

Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Carol M. Browner, Secretary

April 21, 1992

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Selwyn Presnell
Agrico Chemical Company
P. O. Box 1110
Mulberry, Florida 33860

Dear Mr. Presnell:

Re: Permit No. AC 53-199112/PSD-FL-179

As discussed in the April 17, 1992, Final Determination for the referenced permit, Specific Condition No. 7 should read:

The compliance tests shall be conducted at 90 to 100% of the permitted capacity (2430 - 2700 TPD sulfuric acid production) and within 60 days after operating the plant at a rate above 2200 TPD. The Department's Southwest District office shall be notified in writing 15 days prior to source testing. Written reports of the tests shall be submitted to that office within 45 days of test completion.

A copy of this letter shall be attached to Permit No. AC 52-199112/PSD-FL-179 and shall become a part of that permit.

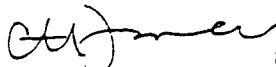
A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Petitions filed by the permit applicant and the parties listed below must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of their receipt of this intent, whichever first occurs. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by Petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this intent. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this intent in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

Sincerely,



for STEVE SMALLWOOD, P.E.
Director
Division of Air Resources
Management

SS/WH/plm

c: Bill Thomas, SWD
Jewell Harper, EPA

John Koogler, P.E.
Chris Shaver, NPS