

602 McKean Street
Auburndale, FL 33823-4070
Tel. 863-965-5000



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Bureau of Air Monitoring
& Mobile Sources

August 1, 2001

Mr. Joseph Kahn, P.E.
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
DARM, Bureau of Air Regulation
Mail Station # 5505
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Re: **Cutrale Citrus Juices USA, Inc.**

Dear Mr. Kahn:

Enclosed is a copy of the Proof of Publication, i.e., newspaper affidavit, received from the News Chief on July 30, 2001.

If you have any question, please contact me at (863) 965-5209.

Sincerely,
CUTRALE CITRUS JUICES USA, INC.

AARON P. CORKUM
Auburndale Plant Manager

cc: File

B. Thomas, SWD

AFFIDAVIT OF PUBLICATION

News Chief

Published Daily

STATE OF FLORIDA
COUNTY OF POLK

Before the undersigned personally appeared Mary Tibado who on oath says that she is Business Manager of the News Chief, a newspaper published at Winter Haven, in Polk County, Florida; that the attached copy of advertisement, being Public Notice of Intent/Air Construction Permit in the matter Cutrale Citrus Juices, USA, Inc. in the Circuit Court, was published in said newspaper in the issue of July 30, 2001.

Affiant further says that the News Chief is a newspaper published at Winter Haven, in said Polk County, Florida, and that said newspaper has heretofore been continuously published in said Polk County, Florida, daily, and has been entered as second class matter at the post office in Winter Haven, in said Polk County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

Signed [Signature]

Sworn to and subscribed before me this 30th day of July A.D. 2001 by Mary Tibado who is personally known to me or who has produced () as identification.

[Signature]
Notary Public

Linda Wilkerson
My Commission Expires July 20, 2002

My Commission Expires: _____

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT
State of Florida Department of Environmental Protection
DEP File No. 1C50023-014-AC

Cutrale Citrus Juices USA, Inc.
Auburndale Facility, Fifth
Waste Heat Evaporator
Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit to Cutrale Citrus Juices USA, Inc. for its Auburndale Facility located at 602 McKean Street, Auburndale, Polk County. The permit authorizes Cutrale Citrus Juices USA, Inc. to construct a fifth waste heat evaporator and make related changes to provide for the connection of the two existing citrus peel dryers to five waste heat evaporators, connected in parallel through common inlet and exit flue gas manifolds, with exhaust directed to a new stack. There is no increase in annual potential emissions associated with this project. The applicant indicated that the purpose of this project is to increase heat recovery and provide flexibility of operation. Emissions of particulate matter may decrease because of the additional scrubber capacity associated with the proposed fifth waste heat evaporator. Allowable emissions of particulate matter will be reduced. A BACT determination was not required because this project is not subject to the requirements of the Prevention of Significant Deterioration program pursuant to Rule 62-212, F.A.C. The applicant's mailing address is: 602 McKean Street, Auburndale, Florida 32823.
The Department will issue the final permit with the conditions of the draft 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 written comments concerning the proposed permit issuance action for a period of fourteen (14) days from the date of publication of the 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.
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, Mail State 435, 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 with 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 29-106.205 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 29-106.301.
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 shall 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
Suite 4 - 111 S. Magnolia Drive
Tallahassee, Florida, 32301
Telephone: 850-488-0114
Fax: 850-422-6929
Dept. of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619-6218
Telephone: 813-744-6100
The complete project file includes the application, technical evaluations, draft permit and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Source Review Section of the Department's reviewing engineer for this project, Joseph Kahn, P.E., at the Bureau of Air Regulation in Tallahassee, Florida, or call 850-488-0114, for additional information. Written comments directed to the Department's reviewing engineer should be sent to the following mailing address: Dept. of Environmental Protection, Bureau of Air Regulation, Mail Station #5505 Tallahassee, Florida 32399-2400.