

Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

December 9, 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Ronald L. Brunk, Manager
Environmental Engineering
US Agri-Chemicals
3225 State Road 630 West
Ft. Meade, FL 33841-9799

Re: Extension Request/DEP File No. 1050051-009-AC (PSD-FL-278)

Dear Mr. Brunk:

The Department reviewed your request dated July 16, 2002 and additional information letter dated October 15, 2002 to extend the expiration date of the construction permit from October 1, 2002 to December 31, 2004. Per your letter, we understand that due to continuing downturn in the fertilizer business, US Agri-Chemicals is unable at this time to commit the capital to finish the project by the expiration date.

Per Rule 62-4.080(3), F.A.C., an extension for a construction permit shall be granted if the applicant can demonstrate reasonable assurances that upon completion, the extended permit will comply with the standards and conditions required by applicable regulation.

The expiration date of the permit is hereby extended through **December 31, 2004** for the purposes of completing the following tasks:

- Upgrade phosphoric acid clarification pumps and establish inline spares
- Increase the number of sulfuric acid sulfur steaming stations
- Increase phosphoric acid evaporator feed and product line
- Upgrade phosphoric acid filtrate pumps and establish inline spares
- Upgrade rock tunnel conveyor system to improve the blending of rock
- Upgrade phosphoric acid pumps to waterless or near waterless seals

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 constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569

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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.

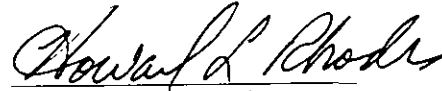
The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will 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 12/11/02 to the person(s) listed:

Ronald L. Brunk, US Agri-Chemicals*
Jerry Kissel, DEP SWD
Jeananne Gettle, EPA
John Bunyak, NPS
John Koogler, Ph.D., P.E. Koogler & Associates

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.

Victoria Gibson December 11, 2002
(Clerk) (Date)

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> 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. 	A. Received by (Please Print Clearly)	B. Date of Delivery
<p>1. Article Addressed to:</p> <p>Ronald L. Brunk, Manager Environmental Engineering US Agri-Chemicals 3225 State Road 630 W Ft. Meade, FL 33841-9799</p>	<p>C. Signature</p> <p>X <i>R. Brunk</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. <u>7001 0320 0001 3692 7386</u></p>	<p>3. Service Type</p> <p><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.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

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

7001 0320 0001 3692 7386

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

Sent To Ronald L. Brunk

Street, Apt. No. or P.O. Box 3225 State Road 630 W.

City, State, ZIP+4 Ft. Meade, FL 33841-9799

PS Form 3800, January 2001

See Reverse for Instructions

U.S. Agri-Chemicals Corporation
3225 State Road 630 West
Fort Meade, FL 33841-9799
941 285 8121



A Sinochem Company

RECEIVED

OCT 17 2002

BUREAU OF AIR REGULATION

Mr. Syed Arif, P.E.
Florida Department of
Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

October 15, 2002

Re: Extension Request/DEP File No. 1050051-009-AC (PSD-FL-278)

As per your request on July 30, 2002 listed below are the conditions required in order to comply with Rule 62-4.080(3), F.A.C.

1) *List the tasks to be performed to achieve 'normal operating conditions' and the approximate dates for completing those tasks.*

- ❖ Upgrade phosphoric acid clarification pumps and establish inline spares
 - Completion – December, 2003
- ❖ Increase the number of sulfuric acid sulfur steaming stations
 - Completion – December, 2003
- ❖ Increase phosphoric acid evaporator feed and product line
 - Completion – December, 2003
- ❖ Upgrade phosphoric acid filtrate pumps and establish inline spares
 - Completion – December 2004
- ❖ Installation of a 6th evaporator and installation of a 5th outbound pondwater pump.
 - Completion – December, 2004
- ❖ Upgrade rock tunnel conveyor system to improve the blending of rock
 - Completion – December, 2004
- ❖ Upgrade phosphoric acid pumps to waterless or near waterless seals
 - Completion – May, 2005

2) *Identify additional production and emission testing that needs to be conducted and provide estimated dates for completion of those tasks.*

- ❖ Emission testing will be performed after the completion of all items listed above. Testing will be complete May 2005.



3) *Provide a statement (and basis for believing) that the facility will comply with applicable regulations.*

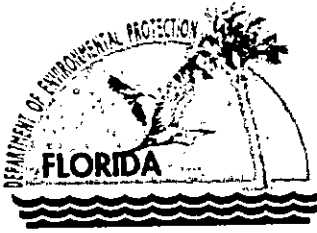
- ❖ U.S. Agri-Chemicals will continue to comply with the provisions of construction permit 1050051-009-AC. The proposed improvements will assure continued compliance with applicable regulations.

