

YOUNG VAN ASSENDERP PA.

ATTORNEYS AT LAW

ATTORNEYS:

TASHA O. BUFORD
DAVID S. DEE
RONALD A. LABASKY
JOHN T. LAVIA, III
PHILIP S. PARSONS
TIMOTHY R. QUALLS
KENZA VAN ASSENDERP
ROBERT SCHEFFEL WRIGHT
ROY C. YOUNG

GALLIE'S HALL
225 SOUTH ADAMS STREET
SUITE 200
POST OFFICE BOX 1833
(ZIP 32302-1833)
TALLAHASSEE, FLORIDA 32301

TELEPHONE: (850) 222-7206
TELECOPIER: (850) 561-6834

April 27, 2006

OF COUNSEL ATTORNEYS:

DANIEL H. COX
DAVID B. ERWIN
JOSEPH W. LANDERS, JR.

GEORGE ANN C. BRACKO
EXECUTIVE DIRECTOR

VIA FACSIMILE & U.S. MAIL (245-2302)

Patricia E. Comer, Esq.
Office of General Counsel
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, Florida 32399-3000

RECEIVED

MAY 01 2006

BUREAU OF AIR REGULATION

Re: Withdrawal of Florida Crushed Stone Company's Petition
for Formal Administrative Hearing--OGC File No. 06-0026

Dear Pat:

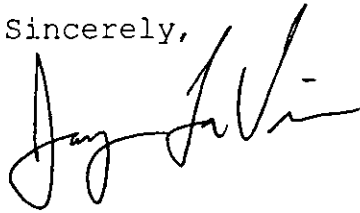
I am writing in my capacity as environmental counsel for Florida Crushed Stone Company ("FCS"). On March 20, 2006, FCS filed a Petition for Formal Administrative Hearing ("Petition") concerning DEP's "Intent to Issue Title V Air Operation Permit Renewal" and the draft Title V Air Operation Permit Renewal (the "Draft Permit") for FCS's Portland cement manufacturing plant, power plant and coal yard in Hernando County. FCS filed the Petition because it had concerns about some of the provisions of the Draft Permit.

As we recently discussed, FCS has worked closely with DEP staff and resolved FCS' concerns about the Draft Permit. Accordingly, FCS hereby withdraws its Petition for Formal Administrative Hearing concerning the Draft Permit (OGC File No. 06-0026).

Patricia E. Comer, Esq.
April 27, 2006
Page 2

Thank you for your assistance and cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. LaVia, III". The signature is written in a cursive style with a large, prominent initial "J".

John T. LaVia, III

cc: Charles Allen
Bruce Mitchell, DEP
John Koogler

Gibson, Victoria

From: Gibson, Victoria
Sent: Tuesday, March 21, 2006 12:07 PM
To: Mitchell, Bruce; Koerner, Jeff
Subject: OGC List for March 21st

Attachments: March OGC List .doc

FCS has filed for a hearing.



March OGC List
.doc (57 KB)

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

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF GENERAL COUNSEL**

3900 Commonwealth Boulevard, M.S. 35
Marjory Stoneman Douglas Building
Tallahassee, Florida 32399-3000

FACSIMILE TRANSMITTAL

To: Vickie Gibson

Fax: 921-9533

From: Lea Crandall

Phone: 245-2212

Pages: 15 Pages Including Cover Date: 3/20/06

RE: Florida Crushed Stone

Comments: _____

Original WILL follow VIA United States Postal Service

Overnight Delivery

Original will NOT follow

The information contained in this facsimile message is attorney privileged and confidential, intended only for the use of individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify sender by telephone and return the original to us at the above address via United States Postal Service.

YOUNG VAN ASSENDERP PA.

ATTORNEYS AT LAW

ATTORNEYS:

TASHA O. BUFORD
DAVID S. DEE
RONALD A. LABASKY
JOHN T. LAVIA, III
PHILIP S. PARSONS
TIMOTHY R. QUALLS
KENZA VAN ASSENDERP
ROBERT SCHEFFEL WRIGHT
ROY C. YOUNG

GALLIE'S HALL
225 SOUTH ADAMS STREET
SUITE 200
POST OFFICE BOX 1833
(ZIP 32302-1833)
TALLAHASSEE, FLORIDA 32301

TELEPHONE: (850) 222-7206
TELECOPIER: (850) 561-6834

OF COUNSEL ATTORNEYS:

DANIEL H. COX
DAVID B. ERWIN
JOSEPH W. LANDERS, JR.

GEORGE ANN C. BRACKO
EXECUTIVE DIRECTOR

March 20, 2006

VIA HAND DELIVERY

Lea Crandall, Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard
Room 659
Tallahassee, FL 32399

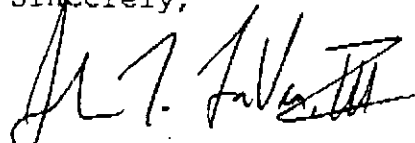
Re: DEP Permit No. 0530021-011-AV
OGC File No. 06-0026

Dear Ms. Crandall:

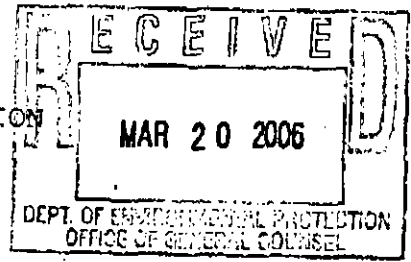
Enclosed herewith please find a copy of Florida Crushed Stone Company's ("FCS") Petition for Formal Administrative Hearing concerning the above-referenced DEP permit. FCS is filing the Petition to preserve its right to contest several conditions contained in DEP's draft permit. FCS has submitted comments to DEP addressing the conditions in the draft permit and is currently negotiating with DEP staff concerning those comments. While these negotiations are ongoing, FCS does not object to DEP holding the Petition and not forwarding it to the Division of Administrative Hearings.

