

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA POWER & LIGHT CO.,

Petitioner,

vs.

OGC No. 09-0470  
DEP Permit No. 0250003-008-AC

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Respondent.

---

**ORDER GRANTING REQUEST FOR  
EXTENSION OF TIME TO FILE PETITION FOR HEARING**


This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, Florida Power & Light Co. (Petitioner), to grant an extension of time to file a petition for administrative hearing to allow time to discuss with the Department 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 hearing is GRANTED. Petitioner shall have until **April 3, 2009**, to file a petition in this matter. Filing shall be complete upon 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 20<sup>th</sup> day of March, 2009, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
JACK CHISOLM, Deputy General Counsel  
3900 Commonwealth Boulevard - MS 35  
Tallahassee, Florida 32399-3000  
850/245-2242 facsimile 850/245-2302

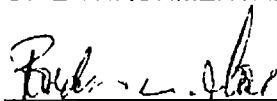
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting Request for Extension of Time to File Petition for Hearing, was furnished via facsimile only on this 20<sup>th</sup> day of March, 2009, to:

Peter C. Cunningham  
Hopping, Green & Sams, P.A.  
123 S. Calhoun Street  
Tallahassee, Florida 32301

Facsimile 850/224-8551

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



RONDA L. MOORE, Assistant General Counsel  
3900 Commonwealth Boulevard - MS 35  
Tallahassee, Florida 32399-3000  
850/245-2193 facsimile 850/245-2302  
Florida Bar No. 0676411

cc via electronic mail:

Trina Vielhauer - FDEP BAR [Trina.Vielhauer@dep.state.fl.us](mailto:Trina.Vielhauer@dep.state.fl.us)  
Jonathan Holtom - FDEP BAR [Jonathan.Holtom@dep.state.fl.us](mailto:Jonathan.Holtom@dep.state.fl.us)

Mosaic Fertilizer -- Riverview 0570008-055-AC

OGC 07-2704

(Scott)

BART Project

<b>2007</b>							
21-Dec		OGC received 1st request for an extension of time	(30 days)				
26-Dec		case opened in OGC and we were notified of the request today					
27-Dec		Trina sent Ronni a note by e-mail instructing OGC to deny this request since it is on a BART permit and the Bureau has to get a SIP to EPA in early February we can't afford an extension of time					
		Trina has a meeting with Mosaic on Jan 11					
<b>2008</b>							
3-Jan		note to Ashley to check on the status of the order to deny -- requested by Trina on 12/27					
7-Jan		didn't hear back from Ashley; checked with Scott and he had received a copy of the denial and forwarded a copy to me today denial with 15 days to petition signed on January 2nd					
28-Jan		Comments on the draft received from the facility today					
		BART Project -- This Case is on Hold with OGC					
<b>2009</b>							
12-Mar		Case closed by OGC since we reissued the draft permit on 3/3/2009 and withdrew the old draft permit					
		DEF issued the BART exemption permit No 0570008-061-AC on 3/3/2009					
		<b>CASE CLOSED</b>					

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

MOSAIC FERTILIZER, LLC,

Petitioner,

vs.

OGC Case No. 07-2704  
Permit No. 0570008-055-AC

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Respondent.

---

**ORDER CLOSING FILE**

On December 18, 2007, the State of Florida Department of Environmental Protection (Department) issued a notice of intent to issue an air construction permit, permit number 0570008-055-AC, for the Best Available Retrofit Technology (BART) requirements to Mosaic Fertilizer, LLC (Mosaic) for its facility in Riverview, Hillsborough County, Florida. Mosaic filed a timely petition for formal administrative hearing (Petition) on the intended draft permit and requested the Petition be held to discuss possible resolution with the Department.

On August 11, 2008, Mosaic submitted an air construction permit to be exempted from the requirements of BART. On March 3, 2009, the Department withdrew its December 2007 intended draft permit and issued a BART exemption permit, permit no. 0570008-061-AC, to Mosaic.

There being no further matters to consider,

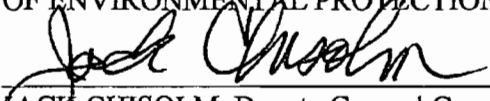
IT IS ORDERED:

The Department's file in this matter is CLOSED.

