

BEST AVAILABLE COPY

**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**

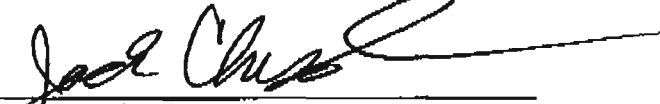
This cause has come before the Florida Department of Environmental Protection upon receipt of a request made by Petitioner TARMAC AMERICA, INC., to grant an extension of time to file a petition for an administrative hearing to allow time to discuss with FDEP several specific permit conditions for its 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 **November 12, 2004**, 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 18th day of October, 2004, 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

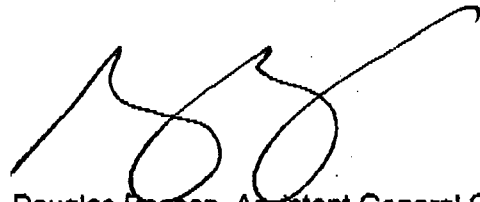
BEST AVAILABLE COPY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that it a true and correct copy of the foregoing has been furnished via
_ U. S. Mail facsimile only, this 18th day of October, 2004, to:

Robert A. Manning, Esquire
Hopping Green & Sams, P.A.
Post Office Box 6526
Tallahassee, FL 32314

Facsimile 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.
Tarmac Pennsuco Cement Plant

Petitioner,

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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



Department of Environmental Protection

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via

Jeb Bush
Governor

U. S. Mail ___ facsimile ___ **only** this day of October 2004, to:

Colleen M. Castille
Secretary

Robert A. Manning, Esquire
Hopping Green & Sams, P.A.
Post Office Box 6526
Tallahassee, FL 32314

Facsimile 850-224-8551

W. Douglas Beason, Assistant General Counsel
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION
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RECEIVED

OCT 13 2004

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF AIR REGULATION

In the Matter of an
Application for Permit by:

04-1739

FDEP Draft Permit No.: 0250020-013-AV

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

REQUEST FOR ENLARGEMENT OF TIME

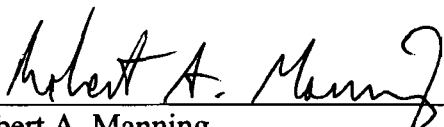
By and through undersigned counsel, Tarmac America, Inc. (Tarmac) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including November 29, 2004, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause 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. This 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 November 29, 2004.

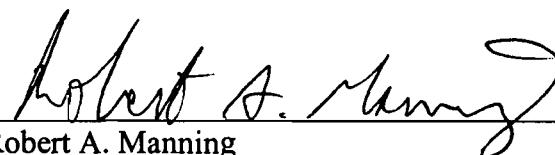
RESPECTFULLY SUBMITTED this 13th day of October, 2004.

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 13th day of October, 2004.


Robert A. Manning

RECEIVED

OCT 13 2004

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF AIR REGULATION

In the Matter of an
Application for Permit by:

FDEP Draft Permit No.: 0250020-013-AV

Tarmac America, Inc.
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Miami-Dade County, Florida

REQUEST FOR ENLARGEMENT OF TIME

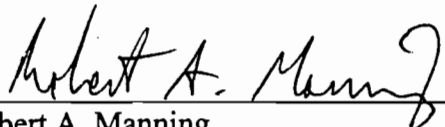
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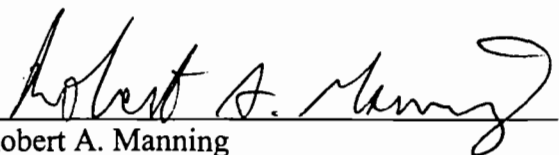
RESPECTFULLY SUBMITTED this 13th day of October, 2004:

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
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Attorneys for Tarmac America, Inc.

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Robert A. Manning

Gibson, Victoria

From: Phillips, Cindy
Sent: Thursday, October 14, 2004 2:32 PM
To: Gibson, Victoria
Cc: Vielhauer, Trina
Subject: RE: extension request

Vickie, please grant Tampa Electric's requests through and including the November 12th. (The 15th is cutting it too close to issue a final Title V permit by December 30th.)

Al said that Trina suggested 30 days for Tarmac so let's give them through and including November 15th.

Thanks,

Cindy

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

From: Gibson, Victoria
Sent: Thursday, October 14, 2004 1:59 PM
To: Phillips, Cindy
Cc: Vielhauer, Trina
Subject: FW: extension request
Importance: High

Hi,

Would you like to grant these extensions of time? If so, for how long?

Tampa Electric has requested through and including the 15th of November. Maybe the 12th would be better?

TARMAC has requested through the 29th of November.

Let me know how to proceed on these for you.

Thanks.

Vickie

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

From: Phillips, Cindy
Sent: Thursday, October 14, 2004 1:08 PM
To: Carter, Kathy; Chisolm, Jack; Vielhauer, Trina
Cc: Gibson, Victoria; Light, Lisa; Linero, Alvaro; 'muthim@miamidade.gov'; 'harman@epchc.org'; Waters, Jason
Subject: RE: extension request

Thanks for the info Kathy. For Tampa Electric Company, it should be 0570039-017-AV.