Please call if you have any questions.

Sincerely,



John T. Lavia, III



STATE OF FLORIDA
 DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA CRUSHED STONE)
 COMPANY,)
)
 Petitioner,)
)
 v.)
)
 DEPARTMENT OF ENVIRONMENTAL)
 PROTECTION,)
)
 Respondent.)

DEP Draft Permit No. 0530021-011-AV
 OGC File No. 06-0026

FLORIDA CRUSHED STONE COMPANY'S
PETITION FOR FORMAL ADMINISTRATIVE HEARING

Petitioner, Florida Crushed Stone Company ("FCS"), respectfully submits this petition for a formal administrative hearing, pursuant to the Florida Department of Environmental Protection's Order Denying Second Request for Extension of Time to File Petition for Hearing, and in accordance with Sections 120.569 and 120.57(1), Florida Statutes, and Rule 28-106.201, Florida Administrative Code ("F.A.C."). In support of this petition, FCS says:

The Parties

1. Petitioner, FCS is a Florida corporation. FCS's mailing address is Post Office Box 1508, Brooksville, Florida 34605-1508 and FCS's telephone number is 352-799-7881. For the purposes of this proceeding, all legal papers and correspondence should be served upon FCS's environmental counsel, Mr. David S. Dee. Mr. Dee's address and telephone number are provided below.

2. Respondent, the Florida Department of Environmental Protection (the "Department" or "DEP"), is an agency of the State of Florida. The Department's address is 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-2400. The telephone number for the Department's Office of General Counsel is (850) 245-2242.

Notice of Agency Action

3. FCS previously obtained a Title V permit for an integrated facility that includes a Portland cement manufacturing plant, a power plant and a coal yard (collectively the "Facility"), which is located off Cobb Road approximately two miles northwest of Brooksville in Hernando County, Florida. On April 18, 2005, FCS filed an application with the Department to renew its Title V air operation permit for the Facility. On December 27, 2005, FCS received a copy of DEP's "Intent to Issue Title V Air Operation Permit Renewal" (the "Notice of Intent") and the draft Title V Air Operation Permit Renewal for the Facility (DEP Permit No. 0530021-011-AV) (the "Draft Permit"). The Draft Permit contained a number of provisions that were inconsistent with FCS's application or otherwise inappropriate. Accordingly, on January 4, 2006, FCS requested an extension of time to file a petition for a formal administrative hearing concerning the Draft Permit. By order dated January 18, 2006, the Department granted FCS's request and extended the time for FCS to file a petition for formal administrative

hearing until March 6, 2006.

4. On March 3, 2006, FCS requested a second extension of time to file a petition for formal administrative hearing concerning the Draft Permit. On March 8, 2006, the Department issued an order denying FCS's second request for an extension of time to file a petition for a formal administrative hearing concerning the Draft Permit. The Department's order provides that FCS shall have until March 20, 2006 to file a petition for an administrative hearing in this case. Accordingly, this petition is timely filed.

FCS's Comments Concerning the Draft Permit

5. On March 7, 2006, FCS's consultant, Koogler and Associates, submitted comments ("FCS's Comments") concerning the Draft Permit to the Department. FCS's Comments are attached hereto as Exhibit A and incorporated herein by reference.

FCS's Substantial Interests

6. FCS is the applicant for the Title V air operation permit renewal that is the subject of this petition. As the applicant for the permit renewal, FCS's substantial interests are materially and adversely affected by the Department's proposed action.

Disputed Issues of Material Fact

7. Based on its preliminary review of the Draft Permit, FCS raises the following disputed issues of material fact in this case:

- a. Whether the Draft Permit imposes conditions and limitations on the Facility that are unnecessary, unauthorized, erroneous, or inappropriate.
- b. Whether the Department is acting in an arbitrary or unlawful manner in attempting to impose unnecessary, unauthorized, erroneous and inappropriate conditions in the Draft Permit.
- c. Whether the Department should accept FCS's Comments concerning the Draft Permit and revise the Draft Permit to incorporate FCS's Comments.

8. FCS reserves its right to raise additional disputed issues of material fact that may be identified through discovery in this case.

Ultimate Facts Which Entitle FCS to Relief

9. FCS is entitled to relief in this case because FCS has provided reasonable assurance in its application that the Facility will comply with all applicable Department rules and requirements. The Department's attempt to impose unnecessary, unauthorized, erroneous, and inappropriate conditions in the Draft Permit is arbitrary and unlawful. The Department should modify the Draft

Permit to incorporate FCS's Comments.

Rules and Statutes Entitling FCS to Relief

10. Based on the facts in this case, FCS is entitled to relief pursuant to Chapters 120 and 403, Florida Statutes, and Chapters 28-106, 62-4, 62-204, 62-210, 62-212, 62-213, 62-296, and 62-297, F.A.C.

11. The above-cited provisions of Part 62 of the Florida Administrative Code relate to the Department's authority to issue the Draft Permit and to otherwise regulate the Facility. As such, these rules provide the basis for relief requested by FCS herein.

