

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY											
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<table border="1"> <tr> <td>A. Received by (Please Print Clearly) <b>R. PICKARD</b></td> <td>B. Date of Delivery <b>9-11-01</b></td> </tr> <tr> <td colspan="2">C. Signature <b>x J. Beckard</b></td> </tr> <tr> <td colspan="2"> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee </td> </tr> <tr> <td colspan="2"> D. Is delivery address different from item 1?  If YES, enter delivery address below: </td> </tr> <tr> <td colspan="2"> <input type="checkbox"/> Yes  <input type="checkbox"/> No </td> </tr> </table>		A. Received by (Please Print Clearly) <b>R. PICKARD</b>	B. Date of Delivery <b>9-11-01</b>	C. Signature <b>x J. Beckard</b>		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee		D. Is delivery address different from item 1? If YES, enter delivery address below:		<input type="checkbox"/> Yes <input type="checkbox"/> No	
A. Received by (Please Print Clearly) <b>R. PICKARD</b>	B. Date of Delivery <b>9-11-01</b>												
C. Signature <b>x J. Beckard</b>													
<input type="checkbox"/> Agent <input type="checkbox"/> Addressee													
D. Is delivery address different from item 1? If YES, enter delivery address below:													
<input type="checkbox"/> Yes <input type="checkbox"/> No													
1. Article Addressed to:  Ms. Debra R. Waters Environmental Superintendent Cargill Fertilizer, Inc. P. O. Box 9002 Bartow, FL 33831		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.											
2. Article Number (Copy from service label) 7500 0600 0026 4129 8078		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes											

PS Form 3811, July 1999      Domestic Return Receipt      102595-99-M-1789

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

7000 0600 0026 4129 8078

Ms. Debra Waters

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

Postmark Here

Recipient's Name (Please Print Clearly) (to be completed by mailer)  
Cargill Fertilizer, Inc.  
Street, Apt. No., or PO Box No.  
P.O. Box 9002  
City, State, ZIP+4  
Bartow, FL 33831

PS Form 3800, February 2000      See Reverse for Instructions



Jeb Bush  
Governor

# Department of Environmental Protection

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

David B. Struhs  
Secretary

September 5, 2001

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ms. Debra R. Waters  
Environmental Superintendent  
Cargill Fertilizer, Inc.  
Post Office Box 9002  
Bartow, Florida 33831

Re: Extension Request – No. 4 PAP  
DEP File No. 1050046-013-AC (PSD-FL-295)

Dear Ms. Waters:

The Department reviewed your request dated August 2, 2001 for an extension of the expiration date of the referenced air construction permit to replace the filter table serving the No. 4 Phosphoric Acid Plant (PAP) at the Bartow facility in Polk County.

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.]

The construction is essentially complete but the compliance test has not yet been conducted. Also a separate non-PSD project that includes the same plant is nearing completion and will also require testing. Based on past compliance on the same unit and the project design, the Department has reasonable assurance that the No. 4 PAP can demonstrate future compliance with the standards and conditions required by the permit and applicable regulations. The expiration date is hereby extended from October 31, 2001 to May 31, 2002 to allow sufficient time for testing and submission of the Title V Operation Permit Application covering both projects.

A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes.

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 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

*"More Protection, Less Process"*

*Printed on recycled paper.*

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. Mediation is not available in this proceeding.

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

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

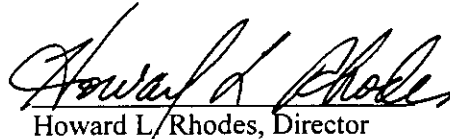
The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will 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 EPA 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.

This permitting decision is final and effective on the date filed with the clerk of the Department 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 pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this order will not be effective until further order of the Department.

Any party to this permitting decision (order) has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the 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 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

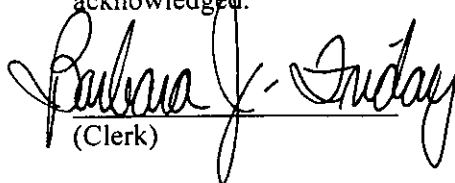
#### CERTIFICATE OF SERVICE

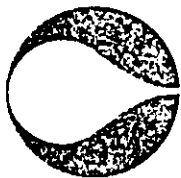
The undersigned duly designated deputy agency clerk hereby certifies that this PERMIT MODIFICATION was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 9/4/01 to the person(s) listed:

Debra R. Waters, Cargill Fertilizer, Inc.\*  
Bill Thomas, DEP SWD  
David Buff, P.E., Golder Associates, Inc.

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.

 9/4/01  
(Clerk) (Date)



# CARGILL FERTILIZER, INC.

P.O. Box 9002 • Bartow, Florida 33831 • Telephone 941-534-9610 • FAX 863-534-9680

August 2, 2001  
Certified Mail  
7099 3220 0007 7536

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

RECEIVED  
AUG 06 2001  
BUREAU OF AIR REGULATION

Dear Mr. Linero:

RE: CARGILL FERTILIZER - BARTOW FACILITY  
PHOSPHORIC ACID CONSTRUCTION PERMITS  
NO. 1050046-013-AC, PSD-FL-295

Cargill Fertilizer was issued the above referenced permit for our #4 Phosphoric Acid filter table replacement. The permit will expire October 31, 2001. We are requesting an extension of this permit until May 31, 2002 under Section II Administrative Requirement # 5. The construction work is essentially complete on the filter table however a performance test could not be scheduled in time to meet the Title V application submittal deadline.

In addition to this PSD permit, Cargill also has a non-PSD construction permit for the Phosphoric Acid Plants Modernization Project that expires on 12/31/2001 (Permit No. 1050046-009-AC, copy attached). The work being done under this permit will be complete by November 15, 2001. This permit requires a performance test for #4 PAP within 60 days of completion. If the above PSD permit extension request is granted, a single performance test would meet the requirement for both permits. We plan on scheduling that test in the month of December 2001. An operating permit application for Title V could then be submitted in January 2002 with no outstanding active construction permits for that Emissions Unit.

If you have any questions or need any additional information to process this request please call me at (863) 534-9615 or email [debbie\\_waters@cargill.com](mailto:debbie_waters@cargill.com)

Sincerely,

Debra R. Waters  
Environmental Superintendent

Xc: Jellerson, Royster, MacConnell, Holter,  
D. Buff - Golder  
File 60-07-05A



recycled paper