

Dept. of Environmental Protection  
May 02 2011

# AFFIDAVIT OF PUBLICATION

## THE LEDGER

### Lakeland, Polk County, Florida District

STATE OF FLORIDA)  
COUNTY OF POLK)

Before the undersigned authority personally appeared Carl Holweg, who on oath says that he is a Sales Executive at The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

Notice of Intent

in the matter of Permit No 1050046-029-AC

Concerning Mosaic Fertilizer, LLC

was published in said newspaper in the issues of 4-29; 2011

Affiant further says that said The Ledger is a newspaper published at Lakeland, in said Polk County, Florida, and that the 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 Lakeland, 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 the said newspaper.

Signed.....

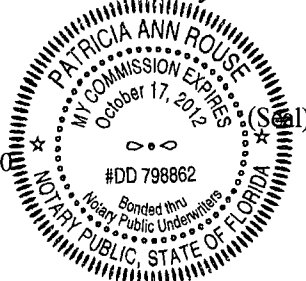
Carl Holweg  
Sales Executive  
Who is personally known to me.

Sworn to and subscribed before me this 29TH

day of April A.D. 2010

Patricia Ann Rouse

Notary Public



L060G0DGDU

L2200

**PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT**  
Florida Department of Environmental Protection  
Division of Air Resource Management, Bureau of Air Regulation  
Draft Air Construction Permit  
Project No. 1050046-029-AC  
Mosaic Fertilizer, LLC, Bartow Facility  
Polk County, Florida

**Applicant:** The applicant for this project is Mosaic Fertilizer, LLC. The applicant's authorized representative and mailing address is: Rob Larson, Environmental Superintendent, Mosaic Fertilizer, LLC, Bartow Facility, 13830 Circa Crossing Drive, Lithia, Florida 33547.

**Facility Location:** Mosaic Fertilizer, LLC operates the existing No. 3 Phosphate Fertilizer Plant in Polk County at 3200 Highway 60 West in Bartow, Florida.

**Project:** Mosaic proposes that a revised maximum allowable particulate matter emissions rate of 0.088 pounds per ton (PPT) of product output to replace the existing 0.18 PPT of phosphorus pentoxide (P2O5) feed into the reactor. The revised limit will accommodate a lesser amount of P2O5 feed when the plant is processing micronutrient additives and will be in effect for both micronutrient and non-micronutrient enhanced products. The project is not expected to increase emissions as it is intended to address regulatory process operation issues during compliance testing.

**Permitting Authority:** Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Permitting Authority responsible for making a permit determination for this project is the Bureau of Air Regulation in the Department of Environmental Protection's Division of Air Resource Management. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/717-9000.

**Project File:** A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the physical address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application and information submitted by the applicant (exclusive of confidential records under Section 403.111, F.S.). Interested persons may contact the Permitting Authority's project engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available on the following web site by entering draft permit number: <http://www.dep.state.fl.us/air/emission/apds/default.asp>.

**Notice of Intent to Issue Air Permit:** The Permitting Authority gives notice of its intent to issue an air construction permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Comments:** The Permitting Authority will accept written comments concerning the proposed Draft Permit for a period of 14 days from the date of publication of this Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of the 14-day period. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

**Petitions:** 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 with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/717-9000). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 14 days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 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 (in a proceeding initiated by another party) 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 that disputes the material facts on which the Permitting Authority'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 rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (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 including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 Public Notice of Intent to Issue Air Permit. 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.

**Mediation:** Mediation is not available for this proceeding.



Mosaic Fertilizer, LLC  
Bartow Facility  
13830 Circa Crossing Dr.  
Lithia, FL 33547

Tel 863-800-9297  
Fax 863-534-2406

[www.mosaicco.com](http://www.mosaicco.com)

April 29, 2011

Certified Mail 7010 0298 0003 5378 9659

Dept. of Environmental  
Protection

Ms. Cindy Zhang-Torres, P.E.  
Air Permitting Manager - Southwest District  
Florida Department of Environmental Protection  
13051 N Telecom Parkway  
Temple Terrace, FL 33637-0926

MAY 02 2011

Southwest District

Re: Affidavit of Publication – Public Notice of Intent to Issue Air Permit  
Permit No. 1050046-029-AC  
Bartow Facility - Mosaic Fertilizer, LLC

Dear Ms. Zhang-Torres:

Attached is the original Affidavit of Publication for the Public Notice of Intent to Issue Air Permit for the Florida Department of Environmental Protection (DEP) Permit No. 1050046-029-AC. The publication appeared in the Ledger (Lakeland, Polk County, Florida) on Friday April 29, 2011.