Sincerely,



Ronald L. Brunk, Manager
Environmental Engineering Services

cc: S. Susick, USAC
P. Vo, USAC
P. Raval, Koogler & Assoc.



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

July 30, 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Ronald L. Brunk, Manager
Environmental Engineering
US Agri-Chemicals
3225 State Road 630 West
Ft. Meade, FL 33841-9799

Re: Extension Request/DEP File No. 1050051-009-AC (PSD-FL-278)

Dear Mr. Brunk:

The Department reviewed your request dated July 16, 2002 to extend the expiration date of the construction permit from October 1, 2002 to December 31, 2004. The reasons given for the extension request are that "due to continuing downturn in our business we are unable at this time to commit the capital to finish the project by the permit expiration date."

Per Rule 62-4.080(3), F.A.C., an extension for a construction permit shall be granted if the applicant can demonstrate reasonable assurances that upon completion, the extended permit will comply with the standards and conditions required by applicable regulation.

We already have fairly extensive information about the facility and the control equipment. To complete the reasonable assurance requirement allowing extension of the permit, please submit the following information:

1. List the tasks to be performed to achieve "normal operating conditions" and the approximate dates for completing those tasks.
2. Identify additional production and emission testing that needs to be conducted and provide estimated dates for completion of those tasks.
3. Provide a statement (and basis for believing) that the facility will comply with applicable regulation.

According to Rule 62-4-080(3), the permit will remain in effect until the Department takes final action. Permit applicants are advised that Rule 62-4.055(1), F.A.C. now requires applicants to respond to requests for information within 90 days. If you have any questions regarding this matter, please call me at 850/921-9528.

Sincerely,

Syed Arif, P.E. II
New Source Review Section

cc: Jerry Kissell, DEP SWD

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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. Ronald L. Brunk
 Manager
 Environmental Engineering
 US Agri-Chemicals
 3225 State Road 630 West
 Ft. Meade, FL 33841-9799

2. Ar

PS F.

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *Proff...* B. Date of Delivery *7/16/02*

C. Signature *[Signature]* 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

.02595-00-M-0952

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

7001 0320 0001 3692 8253
 7001 0320 0001 3692 8253
 7001 0320 0001 3692 8253

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

Postmark Here

Sent To
Ronald L. Brunk
 Street, Apt. No.,
 or P.O. No. **3225 State Road 630 W.**
 City, State, ZIP+4
Ft. Meade, FL 33841-9799

PS Form 3800, January 2001

See Reverse for Instructions

U.S. Agri-Chemicals Corporation
3225 State Road 630 West
Fort Meade, FL 33841-9799
941 285 8121



A Sinochem Company

RECEIVED

JUL 18 2002

BUREAU OF AIR REGULATION

July 16, 2002

Mr. Syed Arif, P.E.
Permit Engineer, New Source Review Section
Department of Environmental Protection
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RE: DEP File No. 1050051-009-AC
Permit No. PSD-FL-278

Dear Sir:

U.S. Agri-Chemicals Corp. would like to extend this construction permit as allowed under Section II, Condition 5. We would like the extension through 12/31/04. Since the issuance of this permit, we have expended significant funds to begin reaching the goal of increased production from our phos acid facility. The attached memo outlines these expenditures. We are continuing our efforts to reach the goals outlined in our permit but due to the continuing downturn in our business we are unable at this time to commit the capital to finish the project by the permit expiration date.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Brunk".

Ronald L. Brunk, Manager
Environmental Engineering



Memorandum

To: Jerry Girardin
CC: Jeff Barber
From: Mark Ingram
Date: 7/11/02
Re: Expenditures For PAD Permit (TPD&TPH Limits)

Since 02/06/01

1. Increased catalyst to SAD Plant 2 (05/02)	Catalyst	\$234,060.00
	Installation	76,471.12
	Disposal (est.)	12,000.00
	TOTAL	\$322,531.12
2. Booster Pump upgrade for Old Gyp Stack extension and increased gypsum disposal:		
	Booster Pumps	\$ 130,000.00
	Seal Water Pump	5,000.00
	Installation	10,000.00
	TOTAL	\$145,000.00
3. New technology investments. (EM600) Evaporator Area:		
	EM-600	\$ 96,000.00
	Installation	20,000.00
	TOTAL	\$116,000.00
4. Grand Total Including all the above:		\$583,531.12