

**Parker, Bill**

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**From:** Parker, Bill  
**Sent:** Thursday, November 20, 2003 8:57 AM  
**To:** Gephart, Albert  
**Subject:** RE: Cliff Berry, Inc. / Tampa Facility FLR 000 013 888

RMC QA'ed  
Initials \_\_\_\_\_ Date \_\_\_\_\_

A facility can refuse to provide information to answer a NOD and require us to process the application as it stands. If the missing information is required by law or if the application describes actions and processes that we can not permit, there is a denial within 90 days and they can take us to court. I have never been involved in a denial but I was involved in a situation where an applicant was asked to withdraw his application under a threat of denial. He withdrew.

I forwarded your PA question to Subra.

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

**From:** Gephart, Albert  
**Sent:** Wednesday, November 19, 2003 2:28 PM  
**To:** Parker, Bill  
**Subject:** RE: Cliff Berry, Inc. / Tampa Facility FLR 000 013 888

I was going by 62-4.055(3) that I interpret to mean you have 30 days to determine the application complete after you receive the response from the applicant otherwise it is assumed complete and it would then be difficult to deny a permit.

Also, where is this application in PA? All I can find is a stormwater permit for the tank farm.