Relief Requested

WHEREFORE, FCS respectfully requests:

a. the Department to accept FCS's Comments concerning the Draft Permit and to revise the Draft Permit to be consistent with the FCS's Comments; or alternatively,

b. the Department to forward this petition to the Division of Administrative Hearings for the assignment of an Administrative Law Judge;

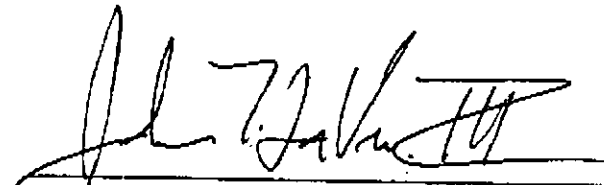
c. the Administrative Law Judge to conduct a formal administrative hearing pursuant to Sections 120.569 and 120.57(1), Florida Statutes;

d. the Administrative Law Judge to issue a recommended order finding that certain conditions in the Proposed Permit are unnecessary, unauthorized, erroneous, or inappropriate, and finding that FCS has provided reasonable assurance that the Facility will comply with all applicable Department rules and regulations without those conditions; and

e. the Department to issue a final order granting FCS's application for a Title V permit renewal for the Facility without the unnecessary, unauthorized, erroneous or inappropriate conditions.

Respectfully submitted,

YOUNG VAN ASSENDERP

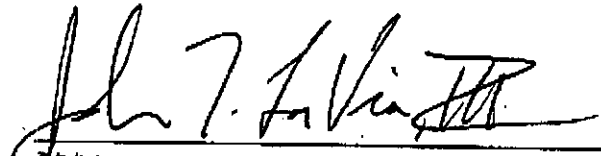


DAVID S. DEE
Florida Bar No. 281999
JOHN T. LAVIA, III
Florida Bar No. 853666
225 South Adams Street
Suite 200 (32301)
Post Office Box 1833
Tallahassee, Florida 32302
Phone: 850/222-7206
FAX: 850/561-6834

ATTORNEYS FOR FLORIDA CRUSHED
STONE COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of Florida Crushed Stone Company's Petition for Formal Administrative Hearing have been furnished by hand delivery to the Clerk's Office, Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida on this 20th day of March, 2006.



Attorney



**KOOGLE & ASSOCIATES
ENVIRONMENTAL SERVICES**

4014 NW THIRTEENTH STREET
GAINESVILLE, FLORIDA 32609
352/377-5822 • FAX/377-7158

Mr. Bruce Mitchell
Florida Department of Environmental Protection
Division of Air Resource Management
2600 Blair Stone Road MS 5500
Tallahassee, FL 32399-2400

KA 307-05-04/308-05-03
March 7, 2006

**RE: DRAFT Title V Permit Renewal (Facility ID No. 0530021); Comments
Florida Crushed Stone Company, Brooksville Cement and Power Plants**

Dear Bruce:

Florida Crushed Stone Company and Central Power and Lime (FCS/CPL) have reviewed the DRAFT Title V Permit (DEP Project No. 0530021-011-AV) issued by the Department on December 14, 2005. FCS/CPL are submitting the following comments on the DRAFT permit. The comments are briefly described below and are contained in the attached copy of the DRAFT Title V Permit.

DRAFT Title V Permit

Section I. Subsection A. Facility Description, Page 2

FCS plans to install a Johnston-Marsh or equivalent dust suppression system to control fugitive particulate matter emissions from the Clinker Receiving/Handling system. This sentence was revised to reflect this.

Section I. Subsection B. Summary of Emissions Unit ID No(s) and Brief Description(s)

The facility ID numbers and emission unit descriptions have been clarified for EU 009, 010, 014, and 021.

Section I. Subsection B, Page 8

The facility ID numbers and emission unit descriptions have been clarified for EU 009/K-07&L-03, EU 010/L-06 to L-05&L-07, EU 014/Q-17 and EU 021/Q-18.

Exhibit A

Section I. Subsection B, Pages 8-10

The terminology "actual" has been changed to "design" since the flow rates are design flow rates for all emission units. Also "maximum" has been changed to "corresponding to" for all emission units as routine fluctuations in flow could exceed this nominal design rate.

Section I. Subsection B, Page 9

The emission unit descriptions have been clarified for EU 009 (Clinker Cooler Discharge with Baghouse), EU 010 (Clinker Storage Silos with Baghouse), EU 014 (Cement Storage Silos #1 and #2 A-Side Discharge System with Baghouse), and EU 021 (Cement Storage Silos #1, #2, and #3 B-Side Discharge System with Baghouse).

Section II. Subsection B, Page 11, Condition B.3., Permitted Capacity

The emission unit descriptions have been clarified for EU 009, 010, 014, and 021.

Section II. Subsection B, Page 12, Condition B.4.

The emission unit name has been revised for the Silo #3 Discharge System.

Section II. Subsection B, Page 12, Condition B.7., Emission Limitations

The emission unit descriptions have been clarified for EU 009, 010, 014, and 021.

Section II. Subsection B, Page 16, Condition B.21(a) and (a)3.

This condition has been revised to reflect two minor editorial comments.

Section II. Subsection D, Page 22, Clinker Receiving/Handling System

FCS plans to install a Johnston-Marsh or equivalent dust suppression system to control fugitive particulate matter emissions from the Clinker Receiving/Handling system. The emission unit description was revised to reflect this.

