

NOTICE OF PERMIT TERMINATION

In the Matter of a
Request by:

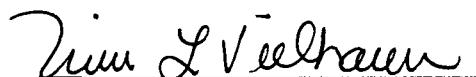
Mr. William E. Bush, Jr.
Vice President
Jack M. Berry, Inc.
P.O. Box 459
LaBelle, Florida 33975

FINAL Permit No.: 0510006-002-AV
LaBelle Facility

Based on the information provided by the responsible official, the Jack M. Berry, Inc. – LaBelle Facility, located at 3655 State Road 80, West, Alva, Hendry County, is no longer a Title V facility. The rationale for this decision is based on the fact that there are no longer any operating emissions units at the facility. Therefore, the Department is expiring Title V Permit No.: 0510006-002-AV effective December 15, 2003.

Any party to this order has the right to seek judicial review of the action 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 permitting authority 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 permitting authority.

Executed in Tallahassee, Florida.



Trina Vielhauer
Chief
Bureau of Air Regulation

Attachment

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT TERMINATION was sent by certified mail and copies were mailed by U.S. Mail before the close of business on 12/18/03 to the person(s) listed or as otherwise noted:

William E. Bush, Jr., Vice President, Jack M. Berry, Inc.

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.

Barbara J. Sunday 12/18/03
(Clerk) (Date)

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT TERMINATION was sent by U.S. Mail before the close of business on 12/18/03 to the person(s) listed or as otherwise noted:

Ron Blackburn, FDEP SD
USEPA, Region 4 (INTERNET E-mail Memorandum)

12/18/03 cc: Ed Svec
Reading Site
Mural Site

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.

Barbara J. Sunday 12/18/03
(Clerk) (Date)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

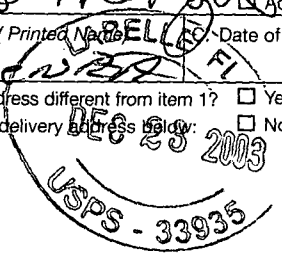
1. Article Addressed to:
 Mr. William E. Bush, Jr.
 Vice President
 Jack M. Berry, Inc.
 P.O. Box 459
 LaBelle, Florida 33975

2. Article Number
 (Transfer from service label) 7001 1140 0002 1577 9861

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *[Signature]* Agent Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:



3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

**U.S. Postal Service
 CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)**

7001 1140 0002 1577 9861

OFFICIAL USE
 Mr. William E. Bush, Jr., Vice President

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
 Mr. William E. Bush, Jr., Vice President
 Street, Apt. No.;
 or PO Box No. P.O. Box 459
 City, State, ZIP+4
 LaBelle, Florida 33975

PS Form 3800, January 2001 See Reverse for Instructions

Notice of Rights

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 (received) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by the permit revision 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), F.S., 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), F.S., however, any person who asked the permitting authority 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, 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 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 each 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, as well as the rules and statutes which entitle the petitioner to relief;

(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 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 notice of intent. 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 will not be available in this proceeding.

This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this order will not be effective until further order of the Department.

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RECEIVED

DEC 15 2003

BUREAU OF AIR REGULATION

December 10, 2003

Mr. Edward J. Svec
Bureau of Air Regulation
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: Title V Permit - Project No.: 0510006-000 AV ✓

Dear Mr. Svec:

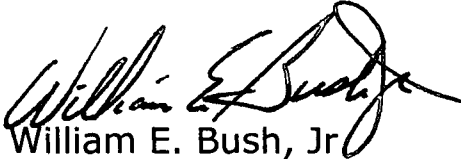
We are no longer operating as a processing plant. We have not utilized the equipment listed on our Title V permit - three boilers, one lime silo, one pellet mill cooler and one peel dryer - for over a year.

We are in the process of selling all of the equipment associated with the juice extraction and processing, and feed mill processing operation.

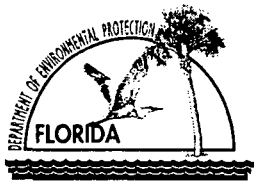
We would like to relinquish the Title V permit assigned to the Jack M. Berry citrus processing plant located in Labelle, Florida.

Thank you for your assistance in this matter.

