



Florida Department of Environmental Protection  
Office of General Counsel

# Memo

**To:** Trina Vielhauer, and OGC File

**From:** Ronni Moore, Assistant General Counsel (RM)

**Date:** July 8, 2008

**Re:** Buckeye Florida, L.P., vs. DEP; DEP Permit No. PSD-FL-397; OGC No. 08-1743

---

On June 13, 2008, the Department issued a notice of intent to issue air permit no. PSD-FL-397 to Buckeye Florida, L.P., (Buckeye). Thereafter, Buckeye timely requested an extension of time to file a petition for administrative hearing on the draft permit. Before the Department issued an order granting Buckeye's time extension, the Department significantly changed the draft permit and issued Buckeye a revised draft permit on July 7, 2008. There being no further matters to consider, the Department's file in this matter is closed.

**Gibson, Victoria**

---

**From:** Vielhauer, Trina  
**Sent:** Tuesday, July 08, 2008 3:59 PM  
**To:** Gibson, Victoria  
**Subject:** FW: Buckeye Florida OGC # 08-1743 re: MEMO CLOSING FILE  
**Attachments:** 081743 7-8-08.pdf

---

**From:** Swango, Katie  
**Sent:** Tuesday, July 08, 2008 3:13 PM  
**To:** Vielhauer, Trina  
**Cc:** Moore, Ronni  
**Subject:** Buckeye Florida OGC # 08-1743 re: MEMO CLOSING FILE

Please find attached the PDF version of the memo closing file prepared by Ronni Moore. Please let me know if you have a problem opening or viewing the above attachment and I will send you a hard copy as soon as possible.

Thanks

*Katie Marie Swango  
Administrative Assistant for  
Rebecca Robinette, Chris Mcquire, Augusta Posner,  
Ronni Moore, Lisa Duchene, Pat Comer, & Holly Cauley*

**FLORIDA DISCOUNT CARD:** More than 3,000 retail pharmacies in Florida are now a part of the Florida Discount Drug Card program. See [www.FloridaDiscountDrugCard.com](http://www.FloridaDiscountDrugCard.com) for more info or call toll-free, 1-866-341-8894.

## Gibson, Victoria

---

**From:** Gibson, Victoria  
**Sent:** Wednesday, July 02, 2008 3:55 PM  
**To:** Moore, Ronni; Swango, Katie  
**Cc:** Vielhauer, Trina; Mitchell, Bruce; Koerner, Jeff  
**Subject:** FW: Buckeye Florida -- 1230001-023-AC

Hi Ronni,

Trina needs to have this case put on hold since we will be withdrawing the old permit and issuing a new permit soon.

Thank you and have a great weekend.

*Vickie*

Victoria Gibson, Administrative Secretary for  
Trina Vielhauer, Chief  
Bureau of Air Regulation  
Division of Air Resource Management  
victoria.gibson@dep.state.fl.us  
850-921-9504 fax 850-921-9533

---

**From:** Vielhauer, Trina  
**Sent:** Wednesday, July 02, 2008 3:47 PM  
**To:** Gibson, Victoria  
**Subject:** RE: Buckeye Florida -- 1230001-023-AC

sure

---

**From:** Gibson, Victoria  
**Sent:** Wednesday, July 02, 2008 3:32 PM  
**To:** Vielhauer, Trina  
**Subject:** RE: Buckeye Florida -- 1230001-023-AC

Should I send you comment to Ronni then and ask her just to place the request on hold?

---

**From:** Vielhauer, Trina  
**Sent:** Wednesday, July 02, 2008 3:31 PM  
**To:** Gibson, Victoria  
**Subject:** RE: Buckeye Florida -- 1230001-023-AC

We will be issuing a new permit soon so I'd say we can either grant it or sit on it (it will become moot because we will withdraw that old permit and reissue a new one in probably a week or so.)

---

**From:** Gibson, Victoria  
**Sent:** Wednesday, July 02, 2008 3:28 PM  
**To:** Vielhauer, Trina  
**Subject:** Buckeye Florida -- 1230001-023-AC

Hi,

Where are we with their request for an extension of time through 7/23 or so?

*Vickie*

Victoria Gibson, Administrative Secretary for  
Trina Vielhauer, Chief  
Bureau of Air Regulation  
Division of Air Resource Management  
victoria.gibson@dep.state.fl.us  
850-921-9504 fax 850-921-9533

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

BUCKEYE FLORIDA, L.P.,

Petitioner,

v.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Respondent.

---

OGC CASE #

Draft Air Permit No. PSD-FL-397

Project No. 1230001-023-AC

**MOTION FOR EXTENSION OF TIME**

Buckeye Florida Limited ("Buckeye"), by and through its undersigned counsel, hereby requests a 30-day extension of time in which to file a Petition for Administrative Proceeding on Draft Air Permit No.: PSD-FL-397; Project No.: 1230001-023-AC, received by electronic transmission from DEP on June 16, 2008.

