

In the Matter of an  
Application for Permit by:

Mr. Robert Stewart, Sr. Vice President  
Operations and Administration  
Piney Point Phosphates  
Post Office Drawer 797  
Mulberry, Florida 33860

DEP File No. 0810002-004-AC (PSD-FL-242)  
Piney Point Sulfuric Acid Plant  
Polk County

---

**NOTICE OF PERMIT DENIAL**

The applicant, Piney Point Phosphates (PPP), applied on June 29, 2001 to the Department of Environmental Protection for an extension of the referenced air construction permit for the repair and restoration to previous capacity of a 2000 tons per day double absorption sulfuric acid plant, associated sulfur storage, and handling equipment. PPP has requested that the permit (previously extended from June 30, 2000 to June 30, 2001) be further extended to December 31, 2001.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-212. The above actions are not exempt from permitting procedures.

The Department hereby denies the permit for the following reasons:

For construction permits, an extension shall be granted if the applicant can demonstrate that, upon completion, the extended permit will comply with the standards and conditions required by the applicable regulations. [Rule 62-4.080(3), F.A.C.]

If, after review of the application, and all the information, the Department determines that the applicant has not provided reasonable assurance that construction, modification, or operation of the installation will be in accord with applicable laws or rules, including rules of approved local programs, the Department shall deny the permit. [Rule 62-4.070(2)]

The Department shall take into consideration a permit applicant's violation of any Department rules at any installation when determining whether the applicant has provided reasonable assurances that the Department standards will be met. [Rule 62-4.070(5)]

After review of the application and information in the Department's files, the Department has concluded that the applicant has not demonstrated reasonable assurance that construction and operation of the installation will be in accord with applicable laws or rules.

A person whose substantial interests are affected by the Department's permit denial 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 Mail Station #35, 3900 Commonwealth Boulevard, 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 Permit Denial. 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 receipt of this Notice of Permit Denial. 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 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.

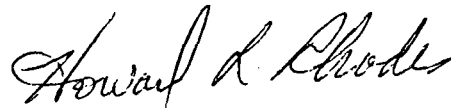
A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301.

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. 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.

This Notice constitutes final agency action 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 which conforms to Rule 62-110.106, F.A.C. Upon timely filing of a petition or a request for an extension of time this Notice will not be effective until further Order of the Department.

If either a petition for administrative hearing or a request for extension of time is not timely filed with the Department, then this Notice shall constitute final agency action. Any party to this order would then have the right to seek judicial review pursuant to Rule 9.110, 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 of appeal 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**

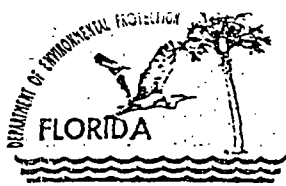
The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Permit Denial and all copies were sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 7/17/01 to the person(s) listed:

Robert Stewart, Sr. VP, PPP \*  
Debbie Getzoff, DEP SWD  
Chair, Manatee County Commission \*  
Karen Collins Flemming, Manatee County EMD  
Richard Moore, Esq. \*  
David Dee, Esq. \*

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.

Charlatta J. Hayes 7/17/01  
(Clerk) (Date)



# Department of Environmental Protection

Lawton Chiles  
Governor

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Virginia B. Wetherell  
Secretary

FOR IMMEDIATE RELEASE:

December 30, 1997

CONTACT: Sam Zamani,

Vishwas Sathe, 813/744-6100 x138

## DEP TO LAUNCH COMPREHENSIVE INVESTIGATION OF MULBERRY INC. PHOSPHATE SPILL

TALLAHASSEE -- The Florida Department of Environmental Protection (DEP) coordinated a meeting of agencies responding to the December 7, 1997, Mulberry Phosphates, Inc. spill to initiate a comprehensive damage assessment of the entire river system. In addition to DEP, the Florida Game & Fresh Water Commission, Southwest Florida Water Management District (SWFWMD), Hillsborough County Environmental Protection Commission, US Environmental Protection Agency, National Oceanic & Atmospheric Administration and US Department of the Interior Fish & Wildlife Service will study the river system to determine the short and long term effects of the phosphate spill that entered Skinned Sapling Creek and the North Prong of the Alafia River.