Additionally, Condition D.0. was deleted since the requirement to notify the Department prior to operation of the water spray system (which was proposed in lieu of the Johnston-Marsh or



equivalent dust suppression system) would no longer be required. This requirement was added as a condition of using the water spray system instead of the Johnston-Marsh dust suppression system.

Section II, Subsection D, Page 24, Condition D.14.

The paragraph was revised to reflect a minor editorial change.

Section II, Subsection D, Page 24, Condition D.15.

The page break was removed.

Section II, Subsection D, Page 25, Condition D.19.

The page break was removed.

Section II, Subsection D, Page 26, Condition D.19(c).

The sentence was revised to reflect a minor editorial change.

Section II, Subsection D, Page 28, Condition D.23.

The rule citation was corrected from 62-206 to 62-204, F.A.C.

Section II, Subsection D, Page 30, Condition D.28(c)20.

The page break was removed.

Section II, Subsection D, Page 32

In the emission unit description, the plant design rate has been corrected to 83 TPH (or 1992 TPD). The terminology "actual" has been changed to "design" since the flow rates are design flow rates for all emission units. Also "maximum" has been changed to "corresponding to" for all emission units as routine fluctuations in flow could exceed this nominal design rate.

Section II, Subsection D, Page 33, Condition F.6.b.1.

FCS has deleted "and during times of power plant startup" as compliance was demonstrated under this operating scenario on December 12-13, 2005. There is no reason therefore, to restrict operation under this scenario and condition F.6.b.3. allows for condition F.6.b.1 amendments.

Section II, Subsection D, Page 34, Condition F.7.

The sentence has been clarified to reflect the correct terminology and rate. The preheater feed rate is a parameter that is measured and this is limited by condition F.3. and corresponds to the kiln feed rate of 127 TPH.

Section II, Subsection D, Page 35, Condition F.11.

CPL name was revised.

Section II, Subsection D, Page 37, Condition F.16.

The rule citation "63 CFR 63.1345" was corrected to "40 CFR 63.1345".

Section II, Subsection D, Page 39, Condition F.18, and F.19.

These conditions were revised to allow the use of test methods 6C and 7E for SO₂ and NO_x, respectively. Both method 6C and 7E have been used for compliance for years with Department approval.

Section II, Subsection D, Page 44, Condition F.29.

The sentence was clarified to state that the materials fed to the kiln are continuously measured to estimate clinker production. Clinker is not directly measured due to its high temperature, rather is estimated using the measured amounts of material fed to the preheater.

Section II, Subsection D, Page 44-45, Condition F.31.

This condition states that a mass emissions rate is calculated from a FDEP approved conversion factor in the first sentence and then states in the second sentence that a flow monitor must be used. This condition has been revised to state that a flow monitor or FDEP approved conversion factor can be used. FCS/CPL will be submitting data to support an acceptable conversion factor.

Section II, Subsection D, Page 45, Condition F.32.

A statement was added to allow the use of a flow monitor or a FDEP approved conversion factor. FCS requests to have the references to 40 CFR 60.45 and to 40 CFR 60.13 removed. This is because 40 CFR 60.45 does not apply to cement plants and the NESHAP supersedes the NSPS requirement of 40 CFR 60.13. The reference to 40 CFR 63.1350 is already cited in this condition.



Section II, Subsection D, Page 46, Condition F.39.

The page break was deleted.

Section II, Subsection D, Page 51, Emission Unit Description

The terminology "actual" has been changed to "design" since the flow rates are design flow rates for all emission units. Also "maximum" has been changed to "corresponding to" for all emission units as routine fluctuations in flow could exceed this nominal design rate.

Section II, Subsection I, Page 58, Power Plant Boiler

A minor typographical error was corrected in the emission unit description.

Section II, Subsection I, Page 61, Condition I.7.b.

A minor typographical error was corrected.

Section II, Subsection I, Page 61, Condition I.19.

This condition was revised to allow the use of test method 6C in addition to test method 6 for SO₂. Method 6C has been used for compliance for years with Department approval.

Section II, Subsection I, Page 61, Conditions I.21, I.22, and I.24.

The reference to 40 CFR 60.8 was replaced with 40 CFR 60, Appendix A, since the NSPS does not apply. 40 CFR 60, Appendix A provides the technical requirements without a non-applicable rule reference.

Section II, Subsection I, Page 61, Conditions I.26.

The rule citation for 40 CFR 60.46 was removed since it does not apply.

Section II, Subsection I, Page 62, Condition I.29.

A minor typographical error was corrected.



Section II, Subsection I, Pages 63-64, Condition I.34.

The numbering of this condition was revised.

Section II, Subsection I, Page 65, Condition I.41.

A statement was added to allow the use of a flow monitor or a FDEP approved conversion factor as previously described.

Although the permit contained a requirement to comply with the "applicable" requirements of 40 CFR 60.45 and 60.13, this requirement has proven to be a source of confusion because the power plant is not subject to the New Source Performance Standards (see PA 82-17, June 13, 1983 at 29; BACT Determination, May 20, 1983 at 1). The original reference to these provisions was thus in error. Moreover, as these provisions in fact are not applicable to the plant, the vague reference to the "applicable" parts of these sections creates uncertainty as to what the facility is required to do on a going forward basis with respect to the monitoring equipment. It has been the facility's understanding, based on the history of the facility and prior communications with the FDEP, that the intent of this provision was to require the facility to comply with applicable Florida regulations as well as the performance standards set forth in 40 CFR Part 60 Appendix B. Accordingly, FCS requests, in the interest of clarifying Section I.41., that the reference to the applicable requirements of 40 CFR 60.45 and 60.13 be deleted and that Section I.41. be revised to make it clear that the monitoring devices meet the applicable requirements of Chapter 62-297, F.A.C. and 40 CFR Part 60 Appendix B.

