

**CARGILL, INCORPORATED
LAW DEPARTMENT**

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April 30, 1999

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Via Courier and Fax: (850) 487-4938

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

ATTN: Cathy Carter

RE: Request for an extension to petition for an administrative hearing
Draft Permit No. PSD-FL-251
DEP File No. 0570008-026-AC
Cargill Fertilizer, Inc., 8813 Highway 40 South, Riverview, FL 33569

Dear Ms. Carter:

This letter is to request an extension until May 31, 1999 to petition for an administrative hearing on the above-referenced permit. This request is made on behalf of Cargill Fertilizer, Inc. ("Cargill"), which operates the Nos. 3 & 4 MAP Plants in Hillsborough County at 8813 Highway 40 South, Riverview, Florida 33569. Cargill received the Intent to Issue Air Construction Permit for this facility on April 19, 1999 and published the Intent to Issue on April 23, 1999. Cargill is requesting an extension until May 31, 1999. As good cause for granting the request for an extension of time to petition, Cargill states the following:

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MAY 10 1999

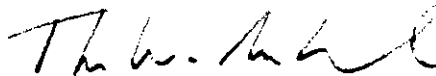
BUREAU OF
AIR REGULATION

Office of General Counsel
April 30, 1999
Page 2

1. The draft Air Construction Permit contains numerous terms and conditions, several of which warrant clarification and/or correction under applicable law.
2. Cargill has sought to confer with the FDEP concerning these issues. However, the supervisor of the New Source Review Section is out of the office until May 3, 1999 and hence not available to meet. Cargill is optimistic that the FDEP and it can resolve these issues through additional discussion and will be seeking a meeting with the FDEP as soon as the supervisor's schedule allows.
3. Cargill files this request as a protective measure to avoid waiver of Cargill's right to challenge the permit as currently drafted. Granting this request will not prejudice either party but will further their mutual interest and likely avoid the need to initiate formal administrative proceedings.

If this request for an extension to petition for an administrative hearing is not granted, please consider this letter a request for an administrative hearing. If you have any questions on this matter, please contact me. Thank you for your assistance in this matter.

Sincerely yours,



Thomas W. MacLeod

TWM:jmm
cil/150041

cc: Mr. Al Linero, FDEP
D. Jellerson, Cargill/Tampa, FL



**CARGILL
FERTILIZER, INC.**

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APR 30 1999

BUREAU OF
AIR REGULATION

8813 Highway 41 South - Riverview, Florida 33569 - Telephone 813-677-9111 - TWX 810-876-0648 - Telex 52666 - FAX 813-671-6146

CERTIFIED MAIL: Z 589 341 664

April 26, 1999

Mr. Al Linero, P.E., Administrator
New Source Review Section
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Subject: Proof of Publication - Notice of Intent to Issue an Air Construction
Permit - DEP File No. 0570008-026-AC (PSD-FL-251)

Gentlemen:

You will find attached Proof of Publication of the Notice of Intent to Issue a Construction Permit for the Nos. 3 & 4 MAP Plant at Cargill's facility located at 8813 Hwy. 41 South, Riverview, Florida 33569, Hillsborough County, as required by Florida Department of Environmental Protection.

If there are any questions, please contact me at (813) 671-6297

Sincerely,

David B. Jellerson
Environmental Superintendent

/dh
Enclosure

x.c. O. Morris
File: P-30-34-4

cc: J. Reynolds, BAR
SWD
EPA
NPS
Hillsboro Co.



recycled paper

THE TAMPA TRIBUNE
Published Daily
Tampa, Hillsborough County, Florida

State of Florida }
 County of Hillsborough } ss.

Before the undersigned authority personally appeared J. Rosenthal, who on oath says that she is Classified Billing Manager of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of advertisement being a

LEGAL NOTICE

in the matter of _____

PUBLIC NOTICE OF INTENT

was published in said newspaper in the issues of _____

APRIL 23, 1999

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

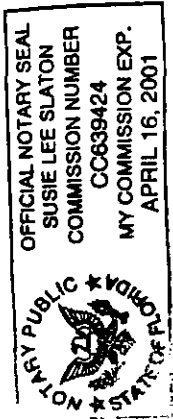
J. Rosenthal
 23

Sworn to and subscribed before me, this _____ day
 of _____ APRIL _____, A.D. 19⁹⁹

Personally Known _____ or Product Identification _____
 Type of Identification Produced _____

(SEAL)

Susie Lee Slaton



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

DEP File No. 0570008-026-AC
 (PSD-FL-251)
 Cargill Riverview Nos. 3 & 4
 MAP Plant

Hillsborough County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit pursuant to the requirements for the Prevention of Significant Deterioration (PSD) to Cargill Fertilizer, Inc. to increase production from the Nos. 3 & 4 MAP Plant of its facility located at 8813 Highway 41 South near Riverview in Hillsborough County, A Best Available Control Technology (BACT) determination was required for particulate matter (PM/PM10), fluorides, and visible emissions pursuant to Rule 62-212.400, F.A.C. The applicant's name and address are: Cargill Fertilizer, Inc., 8813 Highway 41 South, Riverview, Florida 33569.