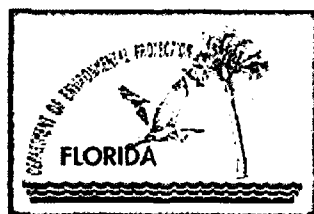
In response to Mulberry Phosphates, Inc.'s notification of the spill at their Polk county facility, DEP's Phosphate Management program conducted a site inspection. The inspection revealed that the spill occurred when a portion of an impoundment within the phosphogypsum stack system failed, causing the discharge of approximately 50 to 60 million gallons of acidic process wastewater.

A warning letter was issued to the company by DEP detailing the violations of rules and regulations, as well as requiring the company to investigate the affected river system to determine the environmental impacts. Simultaneously, DEP initiated an independent investigation. The department also contacted neighboring phosphate companies, the City of Lakeland and the SWFWMD requesting an increase in the amount of treated wastewater and stormwater discharge to help dilute the effects of the spill. DEP collected water quality data from several locations which indicated that the impacts from the spill had extended downstream of the site and into the marine reach of the Alafia River in Hillsborough county.

Regulatory agencies from local, state and federal levels responded to this spill. On December 17, the agencies met at the DEP office in Tampa to review the spill incident and to initiate a comprehensive damage assessment of the entire river system. In addition, Mulberry Phosphates, Inc. has been required to have the operations of the plant reviewed and monitored by a qualified independent consultant to insure the integrity of the gypsum stack impoundments. The facility will be required to perform all necessary remedial measures. The company will also be subject to enforcement action upon the completion of this investigation.

###  
"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.



# External Affairs Communications

[Home](#) | [Employee Directory](#) | [Help](#) | [Site Map](#) | [Search](#)

## Topics

- [About DEP](#)
- [District Offices](#)
- [Divisions/Programs](#)
- [Job Opportunities](#)
- [Links](#)
- [News/Events](#)
- [Permitting](#)
- [Resources](#)

 [E-Mail Us](#)

- [Home Communications](#)
- [Governor's Press Office](#)
- [DEP Press Releases](#)
- [Opinion Editorials](#)
- [Secretary Struhs](#)

**FOR IMMEDIATE RELEASE February 1, 2001**  
**CONTACT: Joe Bakker (850) 488-8217 or Lucia Ross (850) 488-1073**

## DEP takes swift action to prevent serious problems

*-- Environmental security to be maintained at troubled phosphate plants --*

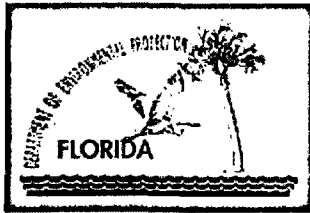
**TALLAHASSEE** – The Department of Environmental Protection has announced that it is moving swiftly to prevent potentially serious environmental problems at two phosphate and chemical plants in Southwest Florida. This action became necessary when the Mulberry Corporation informed the Department that financial difficulties would prevent it from providing the necessary environmental security at two of its affiliated plants, Mulberry Phosphates and Piney Point Phosphates.

Following Mulberry's January 30, 2001 notification to DEP, the Department made the decision to retain a contractor with significant expertise to assist in developing an action plan that would involve both the short-term and long-term management of the sites.

"The difficulties facing the Mulberry Corporation must not be allowed to create difficulties for the residents of the affected areas," said Department of Environmental Protection Secretary David B. Struhs. "We are not acting to study the problem, but will instead work with all concerned to take action and keep this as a story for the business and financial section rather than becoming environmental news."

The Department's action plan, with input from a qualified engineering firm, will quickly determine what is required to secure the sites environmentally, and identify the funding needed to maintain adequate on-site personnel in order to ensure environmental security.

Mulberry Phosphates is located on State Road 60 in Polk County and Piney Point is located in Manatee County, just south of Tampa.



# External Affairs Communications

[Home](#) | [Employee Directory](#) | [Help](#) | [Site Map](#) | [Search](#)

## Topics

- [About DEP](#)
- [District Offices](#)
- [Divisions/Programs](#)
- [Job Opportunities](#)
- [Links](#)
- [News/Events](#)
- [Permitting](#)
- [Resources](#)

[E-Mail Us](#)

- [Home Communications](#)
- [Governor's Press Office](#)
- [DEP Press Releases](#)
- [Opinion Editorials](#)
- [Secretary Struhs](#)

### FOR IMMEDIATE RELEASE May 21, 2001

**CONTACT:** Lucia Ross, DEP (850) 488-1073  
John Joyce, Phosphate Council (850) 224-8238  
Gray Gordon, Cargill (813) 671-6145  
Diana Youmans, IMC (863) 428-2613

### DEP PARTNERS WITH CARGILL, IMC TO MAINTAIN ENVIRONMENTAL SECURITY AT MULBERRY

*-- Over 350 million gallons of acidic process water to be transferred --*

**MULBERRY** -- The Florida Department of Environmental Protection, in an effort to prevent potentially serious environmental problems at the Mulberry Corporation plant in Polk County, announced today that Cargill Fertilizer and IMC Phosphates have volunteered to receive and recycle over 350 million gallons of fertilizer process water currently retained in the Mulberry's phosphogypsum system. Cargill will take 82 percent of the water to its Bartow facility through a pipeline to be constructed, while the remainder of the water will be hauled by truck to IMC facilities.