The statement "The permittee shall provide the Department with 30 days notice on each certification." has been removed since FCS provided the required initial certification for SO₂ and opacity in 1991.

Clarification has been added to this permit condition for the certification of each device and to note that this emission unit is not subject to the NSPS.



Statement of BasisPage 1 of 5

FCS plans to install a Johnston-Marsh or equivalent dust suppression system to control fugitive particulate matter emissions from the Clinker Receiving/Handling system. This sentence was revised to reflect this installation.

Pages 1-3 of 5

The terminology "actual" has been changed to "design" since the flow rates are design flow rates for all emission units. Also "maximum" has been changed to "corresponding to" for all emission units as routine fluctuations in flow could exceed this nominal design rate.

Page 2 of 5

The emission unit descriptions have been clarified for EU 009 (Clinker Cooler Discharge with Baghouse), EU 010 (Clinker Storage Silos with Baghouse), EU 014 (Cement Storage Silos #1 and #2 A-Side Discharge System with Baghouse), and EU 021 (Cement Storage Silos #1, #2, and #3 B-Side Discharge System with Baghouse).

Very truly yours,

KOOGLER & ASSOCIATES



Fawn W. Bergen, P.E.
Project Engineer

FB

Enclosure: Draft Title V Permit Comments
Statement of Basis Comments

cc: C. Allen, FCS
J. Daniel, FCS
H. Eisenberg, Skadden, Arps
J. Koerner, FDEP
R. Moreno, Delta Power
T. Mountain, Coastal Engineering
B. Noble, Delta Power
S. Rahman, Delta Power
M. Vardeman, Rinker



Gibson, Victoria

From: Gibson, Victoria
Sent: Wednesday, March 08, 2006 3:01 PM
To: Koerner, Jeff
Subject: FCS

Hi,

Pat Comer has issued the denial for Florida Crushed Stone today. They have until 3/20 to reply on 0530021-011-AV.

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

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA CRUSHED STONE COMPANY,
BROOKSVILLE CEMENT AND POWER PLANTS,

Petitioner,

vs.

OGC No. 06-0026
DEP Permit 0530021-011-AV

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

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

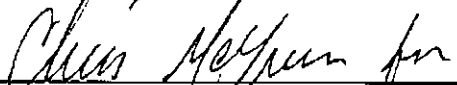
This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a second request made by Petitioner, Florida Crushed Stone Company, to grant an additional 45-day extension of time to file a petition for administrative hearing to allow time to provide certain information to the FDEP on several specific permit conditions for its facility in Hernando County, Florida. Petitioner was previously granted a 60-day extension on this matter. The second request for extension of time provides no information beyond that recited herein and no information other than that provided by the Petitioner's first request for extension. Because the request fails to show good cause for the extension of time,

IT IS ORDERED:

The request for a second extension of time to file a petition for administrative proceeding is DENIED. The Petitioner shall have until **March 20, 2006**, to file a petition in this matter. Filing shall be complete upon 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 14th day of March, 2006, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



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

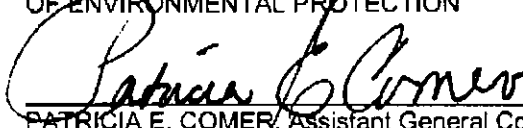
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via
 U. S. Mail facsimile only, this 8th day of March, 2006, to:

Fawn W. Bergen, P.E
Koogler & Associates, Inc.
4014 N.W. 13th Street
Gainesville, FL 32609

facsimile: 352-377-5822

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



PATRICIA E. COMER, Assistant General Counsel
FL Bar 0224146
Department of Environmental Protection
3900 Commonwealth Boulevard – MS 35
Tallahassee, Florida 32399-3000
Telephone: (850) 245-2288
Facsimile: (850) 245-2302

with a courtesy copy to:

Trina L. Vielhauer, Chief
Bureau of Air Regulation

facsimile: 850-921-9533



KA 308-05-03

March 3, 2006

Teri Donaldson, Esquire
 Office of General Counsel
 Florida Department of Environmental Protection
 Twin Towers Office Building
 2600 Blair Stone Road
 Tallahassee, FL 32399-2400

Subject: Motion for Second Extension of Time to File a Petition
 Florida Crushed Stone Company
 Brooksville Cement and Power Plants, Hernando County
 DEP File No. 0530021-011-AV

Dear Ms. Donaldson:

Attached is a request for a second extension of time to file for a hearing in accordance with Rule 28-106, FAC.

Mr. Bruce Mitchell, the permitting engineer, has been notified of this extension.

If you have any questions concerning this request, please do not hesitate to contact me.

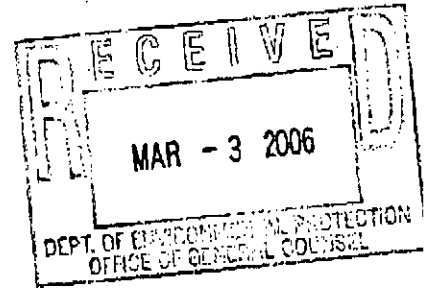
Very truly yours,

KOUGLER & ASSOCIATES

Fawn W. Bergen, P.E.

FWB
Encl.