The purpose of the air construction permit is to limit particulate emissions from the #3 Fertilizer plant based on product output instead of phosphorus pentoxide feed input.

If you have any questions concerning the attached affidavit, please contact me at 863-534-9615 or at [Robert.Larson@Mosaicco.com](mailto:Robert.Larson@Mosaicco.com), or Rama Iyer at (813) 500 6478.

Sincerely,

Robert B. Larson, P.G.  
Environmental Superintendent  
MOSAIC FERTILIZER, LLC

cc: Mosaic –R. Iyer, J. Golwitzer, D. Jellerson, S. David, J. Voyles, B. Graham  
Bartow File 60.07.06.001.A

RECEIVED  
MAY 05 2011  
BUREAU OF  
AIR REGULATION

ATTACHMENT A

AFFIDAVIT OF PUBLICATION

Public Notice of Intent to Issue Air Permit

## Gibson, Victoria

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**From:** Gibson, Victoria  
**Sent:** Thursday, January 27, 2011 12:28 PM  
**To:** Koletzke, Marilyn; Koerner, Jeff; Zhang-Torres; 'phesslin@pinellascounty.org'; 'forney.kathleen@epa.gov'; 'abrams.heather@epa.gov'; 'catherine\_collins@fws.gov'  
**Cc:** Walker, Elizabeth (AIR); Holladay, Cleve  
**Subject:** Mosaic Fertilizer, LLC - Bartow Facility -- 1050046-029-AC

**CORRESPONDENCE** has been received at the FL Department of Environmental Protection Div. of Air Resource Management and is currently under review.

### Link to Permit Application Documents:

<http://arm-permit2k.dep.state.fl.us/psd/1050046/000057BB.pdf>

<b>ARMS PA Project ID:</b>	1050046-029-AC
<b>Facility Name:</b>	Mosaic Fertilizer, LLC - Bartow Facility
<b>PSD-FL-</b>	255A
<b>Florida County:</b>	Polk
<b>Project Description:</b>	Proposed AC Application
<b>Permit Application Processor:</b>	Marilyn Koletzke
<b>Processor Phone:</b>	(850) 717-9112
<b>Processor Email Address:</b>	<a href="mailto:Marilyn.Koletzke@dep.state.fl.us">Marilyn.Koletzke@dep.state.fl.us</a>
<b>Received in-house:</b>	1/25/2011

Please direct any questions regarding this correspondence to the permit application processor. If you have any problems accessing these documents please let me know.

Thanks,

*Vickie*

Victoria Gibson, Administrative Secretary for  
Trina Vielhauer, Chief, Bureau of Air Regulation  
Division of Air Resource Management  
[victoria.gibson@dep.state.fl.us](mailto:victoria.gibson@dep.state.fl.us)  
850-717-9091 fax 850-717-9097

**Gibson, Victoria**

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**From:** Zhang-Torres  
**To:** Gibson, Victoria  
**Sent:** Thursday, January 27, 2011 12:32 PM  
**Subject:** Read: Mosaic Fertilizer, LLC - Bartow Facility -- 1050046-029-AC

Your message was read on Thursday, January 27, 2011 12:31:58 PM (GMT-05:00) Eastern Time (US & Canada).

## **Gibson, Victoria**

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**From:** Microsoft Exchange  
**To:** Zhang-Torres; Holladay, Cleve  
**Sent:** Thursday, January 27, 2011 12:28 PM  
**Subject:** Delivered: Mosaic Fertilizer, LLC - Bartow Facility -- 1050046-029-AC

**Your message has been delivered to the following recipients:**

Zhang-Torres

Holladay, Cleve

**Subject:** Mosaic Fertilizer, LLC - Bartow Facility -- 1050046-029-AC

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Sent by Microsoft Exchange Server 2007

**Gibson, Victoria**

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**From:** Hessling, Peter A [phesslin@co.pinellas.fl.us]  
**To:** Gibson, Victoria  
**Sent:** Thursday, January 27, 2011 1:07 PM  
**Subject:** Read: Mosaic Fertilizer, LLC - Bartow Facility -- 1050046-029-AC

Your message was read on Thursday, January 27, 2011 1:06:39 PM (GMT-05:00) Eastern Time (US & Canada).

## Gibson, Victoria

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**From:** Microsoft Exchange  
**To:** 'phesslin@pinellascounty.org'  
**Sent:** Thursday, January 27, 2011 12:28 PM  
**Subject:** Relayed: Mosaic Fertilizer, LLC - Bartow Facility -- 1050046-029-AC

**Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:**

'phesslin@pinellascounty.org'

**Subject:** Mosaic Fertilizer, LLC - Bartow Facility -- 1050046-029-AC

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Sent by Microsoft Exchange Server 2007