

Florida Department of
Environmental Protection

Memorandum

BAR

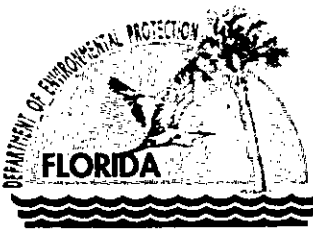
To: Howard

From: Trina

Date: January 8, 2003

RE: extension of expiration date for Southern Gardens

Southern Gardens has requested a 6-month extension of the December 31, 2002 expiration date on its construction permit. The company was granted a 6-month extension previously [July 31, 2002 to December 31, 2002] to install a backup peel dryer. This extension will allow the company additional time to complete compliance testing and submit its Title V operating permit revision application.



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

January 7, 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Tristan Chapman
Vice President, General Manager
Southern Gardens Citrus Processing Corporation
Post Office Box 130
Clewiston, Florida 33440

Re: Extension of Expiration Date of Permit No. 0510015-008-AC
Backup Peel Dryer No. 2

Dear Mr. Chapman:

The applicant applied on December 17, 2002 to the Department for a second extension of the expiration date of air construction permit number 0510015-008-AC for the installation of a backup peel dryer at their existing citrus processing Plant located at 755 CR 883, Clewiston, Hendry County. The expiration date of the permit was first extended from July 31, 2002 to December 31, 2002 on August 23, 2002. The Department has reviewed the request. The expiration date is hereby extended from December 31, 2002 to June 30, 2003 to allow additional time for compliance testing and submittal of a Title V operating permit revision application.

A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes.

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

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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.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.


Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

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.

Any party to this permitting decision (order) has the right to seek judicial review of it under Section 120.68 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, 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 must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.


Howard L. Rhodes, Director
Division of Air Resources
Management

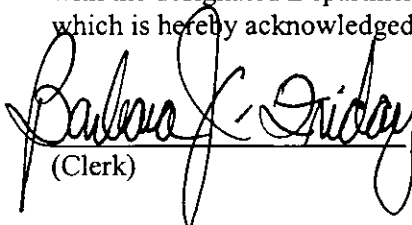
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this order was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 1/13/03 to the person(s) listed:

Mr. Tristan Chapman, Southern Gardens Citrus Processing Corporation *
Mr. David Buff, P.E., Golder Associates
Mr. Ron Blackburn, DEP SD

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.


(Clerk) 1/13/03
(Date)

RECEIVED

DEC 17 2002

DIVISION OF AIR
RESOURCES MANAGEMENT



Golder Associates Inc.

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

December 16, 2002

0137582

Florida Department of Environmental Protection
Division of Air Resources Management
2600 Blair Stone Road, MS 5500
Tallahassee, Florida 32399-2400

*to: Trina
for
Howard
1/6/03*

Attention: Howard L. Rhodes, Director

RE: SOUTHERN GARDENS CITRUS PROCESSING CORPORATION
PERMIT NO. 0510015-008-AC
PEEL DRYER NO. 2

Dear Mr. Rhodes:

On behalf of Southern Gardens Citrus Processing Corporation (Southern Gardens), Golder Associates Inc. is requesting an extension of the Peel Dryer No. 2 construction permit, Permit No. 0510015-008-AC, which expires December 31, 2002.

Physical construction of Peel Dryer No. 2 was completed during the 2002 off-season. The 2002-2003 processing season began the week of November 4 at Southern Gardens. However, the No. 2 Peel Dryer was not started up until November 18. The dryer operated intermittently until November 26, when it was shutdown for repairs. The No. 2 Peel Dryer will be shutdown for an undetermined amount of time until the necessary repairs are completed.

In order to comply with the requirement to conduct initial compliance testing of Peel Dryer No. 2, Southern Gardens proposes to conduct particulate matter, sulfur dioxide, and visible emissions testing on the waste heat evaporator, while Peel Dryer No. 2 is operating and Peel Dryer No. 1 is shutdown. Upon restarting the No. 2 Peel Dryer, Southern Gardens will schedule the compliance test and provide the required 15-day notice to the Department. This may require 30 to 45 days after restart to allow for stack testing company schedules. However, Southern Gardens will complete the required compliance testing no later than February 1, 2003. This schedule has been agreed upon by the Department's Ft. Myers District office.

Southern Gardens is currently in the process of revising their Title V operating permit, Permit No. 0510015-004-AV, to include Peel Dryer No. 2 and the specific conditions of the construction permit. To allow for the compliance testing, as well as processing time for the Title V revision, we are requesting an extension of the Peel Dryer No. 2 construction permit, Permit No. 0510015-008-AC, until June 30, 2003.

If you have any questions about this request, please call me at (352) 336-5600.

Sincerely,
GOLDER ASSOCIATES INC.

David A. Buff

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

DB/jkw

cc: Ron Blackburn, DEP Ft. Myers
D. Pridgen, Southern Gardens
O. Rodriguez, Southern Gardens

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature <i>x Auden Sols</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery 1-15-03</p>
<p>1. Article Addressed to:</p> <p>Mr. Tristan Chapman Vice President, General Manager Southern Gardens Citrus Processing Corporation Post Office Box 130 Clewiston, Florida 33440</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7000 0600 0021 6524 2366</p>	
<p>PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540</p>	

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

Article Sent To:
Mr. Tristan Chapman, Vice President

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

Name (Please Print Clearly) (to be completed by mailer)
Mr. Tristan Chapman, Vice President

Street, Apt. No., or PO Box No.
Post Office Box 130

City, State, ZIP+4
Clewiston, Florida 33440

PS Form 3800 July 1999 See Reverse for Instructions

7000 0600 0021 6524 2366