Buckeye also requests an extension of the requirement for public notice to be published. It requests that the public notice publishing requirement be extended until after the department determines whether the draft permit may be amended to reflect the comments which Buckeye intends to furnish.

The grounds for the motion are as follows:

1. A preliminary review of the draft permit revealed several potential issues that require further comment and discussion with the department.
2. In addition, time is required by the Department to develop a revised permit consolidating and incorporating comments as it determines appropriate. This informal process is more efficient in terms of both department and Buckeye staff time than resolution through the

filing of a Petition for Administrative Hearing.

3. Buckeye desires to preserve its right to hearing should the requested revisions not be incorporated.

4. In a meeting with the Department Trina Vielhauer indicated DEP did not object to this extension.

6. This Motion is filed timely.

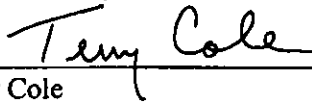
**WHEREFORE, Buckeye respectfully requests that the time within which to file a petition for administrative proceeding and public notice be extended by 30 days.** Buckeye specifically wishes to preserve its right to hearing and should this request for extension of time be denied, requests that this be treated as a Petition for Formal Administrative Proceeding.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing Motion for Extension of Time has been filed with Lea Crandall, Agency Clerk, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399; Trina Vielhauer, Chief, Division of Air Resource Management, 2600 Blair Stone Road MS 5505, Tallahassee, Florida 32399-2400; by electronic transmission this 23<sup>rd</sup> day of June, 2008.

Respectfully submitted,

OERTEL, FERNANDEZ, COLE & BRYANT, P.A.  
Post Office Box 1110  
Tallahassee, Florida 32302-1110  
850-521-0700; Fax: 850-521-0720



---

Terry Cole  
Florida Bar ID No. 133550  
Attorneys for BUCKEYE FLORIDA, L.P.

## Gibson, Victoria

---

**From:** Crandall, Lea  
**Sent:** Monday, June 23, 2008 12:10 PM  
**To:** Chisolm, Jack; Brown, Fawn; Gibson, Victoria; Mitchell, Bruce  
**Subject:** Request for Extension of Time rec'd. - 1230001-023 - Buckeye Florida, LP.

**Attachments:** 2075 Buckeye Motion for Extension of Time 023AC-PSD-FL-397.pdf



2075 Buckeye  
Motion for Exten...

FYI, the attached Request for Extension of Time was filed today re:  
1230001-023 - Buckeye Florida, LP.

Thanks,  
Lea

Lea Crandall  
Agency Clerk  
Office of General Counsel  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212  
Fax: (850) 245-2303

FLORIDA DISCOUNT CARD: More than 3,000 retail pharmacies in Florida are now a part of the Florida Discount Drug Card program. See [www.FloridaDiscountDrugCard.com](http://www.FloridaDiscountDrugCard.com) for more info or call toll-free, 1-866-341-8894.

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

From: Becki Frazier [mailto:[bfrazier@ohfc.com](mailto:bfrazier@ohfc.com)]  
Sent: Monday, June 23, 2008 10:58 AM  
To: Crandall, Lea  
Cc: Vielhauer, Trina; Dave Weeden; ray\_perry@bkitech.com; Ray Andreu; Terry Cole  
Subject: Buckeye Filing for today

Good morning Lea. Attached is a motion for extension of time from Buckeye Florida, L.P. for filing today. Thanks so much and I hope you have a wonderful Monday.

Becki Frazier  
Legal Assistant to  
Terry Cole and Scott Foltz  
Oertel, Fernandez, Cole & Bryant, P.A.  
301 S. Bronough St., Suite 500  
P.O. Box 1110 (32302-1110)  
Tallahassee, Florida 32301  
Phone: (850) 521-0700  
Fax: (850) 521-0720  
[www.ohfc.com](http://www.ohfc.com)  
[bfrazier@ohfc.com](mailto:bfrazier@ohfc.com)

"Live Simply, Love Generously, Care Deeply, Speak Kindly, Leave The Rest To God"

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.



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
06/23/2008	AA	INTENT TO ISSUE PERMIT SENT OUT
06/23/2008	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
06/23/2008	ACO	ADMIN. CASE OPENED IN OGC
06/23/2008	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
07/07/2008		NEW INTENT TO ISSUE SENT OUT - PRIOR INTENT RESCINDED.
07/08/2008		MEMO CLOSING FILE SENT OUT
07/08/2008	AR	RE-ASSIGNED TO LEAD ATTORNEY RONNI L MOORE
07/09/2008	CC	CASE CLOSED IN OGC
07/09/2008		TO BE ARCHIVED PER RONNI MOORE