

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**

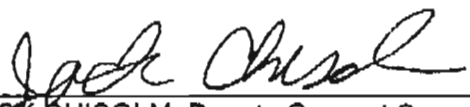
This cause has come before the Florida Department of Environmental Protection upon receipt of a request made by petitioner, Tarmac America, Inc., to grant an extension of time to file a petition for an administrative hearing to allow time to discuss with DEP several specific permit conditions for its 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 **March 15, 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 16th day of February, 2005, 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

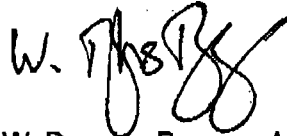
BEST AVAILABLE COPY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via
_ U. S. Mail facsimile on 16th day of February, 2005, to:

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

Fax 850-224-8551



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

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Tarmac America, Inc.
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Trina L. Vielhauer
Chief
Bureau of Air Regulation

facsimile: 850-921-9533

Gibson, Victoria

From: Gibson, Victoria
Sent: Tuesday, March 15, 2005 10:02 AM
To: Kinsey, Cynthia
Subject: RE: TARMAC -- Another Request?

Oh! Sorry about that. I had the wrong date written up on a cheat sheet.

Vickie

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

From: Kinsey, Cynthia
Sent: Tuesday, March 15, 2005 9:57 AM
To: Gibson, Victoria
Subject: RE: TARMAC -- Another Request?

I could not find anything in LCT as of now, indicating that an extension has been received for this permit number/ogc number, but the deadline for the current extension doesn't end until the end of today (3/15).

Syndie

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

From: Gibson, Victoria
Sent: Tuesday, March 15, 2005 9:43 AM
To: Kinsey, Cynthia
Subject: TARMAC -- Another Request?
Importance: High

Hi,

.Have you seen another request for an extension of time from TARMAC? 0250020-013-AV OGC # 04-1739

Vickie

Victoria Gibson, Administrative Secretary
Bureau Chief's Office
DEP/Bureau of Air Regulation
victoria.gibson@dep.state.fl.us
850-921-9504 fax 921-9533

Gibson, Victoria

From: Gibson, Victoria
Sent: Tuesday, February 15, 2005 9:17 AM
To: Light, Lisa; Beason, Doug
Cc: Vielhauer, Trina
Subject: DRAFT Order to Grant on Tarmac

Importance: High

Hi,

Please find attached the draft order to grant on TARMAC: 0250020-013-AV.....OGC # 04-1739. We have set the expiration date as being March 15th.



OrdGrant on
TARMAC.doc (38 KB)

Thank you.

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: Tuesday, February 15, 2005 8:15 AM
To: Phillips, Cindy; Linero, Alvaro
Cc: Vielhauer, Trina
Subject: RE: TARMAC

Trina has suggested that this be granted until 3/15. I will draft the order this morning and send it over to OGC for signature.

Thanks very much for all your input.

Vickie

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

From: Phillips, Cindy
Sent: Monday, February 14, 2005 3:38 PM
To: Gibson, Victoria; Linero, Alvaro
Cc: Vielhauer, Trina
Subject: RE: TARMAC

Vickie, Just grant it until March 4th please. I hope to have the revised draft permit(s) ready by the end of this week.

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

From: Gibson, Victoria
Sent: Monday, February 14, 2005 9:45 AM
To: Phillips, Cindy; Linero, Alvaro
Cc: Vielhauer, Trina
Subject: FW: TARMAC
Importance: High

Hi,

As you can see from the e-mail below; Tarmac has requested another extension of time late on Friday. As soon as I receive a copy of it from OGC; I will let you know how much time they have requested.

Vickie

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

From: Carter, Kathy
Sent: Monday, February 14, 2005 9:37 AM
To: Gibson, Victoria
Subject: RE: TARMAC

Vicky

We received a fourth request

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

From: Gibson, Victoria
Sent: Monday, February 14, 2005 7:47 AM
To: Carter, Kathy
Subject: TARMAC
Importance: High

Good morning.

Did OGC receive another request for another extension of time from TARMAC late Friday or today?

0250020-013-AV OGC # 04-1739

Thank you.

