUSHED STONE CO. and
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent..

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 concerning DER Permit AC27-222095 (PSD-FL-091C/B). In support thereof, Hernando County states as follows:

1. On June 17, 1993, Hernando County filed its request for administrative point of entry, which the Department has provided. Hernando County was concerned that a request by Florida Crushed Stone (FCS) to the Department that its application for modification of a permit might, absent a waiver of the 90-day clock mandated by Section 120.60(2), Fla. Stat., result in a default. By the Department's Order of November 8, 1993, any petition must be filed by December 1, 1993.

2. Subsequent to the filing of Hernando County's request for administrative point of entry, FCS executed a "waiver of 90-day time limit." The current waiver shall expire on December 10, 1993. As a result of this waiver, it is unnecessary for Hernando County

to file a petition for formal administrative proceedings at this time and the filing of such a petition may never become necessary.

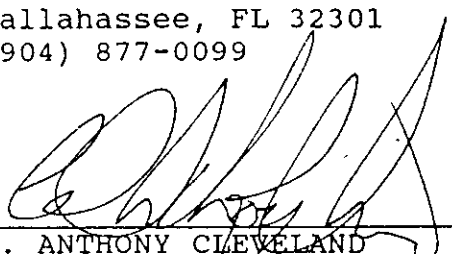
3. In view of the circumstances described above, Hernando County requests an extension of time to December 10, 1993, to file a petition for formal administrative proceedings in this matter.

4. The undersigned has attempted to contact W. Douglas Beason, Department Counsel in this matter, but has been unable to do so.

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 this matter to and including December 10, 1993.

Respectfully submitted this 30th day of November, 1993.

OERTEL, HOFFMAN, FERNANDEZ
& COLE, P.A.
2700 Blair Stone Road
Suite C
Tallahassee, FL 32301
(904) 877-0099

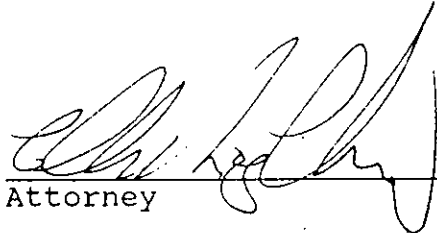


C. ANTHONY CLEVELAND
Fla. Bar ID #217859

Counsel for Hernando County

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one (1) copy of the foregoing have been furnished by Hand-Delivery to the AGENCY CLERK, Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, and true and correct copies have also been furnished by Hand-Delivery to W. Douglas Beason, Assistant General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, and by U. S. Mail to Thomas Mountain, Environmental Manager, Florida Crushed Stone Company, Post Office Box 490300, Leesburg, Florida 34749-0300, this 30~~th~~ day of November, 1993.



Attorney

CAC/dg/1579
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To Kathly Miles	From Bruce Mitchell
Co. Hernando County	Co. FDEP/DARM/BAR
Dept. Planning-Environ.	Phone # 904-921-9506
Fax # 904-754-4420	Fax # 904-922-6979

DEC-10-'93 FRI 07:48

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TEL NO:

NO.	DATE	ST. TIME	TOTAL TIME	ID	DEPT CODE	OK	NG
239	12-10	07:45	00°02'17	1 904 754 4420		03	00

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To Tom Mountain	From Bruce Mitchell
Co. FL Crushed Stone Co	Co. FDEP/DARM/BAR
Dept. Environmental	Phone # 904-921-9506
Fax # 904-796-6281	Fax # 904-922-6979

DEC-10-'93 FRI 07:43

TERM ID:

P-9999

TEL NO:

NO.	DATE	ST. TIME	TOTAL TIME	ID	DEPT CODE	OK	NG
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To Tony Cleveland	From Bruce Mitchell
Co. Dental Hoffmann et al	Co. FDEP/DARM/BAR
Dept.	Phone # 904-921-9506
Fax # 877-0981	Fax # 904-922-6979

DEC-10-'93 FRI 07:39

TERM ID:

P-9999

TEL NO:

NO.	DATE	ST. TIME	TOTAL TIME	ID	DEPT CODE	OK	NG
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George Richardson
 o E-mailed
 @ 5:25
 12-9-93
 [Signature]