Any party to this order has the right to seek judicial review of the order under section 120.68 of the Florida Statutes by the filing of a notice of appeal under rules 9.110 and 9.190 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, 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 thirty days from the date this order is filed with the clerk of the Department.

DONE AND ORDERED this 12<sup>th</sup> day of March, 2009, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
JACK CHISOLM, Deputy General Counsel  
3900 Commonwealth Boulevard - MS 35  
Tallahassee, Florida 32399-3000  
850-245-2242 facsimile 850-245-2302

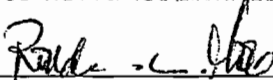
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Closing File, was furnished via electronic mail only on this 12<sup>th</sup> day of March, 2009, to:

Diana M. Jagiella  
Atria Corporate Center, #E490  
3033 Campus Drive  
Plymouth, MN 55441

Diana.Jagiella@mosaicco.com

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
RONDA L. MOORE, Assistant General Counsel  
3900 Commonwealth Blvd., MS 35  
Tallahassee, FL 32399-3000  
Ph: (850) 245-2193 Fax: (850) 245-2302  
Florida Bar No. 0676411

cc: Trina Vielhauer  
Scott Sheplak

**Gibson, Victoria**

---

**From:** Vielhauer, Trina  
**Sent:** Thursday, March 12, 2009 11:05 AM  
**To:** Gibson, Victoria  
**Subject:** FW: Mosaic Fertilizer, LLC. OGC# 07-2704  
**Attachments:** 2009-03-12 Order Closing file.pdf

---

**From:** Swango, Katie  
**Sent:** Thursday, March 12, 2009 10:39 AM  
**To:** diana.Jagiella@mosiacco.com  
**Cc:** Vielhauer, Trina; Sheplak, Scott; Moore, Ronni  
**Subject:** Mosaic Fertilizer, LLC. OGC# 07-2704

Please find attached the PDF version of the Order Closing file for the above referenced Case. Please let me know if you have a problem opening or viewing the attachment and I will send you another version as soon as possible.

Thanks

*Katie Marie Swango*  
*Administrative Assistant for*  
*Rebecca Robinette, Ronni Moore, & Pat Comer*

**FLORIDA DISCOUNT CARD:** More than 3,000 retail pharmacies in Florida are now a part of the Florida Discount Drug Card program. See [www.FloridaDiscountDrugCard.com](http://www.FloridaDiscountDrugCard.com) for more info or call toll-free, 1-866-341-8894.

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

MOSAIC FERTILIZER, LLC,

Petitioner,

vs.

OGC CASE NO. 07-2704  
PERMIT NO. 0570008-055-AC

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Respondent.

**ORDER DENYING REQUEST FOR EXTENSION  
OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by the Petitioner, Mosaic Fertilizer, LLC (Petitioner), to grant an extension of time to file a petition for administrative hearing regarding the Intent to Issue Air Permit No. 0570008-055-AC, for its facility located in Hillsborough County, Florida. Due to Environmental Protection Agency deadlines imposed on the Department to submit a State Implementation Plan,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative hearing is DENIED. The Petitioner shall have fifteen (15) days from the date set forth in the certificate of service on the last page of this order to file a petition in this matter. The petition must be filed (received) in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE and ORDERED this 20 day of January, 2008, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

Augusta Posner for  
JACK CHISOLM, Deputy General Counsel  
3900 Commonwealth Boulevard – MS 35  
Tallahassee, Florida 32399-3000  
850-245-2242 facsimile 850-245-2302

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Denying Request for Extension of Time to File Petition for Hearing, was furnished via  facsimile  U.S. Mail  hand delivery  ONLY, on this 20 of January, 2008, to:

Diana M. Jagiella  
The Mosaic Company  
Atria Corporate Center  
3033 Campus Drive, Suite E490  
Plymouth, MN 55441