C: J. Daniel, FCS Brooksville
 B. Mitchell, FDEP
 M. Vardeman, Rinker



STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an Application
for Air Permit by

Florida Crushed Stone Company
PO Box 1508
Brooksville, Florida 34605

FDEP File No. 0530021-011-AV

MOTION FOR EXTENSION OF TIME

The Applicant, Florida Crushed Stone Company, by and through its undersigned Engineer of Record and pursuant to Rule 28-106, FAC, requests the Secretary of FDEP to grant a 45-day second extension of time in which to file a petition. This will allow submittal of additional information to FDEP on the permit application review and allow time to resolve issues of concern.

Dated the 3rd day of March, 2006, in Gainesville, Alachua County, Florida.

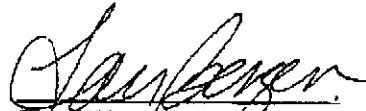
Koogler & Associates, Inc.
Environmental Services

Fawn W. Bergen, P.E.
Engineer of Record
Florida Registration No. 61614
4014 N.W. 13th Street
Gainesville, FL 32609
(352) 377-5822



CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been furnished to Teri Donaldson, Office of the General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, and Mr. Bruce Mitchell, FDEP, 2600 Blair Stone Road, Tallahassee, Florida 32399, Mr. Michael Vardeman, Rinker Materials Corporation, 1200 NW 137th Avenue, Miami, Florida 33182, and Mr. James Daniel, Florida Crushed Stone Company, PO Box 1508, Brooksville, Florida 34605, by FAX and by UPS, this 3rd day of March, 2006.


Fawn W. Bergen, R.E.
Florida Registration No. 61614



**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF GENERAL COUNSEL**

3900 Commonwealth Boulevard, M.S. 35
Marjory Stoneman Douglas Building
Tallahassee, Florida 32399-3000

FACSIMILE TRANSMITTAL

To: Vickie Gibson

Fax: 921-9533

From: Lea Crandall

Phone: 245-2212

Pages: 4 Pages Including Cover

Date: 3/6/06

RE: Florida Lock

Comments: _____

Original WILL follow VIA United States Postal Service
 Overnight Delivery
 Original will NOT follow

The information contained in this facsimile message is attorney privileged and confidential, intended only for the use of individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify sender by telephone and return the original to us at the above address via United States Postal Service.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA CRUSHED STONE COMPANY,
BROOKSVILLE CEMENT AND POWER PLANTS,

Petitioner,

vs.

OGC #06-0026
DEP Permit 0530021-011-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, Florida Crushed Stone Company, to grant an extension of time to file a petition for an administrative hearing to allow time to provide certain information to the FDEP on several specific permit conditions for its facility in Hernando 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 **March 6, 2006**, to file a petition in this matter. Filing shall be complete upon 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 18~~th~~ day of January, 2006, 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

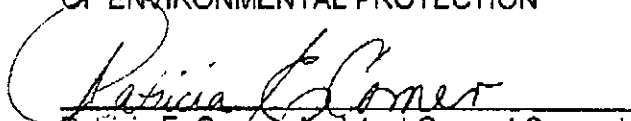
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via
__ U. S. Mail __ facsimile __ **only**, this 18th day of January, 2006, to:

Fawn W. Bergen, P.E
Koogler & Associates, Inc.
4014 N.W. 13th Street
Gainesville, FL 32609

facsimile: 352-377-5822

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Patricia E. Comer, Assistant General Counsel
FL Bar 0224146
Department of Environmental Protection
3900 Commonwealth Boulevard – MS 35
Tallahassee, Florida 32399-3000
Telephone: (850) 245-2288
Facsimile: (850) 245-2302

with a courtesy copy to:

Trina L. Vielhauer, Chief
Bureau of Air Regulation

facsimile: 850-921-9533

Gibson, Victoria

From: Comer, Patricia
Sent: Tuesday, January 17, 2006 12:06 PM
To: Gibson, Victoria
Subject: RE: Florida Crushed Stone -- Extension of time

I can access LCT, thanks. I just don't have any documents or any file yet for FI Crushed Stone probably because it takes a while from something opening a case being received by the clerk's office on the sixth floor to us getting a file opened and assigned here on three. If Valerie has the order draft all's fine.

Thanks
Pat

From: Gibson, Victoria
Sent: Tuesday, January 17, 2006 11:49 AM
To: Comer, Patricia
Subject: RE: Florida Crushed Stone -- Extension of time

Okay, I did send over to Valerie this morning the draft order to grant for FCS. Are you able to access LCT yet? If not, I will fax you a copy of that screen as well. What is your fax #?

Vickie

From: Comer, Patricia
Sent: Tuesday, January 17, 2006 11:40 AM
To: Gibson, Victoria
Subject: RE: Florida Crushed Stone -- Extension of time

Vickie
Can you send what you have? I don't have any case file yet. Thanks
Pat

From: Gibson, Victoria
Sent: Friday, January 13, 2006 1:27 PM
To: Comer, Patricia
Subject: Florida Crushed Stone -- Extension of time

Hi,

I just so happen to have this draft order to grant ready to go on 0530021-011-AV; so if it is of any help to you or Valerie.....let me know and I will e-mail over to 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: Gibson, Victoria
Sent: Tuesday, January 17, 2006 9:38 AM
To: Miskelley, Valerie
Subject: RE: Florida Crushed Stone

Attachments: Ord Grant FCS.doc

Yes, I have drafted this order; just in case. Here it is attached for your convenience:



Ord Grant FCS.doc
(34 KB)

I used Jack's signature line so you'll probably need to change one or all of those.