"We are pleased to have reached this agreement with Cargill and IMC to devise a feasible solution to this problem," said Department of Environmental Protection Secretary David B. Struhs. "DEP believes in being proactive in situations like this, where so many Florida residents would potentially be affected, and we are grateful to Cargill and IMC for acting so responsibly from an industry standpoint."

Following Mulberry's January 31, 2001 bankruptcy notification to DEP, the Department made the decision to retain a contractor with significant expertise to assist in developing an action plan that would involve both the short-term and long-term management of the sites.

The DEP approached the Florida Phosphate Council to help minimize the risk of an overflow of acidic process water from the phosphogypsum system, which is no longer being maintained by the Mulberry Corporation. DEP officials have been concerned that future heavy rains would pose an environmental risk should the process water overflow from the full phosphogypsum system.

The agreement sets a new standard for competing companies within the same industry to work together for environmental

within the same industry to work together for environmental protection, as well as for the DEP, which initiated and negotiated the agreement.

"The Council member companies were at the table with DEP early in the process working to find a solution to this environmental challenge," said Mary Lou Rajchel, President of the Florida Phosphate Council. "The fact that Cargill and IMC have agreed to take this action is a strong example of this industry's commitment to the environmental integrity of the communities where we live and work."

In addition, through efforts by The Florida Phosphate Council, costs for this project will be paid by an industry mining severance tax trust fund at no expense to taxpayers.

Last updated:  
May 21, 2001

# AMUNDSEN, MOORE & TORPY

ATTORNEYS AT LAW

PAUL H. AMUNDSEN  
RICHARD W. MOORE  
RICHARD E. TORPY  
JULIA E. SMITH  
ROBERT M. LYERLY

502 EAST PARK AVENUE  
TALLAHASSEE, FLORIDA 32301  
(850) 425-2444  
FACSIMILE: (850) 425-2447  
EMAIL: ammolaw@nettally.com

BREVARD COUNTY OFFICE  
202 NORTH HARBOR CITY BLVD.  
SUITE 300  
MELBOURNE, FL 32935  
(321) 255-2332  
FACSIMILE: (321) 253-2546

OF COUNSEL:  
BYRON B. MATHEWS, JR.

PLEASE REPLY TO:  
POST OFFICE DRAWER 1759  
TALLAHASSEE, FLORIDA 32302-1759

June 29, 2001

**Hand Delivery on this Date**

C.H. Fancy, P.E.  
Chief, Bureau of Air Regulation  
Division of Air Resources Management  
Department of Environmental Protection  
2600 Blairstone Road  
Tallahassee, FL 32399-2400

**RECEIVED**

JUN 29 2001

**BUREAU OF AIR REGULATION**

Re: PSD Permit No. PSD-FL-242  
**Piney Point Phosphates, Inc.**  
**Request for Six Month Extension**

Dear Mr. Fancy:

This firm represents Piney Point Phosphates, Inc. The purpose of this letter is to request the Department to extend the June 30, 2001, expiration date for the above referenced permit by six months. The new expiration date would be December 31, 2001.

Enclosed is a check for the permit extension fee of fifty dollars (\$50.00).

The reason for the requested extension is that Piney Point Phosphates is currently involved in a Chapter 11 Bankruptcy proceeding. In this proceeding Piney Point Phosphates is seeking to reorganize the company. A valid PSD permit will make the reorganization of the company more likely to succeed.

Please let me know if you require any additional information. Thank you very much.

