

Memo

To: Scott Sheplak, Trina Vielhauer, and OGC File

From: Ronni Moore, Assistant General Counsel 

Date: April 14, 2009

Re: Mosaic Fertilizer, LLC vs. DEP; DEP Permit No. 0570008-061-AC; OGC No. 09-0508

On or about March 3, 2009, the Department issued a notice of intent to issue air construction permit no. 0570008-061-AC to Mosaic Fertilizer, LLC (Mosaic) for its facility in Hillsborough County, Florida. Mosaic requested an extension of time to file a petition for hearing on the draft permit, which the Department granted through May 12th.

On April 8th, the Department and Mosaic met to discuss its concerns with the draft permit. Having reached resolution of Mosaic's concerns, Mosaic withdrew its request for extension on April 13th. There being no further matters to consider, the Department's file in this matter is closed.

Gibson, Victoria

From: Vielhauer, Trina
Sent: Tuesday, April 14, 2009 3:22 PM
To: Gibson, Victoria
Subject: FW: Memo Closing File Mosaic Fertilizer, LLC OGC# 09-0508
Attachments: memo closing file.pdf

From: Swango, Katie
Sent: Tuesday, April 14, 2009 2:09 PM
To: Sheplak, Scott; Vielhauer, Trina
Cc: Moore, Ronni
Subject: Memo Closing File Mosaic Fertilizer, LLC OGC# 09-0508

Please find attached the PDF version of the Memo Closing File for the above referenced case. Please let me know if you have a problem opening or viewing the above attachment and I will send you another version as soon as possible.

Thanks

Katie Marie Swango
Administrative Assistant for
Rebecca Robinette, Ronni Moore, & Pat Comer

FLORIDA DISCOUNT CARD: More than 3,000 retail pharmacies in Florida are now a part of the Florida Discount Drug Card program. See www.FloridaDiscountDrugCard.com for more info or call toll-free, 1-866-341-8894.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

MOSAIC FERTILIZER LLC

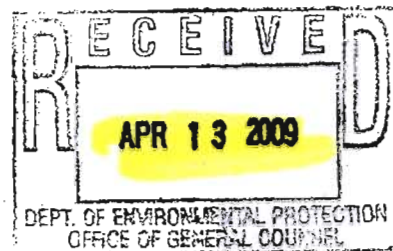
Petitioner,

OCG Case No. 09-0508
DEP Draft Permit No. 0570008-061-AC
BART Exemption Project –
Riverview Facility

vs.

STATE OF FLORIDA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION,


Respondents.



**WITHDRAWAL OF FIRST
REQUEST FOR ENLARGEMENT OF TIME**

Pursuant to Sections 120.569 and 120.57, Florida Statutes (F.S.) and Rule 28-106.201, Florida Administrative Code (F.A.C.), Petitioner, Mosaic Fertilizer, LLC ("Mosaic") hereby withdraws its previously-filed Request for Enlargement of Time regarding Draft Permit No. 0570008-061-AC, issued by the Florida Department of Environmental Protection (Department) on or about March 3, 2009.

Mosaic and the Department have agreed on a resolution of the issues involved in this Draft Permit, as reflected in Attachment A. Conditioned on the Department's issuance of a Final Permit in accordance with the agreement in Attachment A, Mosaic hereby withdraws its First Request for Enlargement of Time.

for 
Robert A. Manning
Florida Bar No. 0035173
HOPPING GREEN & SAMS, P.A.
123 South Calhoun Street
Tallahassee, Florida 32301
Phone: 850-222-7500
Fax: 850-224-8551
Email: robertm@hgslaw.com
Attorneys for Petitioner, Mosaic
Fertilizer, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery to Lea Crandall, Agency Clerk, and Jack Chisolm, Deputy General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399-3000, and by electronic mail to Scott Sheplak, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, this 13th day of April, 2009.



Attorney

Gibson, Victoria

From: Crandall, Lea
Sent: Tuesday, April 14, 2009 9:46 AM
To: Moore, Ronni; Gibson, Victoria; Sheplak, Scott
Subject: Withdrawal of 1st Request for Ext. of Time - 0570008-061-AC - Mosaic Fertilizer
Attachments: SKMBT_50109041409360.pdf

FYI, attached is Mosaic's Withdrawal of Ext. of Time.

Thanks,
Lea

Lea Crandall
Agency Clerk
Office of General Counsel
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212
Fax: (850) 245-2303

From: ogc@dep.state.fl.us [mailto:ogc@dep.state.fl.us]
Sent: Tuesday, April 14, 2009 10:37 AM
To: Crandall, Lea
Subject: Message from KMBT_501

Gibson, Victoria

From: Vielhauer, Trina
Sent: Tuesday, April 14, 2009 10:26 AM
To: Gibson, Victoria
Subject: FW: Mosaic-Riverview BART
Attachments: Mosaic-Riverview BART Withdrawal.pdf:PDF

From: Sheplak, Scott
Sent: Monday, April 13, 2009 5:56 PM
To: Moore, Ronni
Cc: Vielhauer, Trina; Holtom, Jonathan
Subject: FW: Mosaic-Riverview BART

fyi

From: Jennifer McNeill [mailto:JenniferM@hgslaw.com]
Sent: Monday, April 13, 2009 5:10 PM
To: Sheplak, Scott
Subject: FW: Mosaic-Riverview BART

Good Afternoon Mr. Iyer:

Attached please find the Withdrawal that was filed today with DEP. Should you have any questions, or if I can be of any further assistance, please let me know.