Facsimile: 763-557-2982

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

Ronda L. Moore  
RONDA L. MOORE, Assistant General Counsel  
3900 Commonwealth Boulevard – MS 35  
Tallahassee, FL 32399-3000  
850-245-2193 facsimile 850-245-2302  
Florida Bar No. 0676411

cc via electronic mail to:

Trina Vielhauer, Chief – FDEP BAR  
Scott Sheplak – FDEP BAR



**Gibson, Victoria**

---

**From:** Sheplak, Scott  
**Sent:** Monday, January 07, 2008 5:53 PM  
**To:** Gibson, Victoria  
**Subject:** FW: Mosaic07-2704Order Denying 1st request1-2-07.pdf  
**Attachments:** Mosaic07-2704Order Denying 1st request1-2-07.pdf

fyi

---

**From:** Lizotte, Ashley  
**Sent:** Wednesday, January 02, 2008 1:12 PM  
**To:** Vielhauer, Trina; Sheplak, Scott  
**Cc:** Moore, Ronni  
**Subject:** Mosaic07-2704Order Denying 1st request1-2-07.pdf

## Gibson, Victoria

---

**From:** Gibson, Victoria  
**Sent:** Monday, January 07, 2008 5:46 PM  
**To:** Sheplak, Scott  
**Subject:** FW: Mosaic Fertilizer - Riverview 0570008-055-AC OGC # 07-2704

Hi,

Have you received a copy of the letter <sup>denying</sup> ~~closing~~ this case in OGC yet?

Vickie

---

**From:** Gibson, Victoria  
**Sent:** Thursday, January 03, 2008 1:54 PM  
**To:** Lizotte, Ashley  
**Subject:** Mosaic Fertilizer - Riverview 0570008-055-AC OGC # 07-2704

Hi,

Trina asked Ronni to deny this latest extension request on 12/27.....do you know if the denial has been issued yet? If so, please send me a copy.

Thanks.

*Vickie*

Victoria Gibson, Administrative Secretary for  
Trina Vielhauer, Chief  
Bureau of Air Regulation  
Department of Air Resource Management  
victoria.gibson@dep.state.fl.us  
850-921-9504 fax 850-921-9533

**Gibson, Victoria**

---

**From:** Vielhauer, Trina  
**Sent:** Thursday, December 27, 2007 1:09 PM  
**To:** Moore, Ronni  
**Cc:** Lizotte, Ashley; Gibson, Victoria; Linero, Alvaro; Koerner, Jeff  
**Subject:** RE: Mosaic (Riverview) BART - req. for ext.

Ronni,

This is the on the BART permits. Since we have to get a SIP to EPA in early February, we can't afford an extension of time. Please deny this request. We may still be able to work out pending issues- we do have a meeting set for the 11th.

Thanks!

---

**From:** Moore, Ronni  
**Sent:** Thursday, December 27, 2007 11:36 AM  
**To:** Vielhauer, Trina  
**Cc:** Lizotte, Ashley  
**Subject:** Mosaic (Riverview) BART - req. for ext.

Hi Trina,

Hope your holidays have been great.

We have received the attached req. for ext. Please let me know what you would like to do.

Thanks,

Ronni

Ronda L. Moore  
Assistant General Counsel  
Florida Department of Environmental Protection  
3900 Commonwealth Blvd., MS 35  
Tallahassee, FL 32399-3000  
Phone: 850.245.2193; SC 205.2193  
Fax: 850.245.2302



Please consider the environment before printing this email.



Diana M. Jagiella  
Senior Environmental and  
Corporate Counsel  
The Mosaic Company  
Atria Corporate Center  
3033 Campus Drive, Suite E490  
Plymouth, MN 55441  
www.mosalcco.com

Tel (763) 577-2700  
Fax (763) 577-2982  
Writer's Direct Number:  
(763) 577-2841  
E-mail:  
Diana.Jagiella@mosalcco.com

December 21, 2007

**VIA OVERNIGHT MAIL  
VIA FACSIMILE 850.245.2303**

Office of General Counsel  
Florida Department of Environmental  
Protection  
3900 Commonwealth Boulevard  
Mail Station #35  
Tallahassee, Florida 32399-3000