Sincerely,



Richard W. Moore



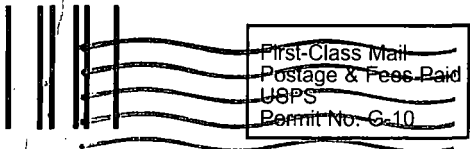
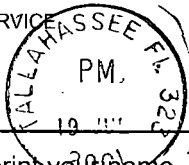
C.H. Fancy, P.E.  
June 29, 2001  
Page 2

Enclosure

cc: (Without Enclosure/U.S. Mail)  
DEP Southwest District Office  
3804 Coconut Palm Drive  
Tampa, FL 33619-8218

Director  
Manatee County Environmental Management  
P. O. Box 1000  
Bradenton, FL 24206-1000

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Dept. of Environmental Protection  
Division of Air Resources Mgt.  
Bureau of Air Regulation, NSR  
2600 Blair Stone Rd., MS 5505  
Tallahassee, FL 32399-2400

BUREAU OF AIR REGULATION

JUL 20 2001

RECEIVED



**SENDER: COMPLETE THIS SECTION**

- 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.

## 1. Article Addressed to:

Mr. David Dee  
 Landers & Parsons  
 310 W. College Avenue  
 PO Box 271  
 Tallahassee, FL 32302

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

Katrice Trompson

B. Date of Delivery

7/19/01

C. Signature

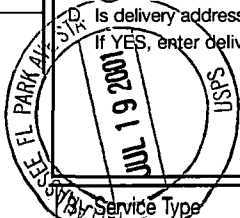
X Katrice Trompson

 Agent Addressee

D. Is delivery address different from item 1?

 Yes

If YES, enter delivery address below:

 No

Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

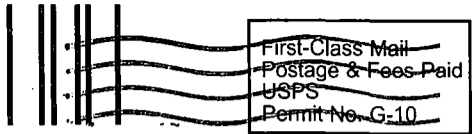
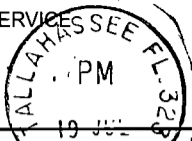
4. Restricted Delivery? (Extra Fee)

 Yes

## 2. Article Number (Copy from service label)

7099 3400 0000 1453 1606

UNITED STATES POSTAL SERVICE



• Sender: Please print your name, address, and ZIP code in this box •

Dept. of Environmental Protection  
Division of Air Resources Mgt.  
Bureau of Air Regulation, NSR  
2600 Blair Stone Rd., MS 5505  
Tallahassee, FL 32399-2400

BUREAU OF AIR REGULATION

JUL 20 2001

RECEIVED

0092+2400



**SENDER: COMPLETE THIS SECTION**

- 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.

## 1. Article Addressed to:

Richard W. Moore, Esq.  
 Amundsen, Moore & Torphy  
 PO Drawer 1759  
 Tallahassee, FL 32302-1759

## 2. Article Number (Copy from service label)

7000 0600 0026 4129 8252

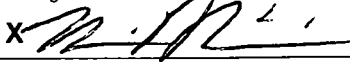
PS Form 3811, July 1999

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

Brian Mikowski 7-19-01

C. Signature

X 

 Agent Addressee

D. Is delivery address different from item 1?

 Yes

If YES, enter delivery address below:

 No

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

Domestic Return Receipt

102595-99-M-1789

U.S. Postal Service

# CERTIFIED MAIL RECEIPT

*(Domestic Mail Only; No Insurance Coverage Provided)*

Article Sent To:

Postage

\$

Certified Fee

Return Receipt Fee  
(Endorsement Required)

Restricted Delivery Fee  
(Endorsement Required)

Postmark  
Here

Total | Mr. David Dee

Name (f)

Landers & Parsons  
310 W. College Avenue

Street, A

PO Box 271

City, Sta

Tallahassee, FL 32302

909T E54T 0000 00HE 660Z

U.S. Postal Service

# CERTIFIED MAIL RECEIPT

*(Domestic Mail Only; No Insurance Coverage Provided)*

7000 0600 0026 4129 8269



Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	\$	

*Recipient's Name (Please Print Clearly) (to be completed by mailer)*

Mr. Robert Stewart

*Street, Apt. No.; or PO Box No.*

PO Drawer 797

*City, State, ZIP+4*

Mulberry, FL 33860

U.S. Postal Service

# CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0026 4129 8252



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

*Recipient's Name (Please Print Clearly) (to be completed by mailer)*  
Richard W. Moore, Esq.

---

*Street, Apt. No., or PO Box No.*  
PO Drawer 1759

---

*City, State, ZIP+4*  
Tallahassee, FL 32302-1759



U.S. Postal Service

# CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0026 4129 8245



Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$</b>

Postmark  
Here

Recipient's Name (Please Print Clearly) (to be completed by mailer)

Joe McClash, Chair

Street, Apt. No., or PO Box No.

PO Box 1000

City, State, ZIP+4

Bradenton, FL 34206-1000