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

From: Miskelley, Valerie
Sent: Tuesday, January 17, 2006 9:26 AM
To: Gibson, Victoria
Subject: RE: Florida Crushed Stone

Vickie,
Pat thought maybe you had already drafted the order granting the extension of time. If you have, could you email it to me so we can send it. If not, let me know and I will draft it.

Thanks,
Valerie

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

From: Gibson, Victoria
Sent: Friday, January 13, 2006 1:12 PM
To: Comer, Patricia
Cc: Miskelley, Valerie; Vielhauer, Trina
Subject: Florida Crushed Stone
Importance: High

Good afternoon.

Trina wishes to grant the extension of time request on the following facility:

Florida Crushed Stone -- Brooksville Cement and Power Plants

0530021-011-AV OGC # 06-0026

60 days requested; which will be fine to grant as an extension of time



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: Gibson, Victoria
Sent: Friday, January 13, 2006 1:26 PM
To: Mitchell, Bruce
Subject: FCS -- Extension of time

Hi,

Would you please provide the name, title and fax # for the R.O. on permit # 0530021-011-AV?

I will be sure to have him receive a copy of the extension of time.....or if there is someone else you would like to receive a copy, just let me know.

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: Gibson, Victoria
Sent: Friday, January 13, 2006 1:14 PM
To: Comer, Patricia
Cc: Vielhauer, Trina; Miskelley, Valerie
Subject: FW: Florida Crushed Stone--Request for Extension
Importance: High

Pat and Valerie,

Attached is an e-mail that needs to be part of your file on FCS 0530021-011-AV

Have a great long weekend!!!

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

From: Gibson, Victoria
Sent: Wednesday, January 11, 2006 11:44 AM
To: 'fbergen@kooglerassociates.com'
Subject: RE: Florida Crushed Stone--Request for Extension

Thank you very much for your reply.

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

1/13/2006

From: Fawn Bergen [mailto:fbergen@kooglerassociates.com]
Sent: Wednesday, January 11, 2006 11:04 AM
To: Gibson, Victoria
Cc: 'John Koogler'; 'Vardeman, Mike'; 'Daniel, James S.'
Subject: Florida Crushed Stone--Request for Extension

Hi Ms. Gibson-

I received your message yesterday (at Trina Vilhauer's request) about the reasoning for our request for an extension for the DRAFT Title V permit renewal project. The main reason that we have requested an extension is to allow additional time for the Power Plant (which is under different ownership than the Cement Plant) to review the DRAFT Title V permit. With a change of ownership for the power plant, things have been hectic and we wanted to allow those folks time to completely review the document. There are a few items in the permit that we will be commenting on. We will submit comments once the Power Plant has sufficiently reviewed the document.

Please let me know if there are further questions.

Regards,

Fawn W. Bergen, PE
Project Engineer
Koogler & Associates, Inc.
4014 NW 13th Street
Gainesville, FL 32609
(352)377-5822 x29
(352)377-7158 fax
fbergen@kooglerassociates.com

Gibson, Victoria

From: Gibson, Victoria
Sent: Friday, January 13, 2006 1:12 PM
To: Comer, Patricia
Cc: Miskelley, Valerie; Vielhauer, Trina
Subject: Florida Crushed Stone

Importance: High

Good afternoon.

Trina wishes to grant the extension of time request on the following facility:

Florida Crushed Stone -- Brooksville Cement and Power Plants

0530021-011-AV . OGC # 06-0026

60 days requested; which will be fine to grant as an extension of time

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: Fawn Bergen [fbergen@kooglerassociates.com]
Sent: Wednesday, January 11, 2006 11:04 AM
To: Gibson, Victoria
Cc: 'John Koogler'; 'Vardeman, Mike'; 'Daniel, James S.'
Subject: Florida Crushed Stone--Request for Extension

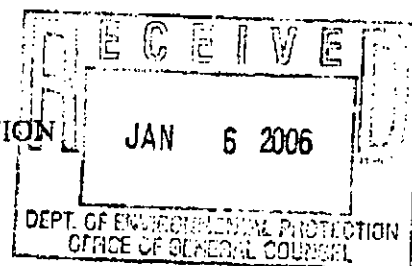
Hi Ms. Gibson-

I received your message yesterday (at Trina Vilhauer's request) about the reasoning for our request for an extension for the DRAFT Title V permit renewal project. The main reason that we have requested an extension is to allow additional time for the Power Plant (which is under different ownership than the Cement Plant) to review the DRAFT Title V permit. With a change of ownership for the power plant, things have been hectic and we wanted to allow those folks time to completely review the document. There are a few items in the permit that we will be commenting on. We will submit comments once the Power Plant has sufficiently reviewed the document.

Please let me know if there are further questions.

Regards,

Fawn W. Bergen, PE
Project Engineer
Koogler & Associates, Inc.
4014 NW 13th Street
Gainesville, FL 32609
(352)377-5822 x29
(352)377-7158 fax
fbergen@kooglerassociates.com

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an Application
for Air Permit by

Florida Crushed Stone Company
PO Box 1508
Brooksville, Florida 34605

FDEP File No. 0530021-011-AV

MOTION FOR EXTENSION OF TIME

The Applicant, Florida Crushed Stone Company, by and through its undersigned Engineer of Record and pursuant to Rule 28-106, FAC, requests the Secretary of FDEP to grant a 60-day extension of time in which to file a petition. This will allow submittal of additional information to FDEP on the permit application review and allow time to resolve issues of concern.