Attn: Lea Crandall, Agency Clerk

RE: Mosaic Fertilizer, LLC: Draft Air Construction Permit No. 0570008-055-AC  
Best Available Retrofit Technology (BART) Project  
Riverview Plant, 8813 U.S. Highway 41 South, Riverview, FL

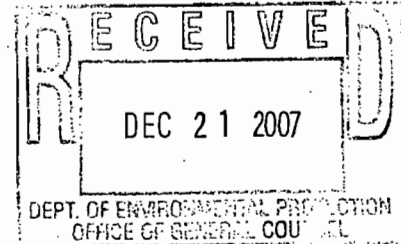
**Request for an Extension of the Time in Which to File Petition for Hearing,  
Mediation or Alternate Remedies, or in the alternative, Petition for an  
Administrative Hearing**

Office of General Counsel:

Mosaic Fertilizer, LLC ("Mosaic") requests from the Florida Department of Environmental Protection ("FDEP") a 30 day extension of the time in which to file a petition for an administrative hearing, mediation or alternate remedies with respect to the above referenced draft permit ("Draft BART Permit").

Mosaic received the original Draft BART Permit for the Riverview Facility from the FDEP on December 18, 2007. Mosaic has not had adequate opportunity to discuss and resolve with the FDEP concerns it has with respect to the Draft BART Permit which implements a new program and applies new criteria at substantial cost. Mosaic seeks this extension so that it may have additional time to resolve with FDEP the issues regarding the Draft BART Permit. Mosaic has scheduled a meeting to discuss the BART Permit issues for its New Wales and Riverview facility for January 11, 2007. Mosaic is also proceeding with publication of the permit so the extension would run concurrently with the Draft BART Permit public comment period.

While Mosaic is confident the issues can be resolved without the need for a formal proceeding, in order to fully protect and reserve its right to a hearing, mediation or other remedy, Mosaic requests this extension.



Office of General Counsel  
December 21, 2007  
Page 2

Therefore, Mosaic hereby requests an extension until January 26, 2008, or such other extension period FDEP deems adequate, to provide Mosaic adequate time to review the Draft Permit and to provide Mosaic and FDEP a reasonable opportunity to resolve any issues with respect to the Draft Permit, and further requests the FDEP suspend its Intent to Issue and the Public Notice Requirement accordingly.

Mosaic thanks you for your consideration and continued cooperation. Please contact me with any questions or concerns.

Sincerely,



Diana M. Jagiella

DMJ/aml

cc: Trina Vielhauer, Chief  
Florida Department of Environmental Protection  
Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

Cindy Zhang-Torres  
Florida Department of Environmental Protection  
Southwest District  
13051 N. Telecom Parkway  
Temple Terrace, FL 33637-0926

Diana M. Lee, P.E., EPCHC  
Jim Little, EPA Region 4  
Katy Forney, EPA Region 4  
Dee Morse, National Park Service

Alan Lulf/Riverview  
Jeff Stewart/Riverview  
David Jellerson/Pierce

David A. Buff, P.E./Golder Associates, Inc.  
Sal Mohammad/ Golder Associates, Inc.

## Gibson, Victoria

---

**From:** Gibson, Victoria  
**Sent:** Wednesday, December 26, 2007 2:44 PM  
**To:** Linero, Alvaro  
**Subject:** FW: Request for Extension of Time rec'd - 0570008-088-AC - Mosaic Fertilizer, LLC

**Attachments:** Di4700712261525.PDF

Hi,

Attached is the actual request.

Vickie

---

**From:** Crandall, Lea  
**Sent:** Wednesday, December 26, 2007 2:43 PM  
**To:** Gibson, Victoria; Sheplak, Scott  
**Subject:** FW: Request for Extension of Time rec'd - 0570008-088-AC - Mosaic Fertilizer, LLC



Di4700712261525.  
PDF (494 KB)

---

**From:** Crandall, Lea  
**Sent:** Wednesday, December 26, 2007 1:16 PM  
**To:** Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Sheplak, Scott  
**Subject:** Request for Extension of Time rec'd - 0570008-088-AC - Mosaic Fertilizer, LLC

FYI, a Request for Extension of Time was rec'd. 12/21/07 re: 0570008-088-AC - Mosaic Fertilizer, LLC.

