



Florida  
Department of  
Environmental Protection

Jeb Bush  
Governor

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

David Struhs  
Secretary

F A X T R A N S M I T T A L S H E E T

DATE: 3-11-02

TO: Jimmy Kirkland

PHONE: 404/572-3533

FAX: 404/572-5100

FROM: Bruce Mitchell

PHONE: 850/413-9198

**Division of Air Resources Management**

FAX: **850.922.6979**

RE: Petition Request

CC: \_\_\_\_\_

Total number of pages including cover sheet: 5

**Message**

2 x Request letters/formats. Hope the attachments  
are of some help. Give me a call if readability is bad.

Sincerely,  
Bruce Mitchell

**If there are any problems with this fax transmittal, please call the above phone number.**

*"Protect, Conserve, and Manage Florida's Environmental and Natural Resources"*

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208 vcl  
3/11

**Golder Associates Inc.**

6241 NW 23rd Street, Suite 500  
Gainesville, FL 32653-1500  
Telephone (352) 336-5600  
Fax (352) 336-6603



March 7, 2002

0137582

Florida Department of Environmental Protection  
New Source Review Section  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

RECEIVED

MAR 11 2002

BUREAU OF AIR REGULATION

Attention: Mr. Scott Sheplak, P.E.

RE: SOUTHERN GARDENS CITRUS PROCESSING CORP.  
DRAFT PERMIT NO. 0510015-010-AC; PSD-FL-299(A)  
ADDITION OF THREE JUICE EXTRACTORS

Dear Mr. Sheplak:

On December 11, 2001, the Department issued a draft air construction permit No. 0510015-010-AC/PSD-FL-299(a) to revised the prevention of significant deterioration (PSD) permit for three juice extractors at Southern Gardens Citrus Processing Corporation (SGCPC). Upon review of the draft, we are submitting several comments and requested changes. The comments are as follows.

**ITEM 1(a)**

This item addresses changes to Specific Condition II.28 of the PSD permit. SGCPC is in agreement with the changes proposed by the Department. However, SGCPC has identified an additional issue with this condition. This condition states in part that:

Measurement of recovery shall be made each operational day and averaged over the days of facility operation during each month. The monthly averages shall be used to calculate the consecutive 12-month oil recovery.

The problem that SGCPC has identified is that this methodology does not correctly account for limited operation during certain months. Each month used to calculate the 12-month average is given equal weight, regardless of the level of operation or amount of fruit processed in that month. This would be particularly significant in months in which the processing season started or ended, or months with very little operation. For example, a facility may start processing at the end of October, a few days before the end of the calendar month. The oil recovery during this month may be particularly low, and much less than 50 percent, because all systems at the facility were not yet up and running efficiently. However, by the permit wording, this month would count equally with all other months in the consecutive 12-month period.

A review of the citrus industry legislative language from which this condition was derived [FLL 403.08725(4)(a)1] reveals differences between the legislation and the PSD permit. The legislative language is as follows:

Measurement of recovery of oil shall be made each operational day and averaged over the days of facility operation during each **calendar year**.

There is no mention of monthly oil recovery or a 12-month average based on the monthly averages.

In order to remedy the problem with potential erroneous 12-month average oil recovery and to be consistent with the legislation, we suggest that the wording of Specific Condition 28 be revised as follows:

Measurement of recovery shall be made each operational day and averaged over the days of facility operation during each consecutive 12-month period. [Delete the next sentence]

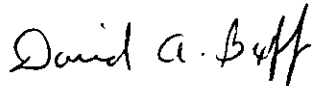
**Item C.**

This item addresses Section III, Subsection B, Specific Condition 2. SGPCPC withdraws its request to revise this permit condition. We therefore request that the wording of this condition remain unchanged from the original PSD permit.

Thank you for consideration of these requested revisions to the final permit. Please call or e-mail me if you have any questions concerning this information.

Sincerely,

GOLDER ASSOCIATES INC.



David A. Buff, P.E., Q.E.P.  
Principal Engineer  
Florida P.E. #19011

DB/jkw

Attachments

cc: Derek Pridgen  
Olga Rodriguez  
Lisa Gefen

P:\Projects\2001\0137582 Southern Gardens\4\4.1\NL030702.doc

# SOUTHERN GARDENS CITRUS

RECEIVED

FEB 18 2002

BUREAU OF AIR REGULATION

February 15, 2002

Department of Environmental Protection  
Attn: Department's Bureau of Air Regulation  
2600 Blair Stone Road, Mail Station # 5505  
Tallahassee, FL 32399-2400

Please find enclosed an affidavit concerning the Public Notice of Intent to Issue an Air Construction Permit for #0510015-010-AC and Draft PSD Permit Amendment No: PSD-FL 299(A).

If you have any questions regarding this matter I can be contacted at (863) 902-4109.

Sincerely,

SOUTHERN GARDENS CITRUS PROCESSING CORPORATION



Olga Rodriguez  
Environmental

cc: B. Mitchell  
R. Blackburn, SD  
H. Wiley, EPA

**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 Public Notice in the matter of Intent to Issue Air Construction Permit

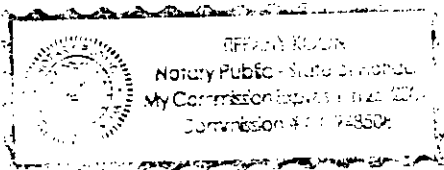
in the \_\_\_\_\_ court, was published in said newspaper in the issue(s) of February 6, 2002

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 11th day of Feb 2002

Siffany Koon  
 Notary Public



**PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT**  
 STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Draft Air Construction Permit No.: 0510015-010-AC  
 Draft PSD Permit Amendment No.: PSD-FL-290(A)

Southern Gardens Citrus Processing Corporation  
 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 Corporation located at 1820 County Road 833, Clewiston, Hendry County. The applicant's name and address are: Mr. Tristan Chapman, Vice President and General Manager, Southern Gardens Citrus Processing Corporation, Post Office Box 130, Clewiston, Florida 33440.

