

SOUTHERN GARDENS CITRUS

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APR 17 2002

BUREAU OF AIR REGULATION

Mr. Scott M. Sheplak, P.E.
Department of Environmental Protection
South District Office
2295 Victoria Avenue, Suite 364
Ft. Myers, Florida 33902-2549

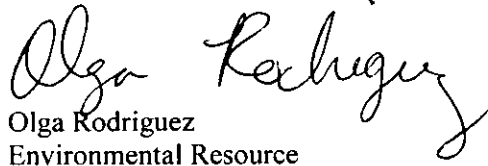
Dear Mr. Sheplak,

Please find enclosed an Affidavit of Publication, for the PSD Permit Ammendment. The notice of intent was published on April 3, 2002.

If you have any questions concerning this matter please feel free to contact me at (863) 902-4109.

Thank you,

SOUTHERN GARDENS CITRUS PROCESSING CORPORATION


Olga Rodriguez
Environmental Resource

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APR 11 2002

D.E.P. - South District



STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTH DISTRICT

POST OFFICE BOX 2549, FORT MYERS FLORIDA 33902-2549
OFFICE TELEPHONE #: 239.332.6975 - OFFICE SUNCOM: 748.6975
FAX TELEPHONE #: 239.332.6969 - FAX SUNCOM #: 748.6969

FAX TRANSMITTAL FORM

FAXED

04-15-02

DATE: 04-15-02

OF PAGES INCLUDING COVER SHEET 3

TO: BRUCE MITCHELL

AGENCY: FDEP - TALLY DARM

TELEPHONE #: _____

850-922-6979
FAX #: 8-291-9532

FROM: MARA G. NASCA

COMMENTS: Bruce - Received this April 11th - Southern Gardens
Public Notice for 0510015-010-AC - (I believe its your project)
I will have original mailed to you if you wish - let me know.
MARA

PLEASE CONTACT IMMEDIATELY IF PAGES ARE NOT RECEIVED CLEARLY.

SOUTHERN GARDENS CITRUS

Mr. Scott M. Sheplak, P.E.
Department of Environmental Protection
South District Office
2295 Victoria Avenue, Suite 364
Ft. Myers, Florida 33902-2549

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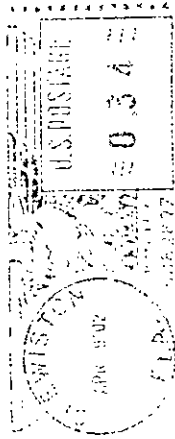
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APR 11 2002

DEP. - South District

**SOUTHERN
GARDENS
GRIFFINS**

P.O. Box 130
1820 County Road 833
Clewiston, FL 33440



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APR 1 2002

DEP. - South District

Department of Environmental Protection
Attn: Mr. Scott M. Sheplak
South District Office
P.O. Box 2549
Ft. Myers, FL 33902-2549

33902+2549

AFFIDAVIT OF PUBLICATION

State of Florida
 County of Hendry

Before the undersigned authority, personally appeared Debra Miller, who on oath says she is the Editor of the Clewiston News, a weekly newspaper published at Clewiston in Hendry County, Florida, that the attached copy of advertisement being a Notice of Intent in the matter of to Issue An Air Construction Permit/PSD Permit Amendment in the court, was published in said newspaper in the issue(s) of April 3, 2002

Affiant further says that the said Clewiston News is a newspaper published at Clewiston, in said Hendry County, continuously published in said Hendry County, Florida, each week, and has been entered as periodicals matter at the post office in Clewiston, in said Hendry County, Florida, for a period of one year next preceding the first publication says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Debra Miller

Sworn to and subscribed before me this 12th day of April 2002
Suzanne Koon
 Notary Public

RECEIVED

APR 15 2002

BUREAU OF AIR REGULATION

PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT/PSD PERMIT AMENDMENT
 STATE OF FLORIDA
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Revised Draft Air Construction Permit No. 0510015-010-AC
 Revised Draft PSD Permit Amendment No. PSD-FL-299(A)
 Southern Gardens Citrus Processing Corp.
 Hendry County

The Department of Environmental Protection (Department) gives notice of its intent to issue an Air Construction Permit/PSD Permit Amendment (letter) to Southern Gardens Citrus Processing Corp., located at 755 County Road 833, Clewiston, Hendry County. The applicant's name and address are: Mr. Trstan Chapman, Vice President and General Manager, Southern Gardens Citrus Processing Corp., Post Office Box 130, Clewiston, Florida 33440.

The subject of the permits (letter) is to change some federally enforceable permit conditions established in Air Construction Permit/PSD Permit Nos. 0510015-007-AC/PSD-FL-299, issued on December 4, 2000.

The Department will issue the Final Air Construction Permit/PSD Permit Amendment (letter), in accordance with the conditions of the Revised Draft Air Construction Permit/PSD Permit Amendment (letter) unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permits (letter) issuance upon for a period of 14 (fourteen) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the Revised Draft Air Construction Permit/PSD Permit Amendment (letter), the Department shall issue another Revised Draft Air Construction Permit/PSD Permit Amendment (letter) and require, if applicable, another Public Notice.

The Department will issue the permits (letter) unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, Florida Statutes (F.S.), before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (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, 3300 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by the permits applicant or any of the parties listed below must be filed within 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of the notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within 14 (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 Section 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, Florida Administrative Code (F.A.C.).

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- The name and address of each agency affected and each agency's file or identification number, if known;
- 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;
- A statement of how and when petitioner received notice of the agency action or proposed action;
- A statement of all disputed issues of material fact, if there are none, the petition must so indicate;
- A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's action or proposed action;
- A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the agency's action or proposed action; and
- A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the agency to take with respect to the agency's action or proposed action addressed in this notice of intent.

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, F.A.C.

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 of intent. 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.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Permitting Authority:
 Department of Environmental Protection
 Bureau of Air Regulation
 111 South Magnolia Drive, Suite 4
 Tallahassee, Florida 32301
 Telephone: 850/488-1344
 Fax: 850/922-6979

Affected District Office:
 Department of Environmental Protection
 South District Office
 2295 Victoria Avenue, Suite 364
 Fort Myers, Florida 33902-2549
 Telephone: 941/332-6975
 Fax: 941/332-6969

The complete project file includes the application, the Technical Evaluation and Preliminary Determination, the Revised Draft Permits (letter) and the information submitted by the applicant or its representative, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Scott M. Shaplak, P.E., at the above address, or call 850/921-9532, for additional information.