# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

December 13, 2013

Mr. Scott Lehr, Environmental Superintendent, Minerals
Mosaic Fertilizer, LLC
13830 Circa Crossing Drive
Lithia, Florida, 33547

Re: Project Nos. 1050034-026-AC and 1050034-025-AO
Central Florida Mining Operations
Minor Air Construction and Operation Permits
Construction Permit Modification/Operation Permit Revision

Dear Mr. Lehr:

On September 30, 2013, you submitted an application for an air operation permit and on November 14, 2013, you submitted an application for an air construction permit to reflect as-built changes to the construction of a phosphate rock unloading facility. Primary modifications are increased particulate control through additional baghouses, and cancellation of planned open truck unloading to the stockpile. This facility is located in Hillsborough and Manatee Counties at 11200 State Road 37 South in Bradley, Florida. After review of the applications, the Department has prepared the following documents: the Draft Permits; Appendices; the Written Notice of Intent to Issue Two Air Permits; and the Public Notice of Intent to Issue Two Air Permits. The Public Notice of Intent to Issue Two Air Permits is the actual notice that you must publish in the legal advertisement section of a newspaper of general circulation in the area affected by these projects. If you have any questions, please contact the project engineer, Richard Spaulding, PE, at (813) 470-5728, or by email at richard.spaulding@dep.state.fl.us.

Sincerely,

_____
Kelley M. Boatwright
District Air Program Administrator
Southwest District

Enclosures

KMB/ras/admin

# WRITTEN NOTICE OF INTENT TO ISSUE TWO AIR PERMITS

*In the Matter of an*
*Application for Air Permit by:*

Mosaic Fertilizer, LLC
13830 Circa Crossing Drive
Lithia, Florida, 33547

*Authorized Representative:*
Mr. Scott Lehr, Environmental Superintendent, Minerals

Project Nos. 1050034-026-AC and
1050034-025-AO
Minor Air Construction and Operation Permits
Hillsborough and Manatee Counties, Florida
Central Florida Mining Operations
Construction Permit Modification/Operation Permit Revision

**Facility Location**: Mosaic Fertilizer, LLC operates the existing Central Florida Mining Operations, which is located in Hillsborough and Manatee Counties at 11200 State Road 37 South in Bradley, Florida.

**Projects**: The Air Construction Permit 1050034-026-AC modifies Air Construction Permit 1050034-023-AC to reflect as-built changes to the construction of a phosphate rock unloading facility. Primary modifications are increased particulate control through additional baghouses, and cancellation of planned open truck unloading to the stockpile. The Air Operation Permit 1050034-025-AO will incorporate the modified terms in the Air Construction Permit 1050034-026-AC. When issued, the Air Operation Permit 1050034-025-AO will replace Air Operation Permit 1050034-020-AO.

**Permitting Authority**: Applications for air construction and operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The proposed projects are not exempt from air permitting requirements and air permits are required to perform the proposed work. The Permitting Authority responsible for making a permit determination for these projects is the Department of Environmental Protection's Air Resource Management Section in the Southwest District Office. The Permitting Authority's physical address is: 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926. The Permitting Authority's mailing address is: 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926. The Permitting Authority's telephone number is 813/470-5700.

**Project File**: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permits, the Appendices, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

**Notice of Intent to Issue Two Permits**: The Permitting Authority gives notice of its intent to issue two air permits to the applicant for the projects described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the projects will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. The Permitting Authority will issue the Final Permits in accordance with the conditions of the proposed Draft Permits unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Public Notice**: Pursuant to Section 403.815, F.S. and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Two Air

Permits (Public Notice). The Public Notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected by these projects. The newspaper used must meet the requirements of Sections 50.011 and 50.031, F.S. in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Permitting Authority at above address or phone number. Pursuant to Rule 62-110.106(5) and (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within 7 days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permits pursuant to Rule 62-110.106(11), F.A.C.

**Comments**: The Permitting Authority will accept written comments concerning the proposed Draft Permits for a period of 14 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of the 14-day period. If written comments received result in a significant change to the Draft Permits, the Permitting Authority shall revise the Draft Permits and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

**Petitions**: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2242). Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Written Notice of Intent to Issue Two Air Permits. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the attached Public Notice or within 14 days of receipt of this Written Notice of Intent to Issue Two Air Permits, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file, project, or identification numbers, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Written Notice of Intent to Issue Two Air Permits. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

**Mediation**: Mediation is not available in this proceeding.

Executed in Hillsborough County, Florida.

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Kelley M. Boatwright
District Air Program Administrator
Southwest District

## CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Intent to Issue Air Permit package (including the Written Notice of Intent to Issue Two Air Permits, the Public Notice of Intent to Issue Two Air Permits, the Technical Evaluation and Preliminary Determination, the Draft Permits and Appendices) was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on the date indicated below to the persons listed below.

Scott Lehr, Environmental Superintendent, Minerals, Mosaic Fertilizer, LLC, (Scott.Lehr@mosaicco.com)

Rama Iyer, Senior Engineer, Mosaic Fertilizer, LLC, (Rama.Iyer@mosaicco.com)

Clerk Stamp

**FILING AND ACKNOWLEDGMENT FILED**, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.

_____ 12/13/2013
(Clerk) (Date)