Dated the 4th day of January, 2006, in Gainesville, Alachua County, Florida.

Koogler & Associates, Inc.
Environmental Services

A handwritten signature in cursive script that reads "Fawn W. Bergen".

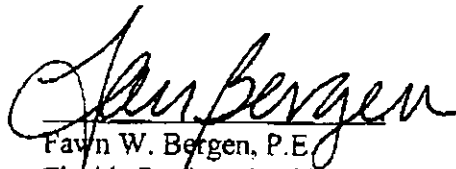
Fawn W. Bergen, P.E.
Engineer of Record
Florida Registration No. 61614
4014 N.W. 13th Street
Gainesville, FL 32609
(352) 377-5822



754

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been furnished to Teri Donaldson, Office of the General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, and Mr. Bruce Mitchell, FDEP, 2600 Blair Stone Road, Tallahassee, Florida 32399, Mr. Michael Vardeman, Rinker Materials Corporation, 1200 NW 137th Avenue, Miami, Florida 33182, and Mr. James Daniel, Florida Crushed Stone Company, PO Box 1508, Brooksville, Florida 34605, by FAX and by UPS, this 4th day of January, 2006.


Fawn W. Bergen, P.E.
Florida Registration No. 61614



**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF GENERAL COUNSEL**

3900 Commonwealth Boulevard, M.S. 35
Marjory Stoneman Douglas Building
Tallahassee, Florida 32399-3000

FACSIMILE TRANSMITTAL

To: Vickie Gibson

Fax: 921-9533

From: Lea Crandall

Phone: 245-2212

Pages: 3 Pages Including Cover Date: January 6, 2006

RE: Florida Crushed Stone Company

Comments:

Original WILL follow VIA United States Postal Service

Overnight Delivery

Original will NOT follow



The information contained in this facsimile message is attorney privileged and confidential, intended only for the use of individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify sender by telephone and return the original to us at the above address via United States Postal Service.

Gibson, Victoria

From: Crandall, Lea
Sent: Friday, January 06, 2006 10:43 AM
To: Chisolm, Jack; Light, Lisa; Gibson, Victoria
Subject: Request for Extension of Time rec'd. - 0530021-011-AV - Florida Crushed Stone

FYI, a Request for Extension of Time was rec'd. today re: 0530021-011-AV - Florida Crushed Stone.

Thanks,

Lea Crandall

Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

Chronology of Activities

OGC Number: District: County:

Style of Case:

Program Area: Mode:

Lead Attorney: Status:

Forum Name: Forum Case Number:

Permit Appl: Final Order Number:

Date *	Code	Activity, Description
01/06/2006	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHSOLM
01/06/2006	ACO	ADMIN. CASE OPENED IN OGC
01/06/2006	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
01/09/2006	AR	RE-ASSIGNED TO LEAD ATTORNEY PATRICIA E COMER
01/18/2006		ORDER GRANTING REQ FOR EXTENSION OF TIME TO FILE PETITION
01/18/2006		FOR HEARING DUE 03/06/06.



KOGLER & ASSOCIATES
ENVIRONMENTAL SERVICES

4014 NW THIRTEENTH STREET
GAINESVILLE, FLORIDA 32609
352/377-5822 • FAX/377-7158

KA 307-05-04

January 4, 2006

RECEIVED

JAN 05 2006

BUREAU OF AIR REGULATION

Teri Donaldson, Esquire
Office of General Counsel
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Subject: Motion for Extension of Time to File a Petition
Florida Crushed Stone Company
Brooksville Cement and Power Plants, Hernando County
DEP File No. 0530021-011-AV

Dear Ms. Donaldson:

Attached is a request for an extension of time to file for a hearing in accordance with Rule 28-106, FAC.

Mr. Bruce Mitchell, the permitting engineer, has been notified and has no objections to this extension.

If you have any questions concerning this request, please do not hesitate to contact me.

Very truly yours,

KOGLER & ASSOCIATES

Fawn W. Bergen, P.E.

FWB
Encl.

C: J. Daniel, FCS Brooksville
B. Mitchell, FDEP
M. Vardeman, Rinker

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an Application
for Air Permit by

Florida Crushed Stone Company
PO Box 1508
Brooksville, Florida 34605

FDEP File No. 0530021-011-AV

MOTION FOR EXTENSION OF TIME

The Applicant, Florida Crushed Stone Company, by and through its undersigned Engineer of Record and pursuant to Rule 28-106, FAC, requests the Secretary of FDEP to grant a 60-day extension of time in which to file a petition. This will allow submittal of additional information to FDEP on the permit application review and allow time to resolve issues of concern.

Dated the 4th day of January, 2006, in Gainesville, Alachua County, Florida.

Koogler & Associates, Inc.
Environmental Services




Fawn W. Bergen, P.E.
Engineer of Record
Florida Registration No. 61614
4014 N.W. 13th Street
Gainesville, FL 32609
(352) 377-5822



CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been furnished to Teri Donaldson, Office of the General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, and Mr. Bruce Mitchell, FDEP, 2600 Blair Stone Road, Tallahassee, Florida 32399, Mr. Michael Vardeman, Rinker Materials Corporation, 1200 NW 137th Avenue, Miami, Florida 33182, and Mr. James Daniel, Florida Crushed Stone Company, PO Box 1508, Brooksville, Florida 34605, by FAX and by UPS, this 4th day of January, 2006.


Fawn W. Bergen, P.E.
Florida Registration No. 61614