Thanks,  
Lea

*Lea Crandall*

Agency Clerk  
Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

**Gibson, Victoria**

---

**From:** Moore, Ronni  
**Sent:** Wednesday, December 12, 2007 4:34 PM  
**To:** Vielhauer, Trina; Koerner, Jeff; Gibson, Victoria  
**Cc:** Lizotte, Ashley  
**Subject:** RE: BART permits

Sure.

Ronda L. Moore  
Assistant General Counsel



Please consider the environment before printing this email.

---

**From:** Vielhauer, Trina  
**Sent:** Wednesday, December 12, 2007 4:24 PM  
**To:** Moore, Ronni; Koerner, Jeff; Gibson, Victoria  
**Cc:** Lizotte, Ashley  
**Subject:** RE: BART permits

Can we give them only until December 31 also? With the same reminder about publishing and no further extensions unless extenuating circumstances?

Thanks!

---

**From:** Moore, Ronni  
**Sent:** Wednesday, December 12, 2007 3:08 PM  
**To:** Vielhauer, Trina  
**Cc:** Lizotte, Ashley  
**Subject:** RE: BART permits

Here it is.

Ronda L. Moore  
Assistant General Counsel



Please consider the environment before printing this email.

---

**From:** Vielhauer, Trina  
**Sent:** Wednesday, December 12, 2007 2:20 PM  
**To:** Moore, Ronni  
**Subject:** RE: BART permits

ok. I was wondering! Thanks!

---

**From:** Moore, Ronni  
**Sent:** Wednesday, December 12, 2007 2:16 PM  
**To:** Vielhauer, Trina  
**Subject:** RE: BART permits

Sorry, as soon as we have the request scanned in I'll send it over to you.

12/24/2007

Ronda L. Moore  
Assistant General Counsel



Please consider the environment before printing this email.

---

**From:** Moore, Ronni  
**Sent:** Wednesday, December 12, 2007 2:15 PM  
**To:** Vielhauer, Trina  
**Subject:** RE: BART permits

Hi Trina,

We received the attached request from Mosaic regarding their BART permit. Please let me know what you would like to do.

Thanks,

Ronni

Ronda L. Moore  
Assistant General Counsel



Please consider the environment before printing this email.

---

**From:** Vielhauer, Trina  
**Sent:** Monday, December 10, 2007 1:23 PM  
**To:** Moore, Ronni  
**Subject:** BART permits

Ronni,

Here are the case numbers and names you may see that are BART permits:

0530010-030AC, CEMEX  
0570008-055AC, Mosaic Fertilizer, Riverview  
0570005-023AC, CF Industries, Plant City  
0890003-018AC, Smurfit Stone, Fernandina Mill  
0250003-008AC, FP&L, Turkey Point  
0470002-055AC, White Springs aka PCS Phosphate  
0170004-017AC, Progress Energy, Crystal River  
1050059-055AC, Mosaic Fertilizer, New Wales  
0050009-027AC, Smurfit Stone, Panama City

12/24/2007



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
12/21/2007	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
12/21/2007		FIRST REQUEST FOR EXTENSION OF TIME
12/26/2007	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
12/26/2007	ACO	ADMIN. CASE OPENED IN OGC
01/02/2008		ORDER DENYING REQUEST FOR EXTENSION OF TIME
01/02/2008	AR	RE-ASSIGNED TO LEAD ATTORNEY RONNI L MOORE
03/12/2009		ORDER CLOSING FILE
03/13/2009	CC	CASE CLOSED IN OGC
03/13/2009		DEPT ISSUED A BART EXEMPTION PERMIT 0570008-061-AC
03/13/2009		NO FUTHER MATTERS TO CONSIDER

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEPT OF ENVIRONMENTAL  
PROTECTION

FLORIDA POWER & LIGHT CO.,

MAR 06 2009

Petitioner,

09-0470

vs.

OGC No. ~~08-2644~~

OFFICE OF  
GENERAL COUNSEL

FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,

DEP Draft Permit No. 0250003-008-AC

Respondent.

