

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**NOTICE OF ADMINISTRATIVELY CORRECTED TITLE V AIR OPERATION PERMIT**

In the Matter of a Request for Administrative Correction:

Bryce Kelly  
General Operations Manager  
Cargill Juice North America, Inc.  
100 East 6<sup>th</sup> Street  
Frostproof, Florida 33843

Project No.: 1050019-009-AV  
Administrative Correction to Permit No.: 1050019-003-AV  
Frostproof Citrus Processing Facility  
Polk County

Enclosed is an ADMINISTRATIVELY CORRECTED page to the Title V Air Operation Permit, No. 1050019-003-AV, for the operation of the Frostproof Citrus Processing Facility located at 100 East 6<sup>th</sup> Street, Frostproof, Polk. This correction is issued pursuant to Rule 62-210.360, Florida Administrative Code (F.A.C.), and Chapter 403, Florida Statutes (F.S.). This change is made at the applicant's request dated November 13, 2003, to transfer ownership from Cargill Citro Pure, L.P. to Cargill Juice North America, Inc. This corrective action does not alter the effective dates of the existing permit.

The Department of Environmental Protection (Department) will consider the above-noted action final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. Mediation under Section 120.573, F.S., will not be available for this proposed action.

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. The petition must contain the information set forth below and must be filed (received) by the Agency Clerk in the Department's Office of General Counsel, MS #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9314, Fax: 850/487-4938). 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. Petitions filed by any other person must be filed within 14 (fourteen) days of receipt of this proposed action. A petitioner must 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, F.A.C.

A petition 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 each 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;
- (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 permitting authority'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 permitting authority'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 permitting authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

In addition to the above, a person subject to regulation has a right to apply to the Department 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.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department of Environmental Protection, 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;

**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:  
 Bryce Kelly  
 General Operations Manager  
 Cargill Juice North America, Inc.  
 100 East 6th Street  
 Frostproof, Florida 33843

2. Article Number  
 (Transfer from service label) 7001 1140 0002 1577 9786

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 x *Bob Dapp*  Agent  Addressee

B. Received by (Printed Name) *Bob SAP* Date of Delivery *12/4/03*

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

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

4. Restricted Delivery? (Extra Fee)  Yes

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

7001 1140 0002 1577 9786

**OFFICIAL USE**  
 Bryce Kelly, General Operations Manager

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

Postmark  
 Here

**Sent To**  
 Bryce Kelly, General Operations Manager  
 Street, Apt. No.,  
 or PO Box No. 100 East 6th Street  
 City, State, ZIP+4  
 Frostproof, Florida 33843  
 PS Form 3800, January 2001 See Reverse for Instructions

ADMINISTRATIVE CORRECTION

Project No.: 1050019-009-AV

Administrative Correction to Title V Air Operation Permit No.: 1050019-003-AV

Frostproof Citrus Processing Facility

Page 1 of 2

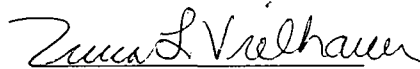
- (e) The type of action requested;
- (f) The specific facts that would justify a variance or waiver for the petitioner;
- (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and,
- (h) A statement whether the variance or waiver is permanent 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 United States Environmental Protection Agency 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.

Any party to this order (permit) has the right to seek judicial review of it under Section 120.68, F.S., by the filing of a Notice of Appeal, under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #35, 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 from the date this notice is filed with the Clerk of the permitting authority.

Executed in Tallahassee, Florida.

  
 Trina L. Vielhauer, Chief  
 Bureau of Air Regulation

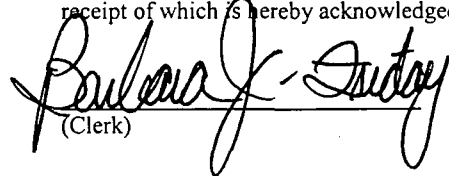
**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF ADMINISTRATIVELY CORRECTED PERMIT (including the corrected page(s)) was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 12/2/03 to the person(s) listed or as otherwise noted:

Bryce Kelly, General Operations Manager, Cargill Juice North America, Inc.\*  
 David Buff, P.E., Golder Associates  
 Gerald Kissel, P.E., FDEP SWD  
 U.S. EPA, Region 4 (INTERNET E-mail Memorandum)

Clerk Stamp

**FILING AND ACKNOWLEDGMENT FILED**, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

 12/2/03  
 (Clerk) (Date)

ADMINISTRATIVE CORRECTION

Project No.: 1050019-009-AV

Administrative Correction to Title V Air Operation Permit No.: 1050019-003-AV

Frostproof Citrus Processing Facility

Page 2 of 2

1. Placard Page is hereby changed:

**FROM: Permittee:**

Cargill Citro Pure, L.P.

100 East 6<sup>th</sup> Street

Frostproof, FL 33843

**TO: Permittee:**

Cargill Juice North America, Inc.

100 East 6<sup>th</sup> Street

Frostproof, Florida 33843