The subject of the permit (letter) is to change some federally enforceable permit conditions established in Air Construction Permit/PSD Permit No. 0510015-007-AC/PSO-FL-290, 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 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 permit (letter) issuance action for a period of fourteen (14) days from the date of publication of this notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2800 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall issue a Revised Draft Air Construction Permit/PSD Permit Amendment (letter), and require, if applicable, another Public Notice.

The Department will issue the permit (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 Section 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 applicant or any of the parties listed below must be filed within fourteen (14) days of publication of the public notice, or within fourteen (14) 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 fourteen (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 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:

- (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 identifying the 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 the action 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)922-6679

**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 Draft Permit (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. Sheplak, P.E., at the above address, or call (850)621-6632, for additional information.



Florida  
Department of  
Environmental Protection

Jeb Bush  
Governor

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

David Struhs  
Secretary

F A X T R A N S M I T T A L S H E E T

DATE: 1-9-02

TO: Lisa Glenn

PHONE: \_\_\_\_\_

FAX: 850/921-3000

FROM: Bruce Mitchell

PHONE: 850/413-9198

Division of Air Resources Management

FAX: 850.922.6979

RE: So. Gardens Citrus Processing Corp.

CC: \_\_\_\_\_

Total number of pages including cover sheet: 4

**Message**

Request for Extension of Time to File for an  
Administrative Hearing [0510015-010-AC/PSA-FI-299(A)].  
Howard Rhodes said that it is OK for a 60-day timeframe  
extension.

If there are any problems with this fax transmittal, please call the above phone number.

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*Printed on recycled paper*

# Fax

To: *Attn: Office of General Council* Fax Number: 850-922-6979  
 Company: *FL DEP* Date: 12/28/01  
 From: *Dave Buff* E-mail: @golder.com  
 Project No: *0137582* Voice Mail:  
 RE: *Southern Garden Citrus Processing Corp.*  
 Total Pages (including cover): *3* Hard copy to follow

## MESSAGE

**RECEIVED**  
 DEC 28 2001  
 BUREAU OF AIR REGULATION  
*Howard grant 60 days*



**Golder Associates**  
 6241 NW 23rd St., Suite 500  
 Gainesville, FL 32653  
 U.S.A.  
 Telephone: (352) 336-5600  
 Fax: (352) 336-6603

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STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
PETITION FOR ADDITIONAL TIME IN WHICH TO FILE  
A PETITION FOR ADMINISTRATIVE HEARING  
UNDER SECTIONS 120.569 and 120.57, FLORIDA STATUTES

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Applicant: Southern Gardens Citrus Processing Corporation

DEP File No.: Draft Air Construction Permit/PSD Permit Amendment Nos.: 0510015-010-AC/PSD-FL-299(A)

Southern Garden Citrus Processing Corporation (SGCPC) respectfully submits this request for an extension of time to file a petition for a formal administrative hearing concerning the draft construction/PSD permit No. 0510015-010-AC/PSD-299(A), issued by the Florida Department of Environmental Protection ("Department") on December 11, 2001. The following are provided in support of this request:

1. On December 11, 2000, the Department issued the Draft Permit, the "Intent to Issue an Air Construction Permit" and related documents. SGCPC's facility will be governed by the terms of the Draft Permit and, therefore, SGCPC is substantially affected by the Department's actions concerning the Draft Permit.
2. The Draft Permit contains several provisions that are of concern to SGCPC. The Department did not grant several of SGCPC's requests to amend the construction permit. Some of SGCPC's requests were not addressed directly in the Draft Permit. SGCPC wants to submit written comments and have an opportunity to work with the Department to resolve these concerns.
3. The Department's Notice of Intent states that:  
The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT."
4. The Department's Notice of Intent also states that:  
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. ...Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 (fourteen) days of receipt of this notice of intent.
5. On or about December 19, 2001, SGCPC's consultant, Golder Associates Inc., spoke with Department representatives in order to attempt to resolve the outstanding issues. As a result of these discussions, a meeting was scheduled between the Department and SGCPC for January 8, 2002.



WHEREFORE, SGCPC respectfully requests the Department of Environmental Protection to grant a sixty (60) day extension of time for filing a petition for an administrative hearing, if necessary, concerning the Department's actions in this case.

The undersigned has read Sections 120.569 and 120.57, Florida Statutes (F.S.), and fully understands the applicant's rights under those sections. With regard to the above referenced permit application, the applicant hereby, with full knowledge and understanding of its rights under Sections 120.60(2) and 403.0876, F.S., waives the right under those statutes to have the application for a permit issued or denied by the State of Florida Department of Environmental Protection within the ninety day time period proscribed in those sections. Said waiver is made freely and voluntarily by the applicant, is in its self-interest, and is made without any pressure or coercion by anyone employed by the State of Florida Department of Environmental Protection.

Respectfully submitted this 28th day of December, 2001. The undersigned is authorized to make this waiver on behalf of the applicant.

Golder Associates Inc.

David A. Buff 12/28/01  
Signature/Date

David A. Buff, P.E., Principal Engineer  
Florida P.E. #19011  
6241 NW 23 Street  
Gainesville, FL 32653  
Phone: 352-336-5600  
Fax: 325-336-6603