Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

December 12, 2006

ELECTRONIC MAIL - RECEIVED RECEIPT REQUESTED

Mr. David Jellerson
Environmental Manager
Mosaic Fertilizer, LLC
8813 U.S. Highway 41 South
Riverview, Florida 33569

Re: DEP File No. 0570008-053-AC; PSD-FL-315G
Riverview Facility, Hillsborough County
Animal Feed Ingredient Plants No. 1 & 2

Dear Mr. Jellerson:

Enclosed is one copy of the Draft Air Construction Permit Modification for the Riverview Facility, located at 8813 U.S. Highway 41 South, Riverview, Hillsborough County. The Technical Evaluation and Preliminary Determination, the Department's Intent to Issue Air Construction Permit Modification and the "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION" are also included.

The "PUBLIC NOTICE" must be published one time only, as soon as possible, in the legal advertisement section of a newspaper of general circulation in the area affected, pursuant to the requirements Chapter 50, Florida Statutes. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within seven days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit.

Please submit any written comments you wish to have considered concerning the Department's proposed action to Jeff Koerner, P.E., Permitting Administrator, North Section at the above letterhead address. If you have any other questions, please contact Mr. Syed Arif at 850/921-9528.

Sincerely,

Jeffery F. Koerner

For Trina L. Vielhauer, Chief,
Bureau of Air Regulation

TLV/sa

Enclosures

change in the Draft Air Construction Permit Modification, the permitting authority shall issue a Revised Draft Air Construction Permit Modification and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen 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 will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action 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 how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (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; and (g) A statement of the relief sought by the petitioner, stating precisely the action 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 Department'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.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above. Mediation is not available in this proceeding.

Executed in Tallahassee, Florida.

For Trina L. Vielhauer, Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION (including the PUBLIC NOTICE, and the DRAFT permit modification) and all copies were sent electronically (with Received Receipt) before the close of business on 12/13/06 to the person(s) listed:

David Jellerson, Mosaic Fertilizer, LLC (David.Jellerson@mosaicco.com)
Jeff Stewart, Mosaic Fertilizer, LLC (jeff.stewart@mosaicco.com)
Gregg Worley, EPA (Worley.gregg@epa.gov)
Dee Morse, NPS (dee_morse@nps.gov)
Mara Nasca, DEP-SWD (mara.nasca@dep.state.fl.us)
Diana Lee, HCEPC (lee@epchc.org)
Scott McCann, Golder Associates, Inc. (smccann@golder.com)

Clerk Stamp

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

Mary L Stamey 12/13/06
(Clerk) (Date)