Sincerely,
Jennifer McNeill, Legal Assistant to
Robert A. Manning & Julie M. Murphy
Hopping Green & Sams, P.A.
123 South Calhoun Street
Tallahassee, Florida 32301
<http://www.hgslaw.com>
Reception Desk: (850) 222-7500
Direct Line: (850) 425-3464
Fax: (850) 224-8551
E-mail: JenniferM@hgslaw.com

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Thank you.

4/14/2009

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

MOSAIC FERTILIZER, LLC,

Petitioner,

vs.

OGC No. 09-0508
DEP Permit No. 0570008-061-AC

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 State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Mosaic Fertilizer, LLC (Petitioner) to grant an extension of time to file a petition for administrative hearing to allow time to discuss with the Department several specific permit conditions for its facility in Hillsborough County, Florida. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is GRANTED. Petitioner shall have until **May 12, 2009**, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 31st day of March, 2009, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2242 facsimile 850/245-2302

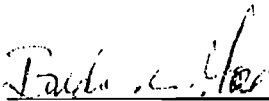
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting Request for Extension of Time to File Petition for Hearing, was furnished via electronic mail ONLY on this 31st day of March, 2009, to:

Robert A. Manning
Hopping Green & Sams, P.A.
123 S. Calhoun Street
Tallahassee, FL 32301

robertm@hgslaw.com

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



RONDA L. MOORE
Assistant General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2193 facsimile 850/245-2302
Florida Bar No. 0676411

cc via electronic mail:

Trina Vielhauer, DEP BAR Chief - Trina.Vielhauer@dep.state.fl.us
Scott Sheplak, DEP BAR - Scott.Sheplak@dep.state.fl.us

Gibson, Victoria

From: Swango, Katie
Sent: Tuesday, March 31, 2009 3:41 PM
To: robertm@hgslaw.com; Vielhauer, Trina; Sheplak, Scott
Cc: Moore, Ronni
Subject: Mosaic Fertilizer, LLC - 1st Order Granting REquest for Extension through 05/12/09 OGC# 09-0508
Attachments: 1st ord granting ext.pdf

Please find attached the PDF version of the above referenced document. Please let me know if you have a problem opening or viewing the above attachment and I will send you another version as soon as possible.

Thanks

Katie Marie Swango

Administrative Assistant for

Rebecca Robinette, Ronni Moore, & Pat Comer

FLORIDA DISCOUNT CARD: More than 3,000 retail pharmacies in Florida are now a part of the Florida Discount Drug Card program. See www.FloridaDiscountDrugCard.com for more info or call toll-free, 1-866-341-8894.

Gibson, Victoria

From: Sheplak, Scott
Sent: Thursday, March 26, 2009 3:30 PM
To: Moore, Ronni; Swango, Katie
Cc: Gibson, Victoria
Subject: RE: Mosaic (Riverview) BART exemption - req for ext

O.k. with me.


From: Moore, Ronni
Sent: Thursday, March 26, 2009 2:58 PM
To: Sheplak, Scott; Swango, Katie
Cc: Gibson, Victoria
Subject: Mosaic (Riverview) BART exemption - req for ext

Scott,

As discussed, we'll write an order granting this request thorough May 12, 2008, and leave out the language regarding requiring them to provide proof of publication.

Thanks,
Ronni

<< File: Mosaic - Riverview - REQ for ext.pdf >>
Ronda L. Moore
Assistant General Counsel

 Please consider the environment before printing this email.

From: Sheplak, Scott
Sent: Wednesday, March 18, 2009 3:22 PM
To: Moore, Ronni; Swango, Katie
Cc: Gibson, Victoria
Subject: RE: From Vickie -- 0570008-061-AC Case # 09-0508 Mosaic Fertilizer - Riverview

Please grant with the provision that

"Mosaic shall publish the public notice. Mosaic shall also provide the Department the proof of publication as soon as possible, no later than 10 days of the publication date."

From: Gibson, Victoria
Sent: Wednesday, March 18, 2009 3:09 PM
To: Moore, Ronni; Swango, Katie
Cc: Sheplak, Scott
Subject: From Vickie -- 0570008-061-AC Case # 09-0508 Mosaic Fertilizer - Riverview

Good afternoon.

Per Scott, please grant their recent request for an extension of time through and including May 12th.

Thank you.