The Nos. 3 & 4 MAP Plant manufactures granulated monoammonium phosphate (MAP). Production capacity will be increased from 1,656 to 2,016 tons per day. The project will consist of physical modifications to the process as well as installing a new packed scrubber for removal of particulate matter and gaseous fluoride emissions. Particulate emissions will be controlled to 0.08 pounds per ton (lb/ton) of MAP product by medium energy scrubbers. Fluoride emissions will be controlled to 0.041 lb/ton P2O5 input by a packed scrubber using pond water. Visible emissions will be limited to 10 percent.

An air quality impact analysis was conducted. Emissions from the facility will not contribute to or cause a violation of any state or federal ambient air quality standards. The maximum predicted PM10PSD Class II increments consumed by all sources in the area, including this project, will be as follows:

For averaging Times of 24-hour and Annual, the Allowable Increment (ug/m3) will be 30 and 17 respectively; the Increment Consumed (ug/m3) will be 10.7 and 0.4 respectively; and Percent Consumed will be 36 and 2 respectively.

The project by itself has no significant impact on the PSD Class I Chassahowitzka National Wilderness Area.

The Department will issue the final permit with the attached conditions 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 requests for a public hearing (meeting) for a period of 14 (fourteen) days and written comments concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of "Public Notice of Intent to Issue Air Construction Permit." Written comments should be provided to the Department's Bureau of Air Regulation at 2600 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 revise the proposed permit and require, if applicable, another Public Notice.

Over
 ↓

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S., before the deadline for filing a petition. 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) 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, Mall 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 title 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, as well as the rules and statutes which entitle the petitioner to relief; and (f) A demand for relief.

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.

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:

Dept of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-0114
Fax: 850/922-6979

Dept of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619-8218
Telephones: 813/744-6100
Fax: 813/744-6084

EPC of Hillsborough County
Air Management Division
1410 North 21 Street
Tampa, Florida 33605
Telephone: 813/272-5530
Fax: 813/272-5605

The complete project file includes the Draft Permit; the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

2274 4/23/99

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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BUREAU OF
AIR REGULATION

CARGILL FERTILIZER, INC.,

Petitioner,

vs.

OGC CASE NO. 99-0708

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 Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner, Cargill Fertilizer, Inc., to grant an extension of time to file a petition for an administrative hearing on Application No. 0570008-026-AC. See Exhibit 1.


Respondent, State of Florida Department of Environmental Protection, has no objection to it. Therefore,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until June 30, 1999, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Mail Station 35, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 8th day of June, 1999, in
Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


F. PERRY ODOM
General Counsel

Douglas Building, MS #35
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (850) 488-9314


CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was mailed to:

Thomas W. MacLeod
Cargill, Incorporated
Post Office Box 5624
Minneapolis, MN 55440-5624

on this 8th day of June, 1999.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


W. DOUGLAS BEASON
Assistant General Counsel
Florida Bar No. 379239

Mail Station 35
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (850) 488-9314

CARGILL, INCORPORATED LAW DEPARTMENT

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General Counsel
& Secretary

Ronald L. Laumbach
Vice President &
North America
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Linda L. Cutler
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H. Jed Hepworth
Latin America
General Counsel

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Minneapolis, MN 55440-5624

Location/Shipping Address:
15407 McGinty Road West
Wayzata, MN 55391-2399

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or (612) 742-7503
or (612) 742-1013

May 26, 1999

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Via Courier and Fax: (850) 487-4938

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

ATTN: Cathy Carter

RE: Request for an additional extension to petition for an administrative hearing
Draft Permit No. PSD-FL-251
DEP File No. 0570008-026-AC
Cargill Fertilizer, Inc., 8813 Highway 40 South, Riverview, FL 33569

Dear Ms. Carter:

This letter is to request an additional extension until June 30, 1999 to petition for an administrative hearing on the above-referenced permit. This request is made on behalf of Cargill Fertilizer, Inc. ("Cargill"), which operates the Nos. 3 & 4 MAP Plants in Hillsborough County at 8813 Highway 40 South, Riverview, Florida 33569.

Cargill received the Intent to Issue Air Construction Permit for this facility on April 19, 1999 and published the Intent to Issue on April 23, 1999. On April 30, Cargill requested an extension until May 31, 1999 to petition for an administrative hearing.

Office of General Counsel

May 26, 1999

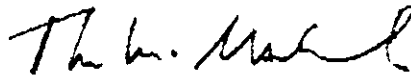
Page 2

The Agency granted the requested extension on May 10, 1999. See OGC Case No. 99-0708.

Cargill requests an additional extension until June 30, 1999. Cargill has not been able to full resolve its concerns about the draft Air Construction Permit with the FDEP and requires additional time to do so. Cargill has conferred with Al Linero, FDEP, and he agrees that such an extension is warranted.

If this request for an extension to petition for an administrative hearing is not granted, please consider this letter a request for an additional fourteen days to file for an administrative hearing. If you have any questions on this matter, please contact me. Thank you for your assistance in this matter.

Sincerely yours,



Thomas W. MacLeod

TWM:jmm
cil/150041

cc: Mr. Al Linero, FDEP
D. Jellerson, Cargill/Tampa, FL