

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

AGRICO CHEMICAL COMPANY	)	
	)	
Petitioner,	)	
	)	
v.	)	OGC. Case No. 83-0488
	)	DOAH Case No. 83-2708
DEPARTMENT OF ENVIRONMENTAL	)	
REGULATION	)	
	)	
<u>Respondent.</u>	)	

JOINT NOTICE OF SETTLEMENT AND

MOTION FOR PROCEDURAL ORDER

Department of Environmental Regulation announces that the Department and Petitioners have resolved the areas of dispute of material fact and agree that the subject facility is entitled to a Department permit with specified conditions, all of which are set forth in attached proposed permit. In light of Petitioner's agreement to all of the attached conditions, the Department hereby agrees to withdraw its objection to construction of the subject facility. Intervenor's have not become signators to the stipulation.

In view that this proceeding is for the purpose of formulating final agency action on the permit application, and that the stipulation is not final agency action, the Department and Petitioner move for a procedural order which will allow for this proceeding to move forward on the same schedule, but with due respect for the rights of persons whose substantial interest may be determined by the final action on the permit application. Specifically the Department and Petitioner move for an order that will:

1. Preserve the hearing dates and prehearing schedule as previously determined by the Hearing Officer.

2. Require the applicant to forthwith publish attached notice of the stipulation and provide a point of entry into this proceeding for persons whose substantial interests may be affected by the stipulation.

3. Should any persons petition as result of the public notice a hearing shall be promptly set so as to determine what further course of action is necessary to ensure due process rights are protected.

Nancy E. Wright  
Nancy E. Wright  
Assistant General Counsel

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION  
2600 Blair Stone Road  
Tallahassee, Florida 32303  
904/488-9730

Edward P. de la Parte, Jr.  
Edward P. de la Parte, Jr.  
Attorney for Petitioner

705 East Kennedy Boulevard  
Tampa, Florida 33602

## NOTICE OF PROPOSED AGENCY ACTION AND HEARING

The Department of Environmental Regulation gives notice of proposed agency action on whether to grant a permit to Agrico Chemical Company to construct a wet prilled sulfur handling and melting facility at its South Pierce Chemical Complex in Polk County. As part of a pending administrative proceeding (DOAH Case No. 83-2708), the Department has entered into a stipulation with Agrico in which the Department agrees to withdraw its objections to the permit upon Agrico's acceptance of certain permit conditions.

An administrative hearing under §120.57(1), Florida Statutes, is presently scheduled to commence at 10:00 a.m.; at 2009 Apalachee Parkway, Tallahassee, Florida, on March 5, 1984, to determine whether or not a permit should be issued for the above-described facility. The hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by the stipulation. Therefore, persons not already participating in the pending administrative proceeding and whose substantial interest may be affected by either a denial or grant of the permit may wish to either intervene in the current proceedings or request an administrative proceeding under §120.57, F.S.. Petitions for intervention must be filed pursuant to Model Rule 28-5.207, Florida Administrative Code, with Division of Administrative Hearings, Oakland Building, 2009 Apalachee Parkway, Tallahassee, Florida 32301, at least 5 days before the final hearing. If an administrative proceeding is requested, a petition conforming to Model Rule 28-5.201, F.A.C., must be received by the Department's office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32301 within 14 days after publication of this notice. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request a hearing under §120.57, F.S.

In addition to the formal administrative proceeding under §120.57(1), F.S., a public meeting to receive comments on the proposed facility is scheduled for the week of March 19, 1984 in Lakeland, Florida. Further information on specific dates and location will be published at a later date, or can be obtained at the below address.

The application, technical evaluation, and the Department proposed agency action and the stipulation are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the following locations:

DER Bureau of Air Quality Management  
2600 Blair Stone Road  
Tallahassee, Florida 32301

DER Southwest District  
7601 Highway 301 North  
Tampa, Florida 33610

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Joint Notice of Settlement and Motion for Procedural Order has been furnished by hand delivery to Edward de la Parte, Jr.

Paul H. Amundsen, Esq.  
Suite 3636, One Biscayne Tower  
Two South Biscayne Boulevard  
Miami, Florida 33131

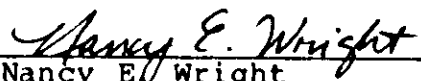
Roger Schwenke, Esq.  
20th Floor, Exchange National Bank Building  
610 Florida Avenue  
Tampa, Florida 33601

and by U.S. Mail to

Peter Belmont, Esq.  
Suite 23, Perrine Plaza Bldg.  
417 12th Street, West  
Bradenton, Florida 33508

Matthew Livingood, Esq.  
4100 Bank of Oklahoma Tower  
One Williams Center  
Tulsa, Oklahoma 74172

this 14<sup>th</sup> day of February, 1984.

  
\_\_\_\_\_  
Nancy E. Wright  
Assistant General Counsel

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION

2600 Blair Stone Road  
Tallahassee, Florida 32303