 Vickie

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
Bureau of Air Regulation
Division of Air Resource Management
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533

Gibson, Victoria

From: Sheplak, Scott
Sent: Wednesday, March 18, 2009 3:22 PM
To: Moore, Ronni; Swango, Katie
Cc: Gibson, Victoria
Subject: RE: From Vickie -- 0570008-061-AC Case # 09-0508 Mosaic Fertilizer - Riverview

Follow Up Flag: Follow up
Flag Status: Red

Please grant with the provision that

"Mosaic shall publish the public notice. Mosaic shall also provide the Department the proof of publication as soon as possible, no later than 10 days of the publication date."

From: Gibson, Victoria
Sent: Wednesday, March 18, 2009 3:09 PM
To: Moore, Ronni; Swango, Katie
Cc: Sheplak, Scott
Subject: From Vickie -- 0570008-061-AC Case # 09-0508 Mosaic Fertilizer - Riverview

Good afternoon.

Per Scott, please grant their recent request for an extension of time through and including May 12th.

Thank you.

Vickie

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
Bureau of Air Regulation
Division of Air Resource Management
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

MOSAIC FERTILIZER LLC

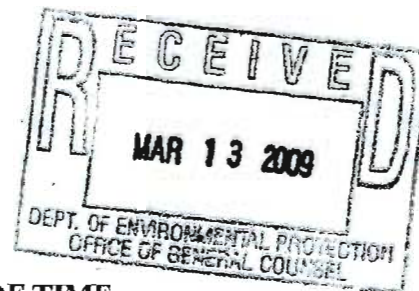
Petitioner,

OCG Case No.
DEP Draft Permit No. 0570008-061-AC
BART Exemption Project –
Riverview Facility

vs.

STATE OF FLORIDA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Respondents.



FIRST REQUEST FOR ENLARGEMENT OF TIME

By and through undersigned counsel, Mosaic Fertilizer, LLC ("Mosaic") hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of **time to and including May 12, 2009**, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Mosaic states the following:

1. On or about March 3, 2009, Mosaic received from the Department of Environmental Protection ("Department") an "Intent to Issue Air Permit" and accompanying "Draft Permit" (Draft Permit No. 0570008-061-AC), for the Riverview facility, which is located at 8813 U.S. Highway 41 South, Riverview, Hillsborough County, Florida.

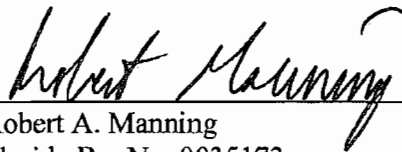
2. Based on Mosaic's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or corrections.

3. Mosaic and the Department are in the process of discussing possible resolutions to the issues needing clarification or correction. Mosaic will provide written comments by the March 24, 2009 public comment deadline.

4. This request is filed simply as a protective measure to avoid waiver of Mosaic's right to challenge certain conditions contained in the Draft Permit. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing.

WHEREFORE, Mosaic Fertilizer, LLC respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Permit No. 0570008-061-AC be formally extended to and including May 12, 2009.

Respectfully submitted this 13th day of March, 2009.

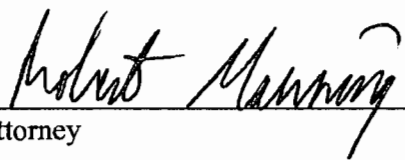


Robert A. Manning
Florida Bar No. 0035173
HOPPING GREEN & SAMS, P.A.
123 South Calhoun Street
Tallahassee, Florida 32301
Phone: 850-222-7500
Fax: 850-224-8551
Email: robertm@hgslaw.com

Attorneys for Petitioner, Mosaic
Fertilizer, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Lea Crandall, Agency Clerk, and Jack Chisolm, Deputy General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399-3000, this 13th day of March, 2009.



Attorney

Gibson, Victoria

From: Crandall, Lea
Sent: Friday, March 13, 2009 3:54 PM
To: Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Sheplak, Scott
Subject: Request for Extension of Time - 0570008-061-AC - Mosaic Fertilizer
Follow Up Flag: Follow up
Flag Status: Red
Attachments: SKMBT_50109031314440.pdf

FYI, a Request for Extension of Time was filed re: 0570008-061-AC - Mosaic Fertilizer.

Thanks,
Lea

Lea Crandall
Agency Clerk
Office of General Counsel
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212
Fax: (850) 245-2303

3/16/2009

Chronology of Activities

OGC Number District County

Style of Case

Program Area Mode

Lead Attorney Status

Forum Name Forum Case Number

Permit Appl Final Order Number

Date *	Code	Activity Description
03/13/2009	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
03/13/2009	ACO	ADMIN. CASE OPENED IN OGC
03/13/2009	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
03/27/2009	AR	RE-ASSIGNED TO LEAD ATTORNEY RONNI L MOORE
04/13/2009		WITHDRAWAL OF 1ST REQUEST FOR EXTENSION OF TIME
04/14/2009		MEMO CLOSING FILE
04/14/2009	CC	CASE CLOSED IN OGC
04/14/2009		MOSAIC WITHDREW REQUEST FOR EXTENSION NO FURTHER MATTERS
04/14/2009		TO CONSIDER, SO CASE IS CLOSED