FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTH DISTRICT
P.O. BOX 2549
FORT MYERS, FL 33902-2549

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

NOTICE OF FINAL TITLE V AIR OPERATION PERMIT

Electronic Mail
Received Receipt Requested

In the Matter of an
Application for Permit Renewal:

Mr. Jose Gonzalez, Vice President of Industrial Operations
Osceola Farms Company
32298 State Road 700
Pahokee, Florida 33476

FINAL Permit Project No.: 0990019-012-AV
Osceola Farms
Palm Beach County

Enclosed is the FINAL Permit, No. 0990019-012-AV. The purpose is for the renewal of the Title V Air Operation Permit. This permit incorporates air construction permit No. 0990019-013-AC. The facility is located in Palm Beach County. This permit renewal is issued pursuant to Chapter 403, Florida Statutes (F.S.). There were no comments received from Region 4, U.S. EPA, regarding the PROPOSED Permit.

Petitions: There are "minor differences" between this FINAL permit and the DRAFT permit that accompanied the Department's Intent to Issue dated March 15, 2013. A person whose substantial interests are affected by the "minor differences" may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. Only the "minor differences" may be challenged in such a petition. The right to request an administrative hearing on the balance of the FINAL permit has already been waived. 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) 245-2241). Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Notice of Final Title V Air Operation Permit. 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 receipt of this Notice of Final Title V Air Operation Permit. 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 (related to the "minor differences") is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, 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 on the "minor differences," the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Notice of Final Title V Air Operation Permit. 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.

Appeals. Any party to this order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Legal Office; and, by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 (thirty) days from the date this Notice is filed with the Clerk of the Department.

Executed in Fort Myers, Florida.

for June 28, 2013

Jon M. Iglehart
Director of District Management

Date

JMI/SRM/mf

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF FINAL TITLE V AIR OPERATION PERMIT (including the FINAL Determination and the FINAL Permit), or a link to these documents available electronically on a publicly accessible server, was sent by electronic mail with received receipt requested before the close of business on June 28, 2013 to the persons listed below.

Mr. Jose Gonzalez, Osceola Farms: jose_gonzalez@floridacrystals.com
Mr. Matthew Capone, Osceola Farms: matthew_capone@floridacrystals.com
Mr. David A. Buff, P.E., Golder Associates: dbuff@golder.com
Mr. James Stormer, PBCHD: james_stormer@doh.state.fl.us
Ms. Natasha Hazziez: Hazziez.natasha@epamail.gov
Ms. Ana Oquendo, EPA Region 4: oquendo.ana@epamail.epa.gov
Ms. Barbara Friday, DEP BAR: barbara.friday@dep.state.fl.us (for posting with U.S. EPA, Region 4)

Clerk Stamp
FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

June 28, 2013

Clerk

Date