---

**REQUEST FOR ENLARGEMENT OF TIME**

By and through undersigned counsel, Florida Power & Light Company (FPL) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including April 3, 2009, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, FPL states the following:

1. On or about May 23, 2008, FPL received from the Department of Environmental Protection ("Department") a "Written Notice of Intent to Issue Air Permit" and accompanying "Draft Permit" (Air Permit No. 0250003-008-AC), for FPL's Turkey Point Fossil Plant, which is located at 9700 SW 344<sup>th</sup> Street, Homestead, Miami-Dade County, Florida.

2. On October 17, 2008, FPL received a letter from the Chief of the Department's Bureau of Air Regulation stating that "the draft permit that was issued on May 28, 2008 is being rescinded and replaced by the enclosed revised draft permit." The documents enclosed with this letter included a "Written Notice of Intent to Issue Air Permit" and a "Revised Draft Permit" for FPL's Turkey Point Fossil Plant.

3. Based on FPL's initial review, the Revised Draft Permit and associated documents contain several provisions that warrant clarification or correction, which DEP granted.

4. On October 31, 2008, FPL filed a Request for Enlargement of Time regarding the Revised Draft Permit up to and including November 14, 2008, which DEP granted by Order dated November 6, 2008.

5. On November 4, 2008, representatives of FPL met with Department staff, including the Director of the Department's Division of Air Resources Management (DARM) and the Chief of the Bureau of Air Regulation (BAR), to discuss concerns and issues regarding the Revised Draft Permit.

6. On November 14, 2008, FPL filed a Request for Enlargement of Time regarding the Revised Draft Permit up to and including December 5, 2008, which the Department granted by Order dated November 20, 2008.

7. On November 14, 2008, FPL submitted a letter to the Department proposing revisions to certain provisions of the draft permit. On November 25, 2008, FPL submitted further proposed revisions to the draft permit, along with supporting data.

8. On December 5, 2008, FPL filed a Request for Enlargement of Time regarding the Revised Draft Permit up to and including January 7, 2009, which the Department granted by Order dated December 22, 2008.

9. On January 7, 2009 and February 6, 2009, FPL filed additional Requests for Enlargement of Time regarding the Revised Draft Permit. By Order dated February 27, 2009, the Department granted FPL's request for extension of time to file a petition for administrative hearing until March 6, 2009.


10. Representatives of FPL met with Department Staff, including the DARM Director and the Chief of BAR, on February 9, 2009 to discuss outstanding issues and possible resolution thereof. Based on the discussions at that meeting and subsequent communication between FPL representatives and BAR staff, it appears that agreement has been reached on all outstanding issues regarding the draft BART permit.

11. Under these circumstances, it is appropriate to provide additional time for the Department to reissue the draft BART permit for Turkey Point Units 1 and 2.

12. This request is filed simply as a protective measure to avoid waiver of FPL's right to challenge certain conditions contained in the Revised Draft Permit issued on October 17, 2008. Grant of this request will not prejudice either party, but will further their mutual interest in avoiding the need to file a Petition and proceed to a formal administrative hearing.

WHEREFORE, FPL respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Revised Air Permit No.0250003-008-AC be formally extended to and including April 3, 2009.

RESPECTFULLY SUBMITTED this 6<sup>th</sup> day of March, 2009.



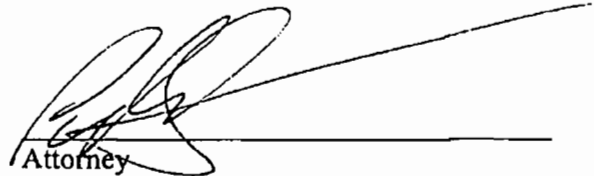
---

Peter C. Cunningham  
Florida Bar No. 0321907  
Hopping, Green & Sams, P.A.  
123 S. Calhoun Street  
Tallahassee, Florida 32301  
Telephone: (850) 222-7500  
Facsimile (850) 224-8551

Attorneys for Petitioner  
Florida Power & Light Company


**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original and one copy of the foregoing REQUEST FOR ENLARGEMENT OF TIME has been filed by hand delivery with the Agency Clerk, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and a true and correct copy of the foregoing REQUEST FOR ENLARGEMENT OF TIME has been furnished by hand delivery to Ronda L. Moore, Assistant General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and Jonathan Holtom, Department of Environmental Protection, 111 S. Magnolia Drive, Tallahassee, Florida on this 6<sup>th</sup> day of March, 2009.