Sincerely,



William E. Bush, Jr.
Vice President



Department of Environmental Protection

RECEIVED

Division of Air Resource Management

DEC 15 2003

STATEMENT OF COMPLIANCE - TITLE V SOURCE

BUREAU OF AIR REGULATION

REASON FOR SUBMISSION (Check one to indicate why this statement of compliance is being submitted)

<input type="checkbox"/> Annual Requirement	<input type="checkbox"/> Transfer of Permit	<input checked="" type="checkbox"/> Permanent Facility Shutdown
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REPORTING PERIOD*	REPORT DEADLINE**
January through December of 2003 (year)	March 2004

*The statement of compliance must cover all conditions that were in effect during the indicated reporting period, including any conditions that were added, deleted, or changed through permit revision.

**See Rule 62-213.440(3)(a)2., F.A.C.

Facility Owner/Company Name: Jack M. Berry, Inc.

Site Name: Citrus Plant Facility ID No. _____ County: Hendry

COMPLIANCE STATEMENT (Check only one of the following three options)

- A.** This facility was in compliance with all terms and conditions of the Title V Air Operation Permit and, if applicable, the Acid Rain Part, and there were no reportable incidents of deviations from applicable requirements associated with any malfunction or breakdown of process, fuel burning or emission control equipment, or monitoring systems during the reporting period identified above.
- B.** This facility was in compliance with all terms and conditions of the Title V Air Operation Permit and, if applicable, the Acid Rain Part; however, there were one or more reportable incidents of deviations from applicable requirements associated with malfunctions or breakdowns of process, fuel burning or emission control equipment, or monitoring systems during the reporting period identified above, which were reported to the Department. For each incident of deviation, the following information is included:
 1. Date of report previously submitted identifying the incident of deviation.
 2. Description of the incident.
- C.** This facility was in compliance with all terms and conditions of the Title V Air Operation Permit and, if applicable, the Acid Rain Part, EXCEPT those identified in the pages attached to this report and any reportable incidents of deviations from applicable requirements associated with malfunctions or breakdowns of process, fuel burning or emission control equipment, or monitoring systems during the reporting period identified above, which were reported to the Department. For each item of noncompliance, the following information is included:
 1. Emissions unit identification number.
 2. Specific permit condition number (note whether the permit condition has been added, deleted, or changed during certification period).
 3. Description of the requirement of the permit condition.
 4. Basis for the determination of noncompliance (for monitored parameters, indicate whether monitoring was continuous, i.e., recorded at least every 15 minutes, or intermittent).
 5. Beginning and ending dates of periods of noncompliance.
 6. Identification of the probable cause of noncompliance and description of corrective action or preventative measures implemented.
 7. Dates of any reports previously submitted identifying this incident of noncompliance.

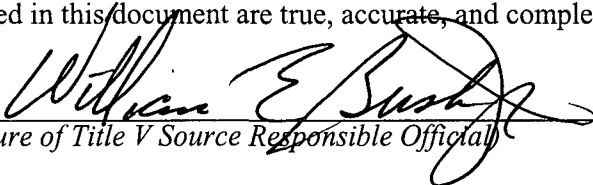
For each incident of deviation, as described in paragraph B. above, the following information is included:

1. Date of report previously submitted identifying the incident of deviation.
2. Description of the incident.

STATEMENT OF COMPLIANCE - TITLE V SOURCE

RESPONSIBLE OFFICIAL CERTIFICATION

I, the undersigned, am a responsible official (Title V air permit application or responsible official notification form on file with the Department) of the Title V source for which this document is being submitted. With respect to all matters other than Acid Rain program requirements, I hereby certify, based on the information and belief formed after reasonable inquiry, that the statements made and data contained in this document are true, accurate, and complete.



(Signature of Title V Source Responsible Official) 12/10/03

(Date)

Name: William E. Bush, Jr. Title: V.P. Human Resources

DESIGNATED REPRESENTATIVE CERTIFICATION (only applicable to Acid Rain source)

I, the undersigned, am authorized to make this submission on behalf of the owners and operators of the Acid Rain source or Acid Rain units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

(Signature of Acid Rain Source Designated Representative) _____
(Date)

Name: _____ Title: _____

{Note: Attachments, if required, are created by a responsible official or designated representative, as appropriate, and should consist of the information specified and any supporting records. Additional information may also be attached by a responsible official or designated representative when elaboration is required for clarity. This report is to be submitted to both the compliance authority (DEP district or local air program) and the U.S. Environmental Protection Agency(EPA) (U.S. EPA Region 4, Air and EPCRA Enforcement Branch, 61 Forsyth Street, Atlanta GA 30303).}