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

From: Carter, Kathy
Sent: Thursday, October 14, 2004 11:30 AM
To: Phillips, Cindy; Chisolm, Jack; Vielhauer, Trina
Cc: Gibson, Victoria; Light, Lisa
Subject: extension request

Cindy:

FYI

Ogc received three requests for extension of time listed below:

Tampa Electric Company, DEP 0570039-016-AC & 0570039-017-AC, Big Bend Station, rec'd. 10/13/04
and
Tarmac America, Inc. , DEP 0250020-013-AV, for Tarmac Pennsuco Cement Plant, rec'd 10/13/04.

Kathy

Office of General Counsel
Agency Clerk
245-2212
Kathy.Carter@dep.state.fl.us

Legal Case Tracking - Chronology of Activities 11/01/2006 11:24:56

Chronology of Activities

OGC Number **04 1739 13 AV** District **SOUTHEAST** County **MIAMI-DADE**
 Style of Case **TARMAC AMERCIA, INC. V DEP**
 Program Area **AIR TITLE V** Mode **ADMINISTRATIVE**
 Lead Attorney **JACK J CHISOLM** Status **OPEN**
 Forum Name _____ Forum Case Number _____
 Permit Appl **0250020-013-AV** Final Order Number _____

Date	Code	Activity Description
09/15/2005	REX7	RECEIVED SEVENTH REQUEST FOR EXTENSION OF TIME
10/20/2005	REX8	RECEIVED EIGHTH REQUEST FOR EXTENSION OF TIME
04/20/2006	REX9	RECEIVED NINTH REQUEST FOR EXTENSION OF TIME
03/29/2006	REX	REQUEST FOR EXTENSION
03/29/2006		TENTH REQUEST FOR EXTENSION OF TIME
09/20/2006	REX	REQUEST FOR EXTENSION
05/29/2006		ELEVENTH REQUEST FOR EXTENSION OF TIME
10/12/2006		ORDER GRANTING EXT OF TIME
10/13/2006	AR	RE-ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
12/29/2006		11TH EXTENSION EXPIRES TODAY

Chronology of Activities

OGC Number **04 1739 13 AV** District **SOUTHEAST** County **MIAMI-DADE**
Style of Case **TARMAC AMERCIA, INC. V DEP**
Program Area **AIR TITLE V** Mode **ADMINISTRATIVE**
Lead Attorney **JACK J CHISOLM** Status **CLOSED**
Forum Name _____ Forum Case Number _____
Permit Appl **0250028-013-AV** Final Order Number _____

Date *	Code	Activity Description
09/29/2006		TENTH REQUEST FOR EXTENSION OF TIME
09/29/2006	REX	REQUEST FOR EXTENSION
09/29/2006		ELEVENTH REQUEST FOR EXTENSION OF TIME
10/12/2006		ORDER GRANTING EXT OF TIME
10/12/2006		ORDER GRANTING UNTIL 12/29/06
10/13/2006	AR	RE-ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
12/29/2006		11TH EXTENSION EXPIRES TODAY
03/28/2007		WITHDRAWAL OF TITLE V AIR OPERATION PERMIT RECEIVED
03/30/2007	CC	CASE CLOSED IN OGC
03/30/2007		CASE TO BE ARCHIVED.

Legal Case Tracking - Chronology of Activities 11/01/2006 11:24:56

Chronology of Activities

OGC Number **04 1739 13 AV** District **SOUTHEAST** County **MIAMI-DADE**
 Style of Case **TARMAC AMERCIA, INC. V DEP**
 Program Area **AIR TITLE V** Mode **ADMINISTRATIVE**
 Lead Attorney **JACK J CHISOLM** Status **OPEN**
 Forum Name _____ Forum Case Number _____
 Permit Appl **0250028-013-AV** Final Order Number _____

Date	Code	Activity Description
02/16/2005		ORDER GRANTING EXTENSION UNTIL 3/15/2005
03/22/2005	REX5	RECEIVED FIFTH REQUEST FOR EXTENSION OF TIME
05/18/2005	REX6	RECEIVED SIXTH REQUEST FOR EXTENSION OF TIME
08/19/2005	REX7	RECEIVED SEVENTH REQUEST FOR EXTENSION OF TIME
10/28/2005	REX8	RECEIVED EIGHTH REQUEST FOR EXTENSION OF TIME
01/20/2006	REX9	RECEIVED NINTH REQUEST FOR EXTENSION OF TIME
03/29/2006	REX	REQUEST FOR EXTENSION
03/29/2006		TENTH REQUEST FOR EXTENSION OF TIME
09/29/2006	REX	REQUEST FOR EXTENSION
09/29/2006		ELEVENTH REQUEST FOR EXTENSION OF TIME

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
10/13/2004	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
10/14/2004	AA	ASSIGNED TO LEAD ATTORNEY TRINA L VIELHAUER
10/14/2004	ACO	ADMIN. CASE OPENED IN OGC
10/18/2004		ORDER GRANTING EXTENSION UNTIL 11/12/2004
11/10/2004	AR	RE-ASSIGNED TO LEAD ATTORNEY STANLEY M WARDEN
11/12/2004	REX2	RECEIVED SECOND REQUEST FOR EXTENSION OF TIME
12/20/2004		ORDER GRANTING EXTENSION UNTIL 1/11/2005
01/10/2005	REX3	RECEIVED THIRD REQUEST FOR EXTENSION OF TIME
01/20/2005		ORDER GRANTING EXTENSION -- EXPIRES ON 2/11/05
02/10/2005	REX4	RECEIVED FOURTH REQUEST FOR EXTENSION OF TIME