  
Attorney

# Memo

**To:** Jonathan Holtom, Trina Vielhauer, and OGC File

**From:** Ronni Moore, Assistant General Counsel 

**Date:** March 9, 2009

**Re:** Florida Power & Light Co. v. DEP; Permit No. 0250003-008-AC; OGC No. 08-2644

---

On October 17, 2008, the Department issued a revised draft permit, no. 0250003-008-AC to Florida Power & Light Co. (FPL) for its facility in Miami-Dade City, Florida. FPL filed and was granted several extensions of time to file a petition for hearing on the revised draft permit.

The Department and FPL were able to amicably resolve issues regarding the revised draft permit and on March 6, 2009, the Department withdrew its previously issued revised draft and issued a new revised draft. There being no further matters to consider, the Department's file in this matter is closed.

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**MOSAIC FERTILIZER LLC**

**Petitioner,**

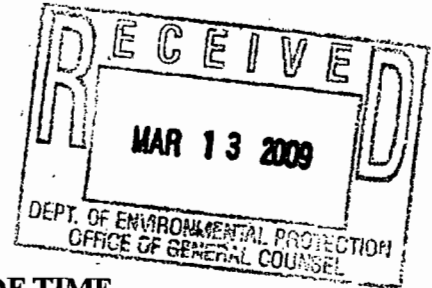
**OCG Case No.  
DEP Draft Permit No. 0570008-061-AC  
BART Exemption Project –  
Riverview Facility**

**vs.**

**STATE OF FLORIDA, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,**

**Respondents.**

---



**FIRST REQUEST FOR ENLARGEMENT OF TIME**

By and through undersigned counsel, Mosaic Fertilizer, LLC ("Mosaic") hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time to and including May 12, 2009, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Mosaic states the following:

1. On or about March 3, 2009, Mosaic received from the Department of Environmental Protection ("Department") an "Intent to Issue Air Permit" and accompanying "Draft Permit" (Draft Permit No. 0570008-061-AC), for the Riverview facility, which is located at 8813 U.S. Highway 41 South, Riverview, Hillsborough County, Florida.

2. Based on Mosaic's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or corrections.

3. Mosaic and the Department are in the process of discussing possible resolutions to the issues needing clarification or correction. Mosaic will provide written comments by the March 24, 2009 public comment deadline.

4. This request is filed simply as a protective measure to avoid waiver of Mosaic's right to challenge certain conditions contained in the Draft 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, Mosaic Fertilizer, LLC respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Permit No. 0570008-061-AC be formally extended to and including May 12, 2009.

Respectfully submitted this 13th day of March, 2009.

  
\_\_\_\_\_  
Robert A. Manning  
Florida Bar No. 0035173  
HOPPING GREEN & SAMS, P.A.  
123 South Calhoun Street  
Tallahassee, Florida 32301  
Phone: 850-222-7500  
Fax: 850-224-8551  
Email: [robertm@hgslaw.com](mailto:robertm@hgslaw.com)

Attorneys for Petitioner, Mosaic  
Fertilizer, LLC



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Lea Crandall, Agency Clerk, and Jack Chisolm, Deputy General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399-3000, this 13th day of March, 2009.

  
\_\_\_\_\_  
Attorney

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**RECEIVED**

MAR 06 2009

FLORIDA POWER & LIGHT CO.,

Petitioner,

**BUREAU OF AIR REGULATION**

vs.

OGC No. 08-2644

FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,

DEP Draft Permit No. 0250003-008-AC

Respondent.