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: Linero, Alvaro
Sent: Monday, February 14, 2005 10:02 AM
To: Gibson, Victoria
Subject: RE: TARMAC

Thanks.

Do whatever Cindy Phillips says.

My idea is if you bother to give any time at all, might as well make it a month.

The alternative is not to act for a couple of weeks and see what happens.

Al.

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

From: Gibson, Victoria
Sent: Mon 2/14/2005 9:45 AM
To: Phillips, Cindy; Linero, Alvaro
Cc: Vielhauer, Trina
Subject: FW: TARMAC

Hi,

As you can see from the e-mail below; Tarmac has requested another extension of time late on Friday. As soon as I receive a copy of it from OGC; I will let you know how much time they have requested.

Vickie

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Subject: RE: TARMAC

Vicky

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Sent: Monday, February 14, 2005 7:47 AM
To: Carter, Kathy
Subject: TARMAC
Importance: High

Good morning.

2/15/2005

Did OGC receive another request for another extension of time from TARMAC late Friday or today?

0250020-013-AV OGC # 04-1739

Thank you.

Vickie

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

2/15/2005

Gibson, Victoria

From: Linero, Alvaro
Sent: Thursday, February 10, 2005 1:35 PM
To: Phillips, Cindy; Gibson, Victoria
Cc: Vielhauer, Trina
Subject: RE: TARMAC

No objection.

Al.

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

From: Phillips, Cindy
Sent: Thursday, February 10, 2005 1:21 PM
To: Gibson, Victoria; Linero, Alvaro
Cc: Vielhauer, Trina
Subject: RE: TARMAC

Just grant it until March 4th please. I hope to have the revised draft permit ready by the end of next week.

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

From: Gibson, Victoria
Sent: Thursday, February 10, 2005 12:36 PM
To: Linero, Alvaro; Phillips, Cindy
Cc: Vielhauer, Trina
Subject: TARMAC
Importance: High

Hi,

Receive in today a copy of the 4th request for extension of time on TARMAC. They have requested additional time through and including April 11th. Their present extension of time expires tomorrow.

Would you like to grant or deny?

Vickie

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

RECEIVED

FEB 10 2005

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF AIR
RESOURCE MANAGEMENT

In the Matter of an
Application for Permit by:

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

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

FOURTH 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 April 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:

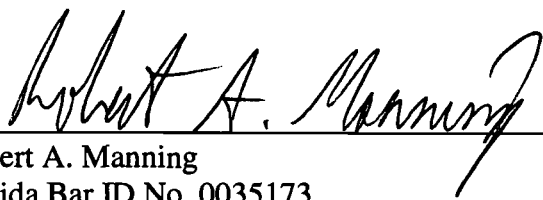
1. On or about October 5, 2004, Tarmac America, Inc. received from the Department of Environmental Protection ("Department") an "Intent to Issue Title V Air Operation Permit Revision" and accompanying "Revised Draft Permit," (Draft Permit No.0250020-013-AV), for the Tarmac Pennsuco Cement Plant, located at 11000 NW 121 Way, Medley, Miami-Dade County, Florida.
2. Based on Tarmac's initial review, the Revised Draft Permit and associated documents contain several provisions that warrant clarification or corrections.
3. Tarmac and DEP are in the process of discussing possible resolutions to the issues needing clarification or correction.
4. By Order dated January 20, 2005, the Department granted Tarmac's prior requested extension until February 11, 2005.

5. Tarmac is now requesting until April 11, 2005, in order to resolve remaining issues before the Department.

6. This fourth 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 April 11, 2005.

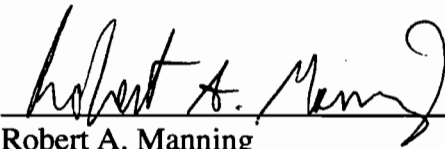
RESPECTFULLY SUBMITTED this 10th day of February, 2005.

By: 
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 10th day of February, 2005.



Robert A. Manning

Gibson, Victoria

From: Gibson, Victoria
Sent: Monday, February 07, 2005 10:43 AM
To: Phillips, Cindy
Cc: Vielhauer, Trina
Subject: TARMAC

FYI,

Tarmac's extension of time will expire this Friday on 2/11.

Vickie

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