---

**REQUEST FOR ENLARGEMENT OF TIME**

By and through undersigned counsel, Florida Power & Light Company (FPL) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including April 3, 2009, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, FPL states the following:

1. On or about May 23, 2008, FPL received from the Department of Environmental Protection ("Department") a "Written Notice of Intent to Issue Air Permit" and accompanying "Draft Permit" (Air Permit No. 0250003-008-AC), for FPL's Turkey Point Fossil Plant, which is located at 9700 SW 344<sup>th</sup> Street, Homestead, Miami-Dade County, Florida.

2. On October 17, 2008, FPL received a letter from the Chief of the Department's Bureau of Air Regulation stating that "the draft permit that was issued on May 28, 2008 is being rescinded and replaced by the enclosed revised draft permit." The documents enclosed with this letter included a "Written Notice of Intent to Issue Air Permit" and a "Revised Draft Permit" for FPL's Turkey Point Fossil Plant.

3. Based on FPL's initial review, the Revised Draft Permit and associated documents contain several provisions that warrant clarification or correction, which DEP granted.

4. On October 31, 2008, FPL filed a Request for Enlargement of Time regarding the Revised Draft Permit up to and including November 14, 2008, which DEP granted by Order dated November 6, 2008.

5. On November 4, 2008, representatives of FPL met with Department staff, including the Director of the Department's Division of Air Resources Management (DARM) and the Chief of the Bureau of Air Regulation (BAR), to discuss concerns and issues regarding the Revised Draft Permit.

6. On November 14, 2008, FPL filed a Request for Enlargement of Time regarding the Revised Draft Permit up to and including December 5, 2008, which the Department granted by Order dated November 20, 2008.

7. On November 14, 2008, FPL submitted a letter to the Department proposing revisions to certain provisions of the draft permit. On November 25, 2008, FPL submitted further proposed revisions to the draft permit, along with supporting data.

8. On December 5, 2008, FPL filed a Request for Enlargement of Time regarding the Revised Draft Permit up to and including January 7, 2009, which the Department granted by Order dated December 22, 2008.

9. On January 7, 2009 and February 6, 2007, FPL filed additional Requests for Enlargement of Time regarding the Revised Draft Permit. By Order dated February 27, 2009, the Department granted FPL's request for extension of time to file a petition for administrative hearing until March 6, 2009.

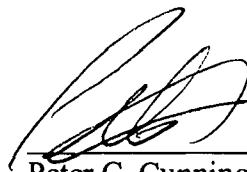
10. Representatives of FPL met with Department Staff, including the DARM Director and the Chief of BAR, on February 9, 2009 to discuss outstanding issues and possible resolution thereof. Based on the discussions at that meeting and subsequent communication between FPL representatives and BAR staff, it appears that agreement has been reached on all outstanding issues regarding the draft BART permit.

11. Under these circumstances, it is appropriate to provide additional time for the Department to reissue the draft BART permit for Turkey Point Units 1 and 2.

12. This request is filed simply as a protective measure to avoid waiver of FPL's right to challenge certain conditions contained in the Revised Draft Permit issued on October 17, 2008. Grant of this request will not prejudice either party, but will further their mutual interest in avoiding the need to file a Petition and proceed to a formal administrative hearing.

WHEREFORE, FPL respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Revised Air Permit No.0250003-008-AC be formally extended to and including April 3, 2009.

RESPECTFULLY SUBMITTED this 6<sup>th</sup> day of March, 2009.



---

Peter C. Cunningham  
Florida Bar No. 0321907  
Hopping, Green & Sams, P.A.  
123 S. Calhoun Street  
Tallahassee, Florida 32301  
Telephone: (850) 222-7500  
Facsimile (850) 224-8551

Attorneys for Petitioner  
Florida Power & Light Company

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original and one copy of the foregoing REQUEST FOR ENLARGEMENT OF TIME has been filed by hand delivery with the Agency Clerk, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and a true and correct copy of the foregoing REQUEST FOR ENLARGEMENT OF TIME has been furnished by hand delivery to Ronda L. Moore, Assistant General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and Jonathan Holtom, Department of Environmental Protection, 111 S. Magnolia Drive, Tallahassee, Florida on this 6<sup>th</sup> day of March, 2009.

  
\_\_\_\_\_  
Attorney