

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**MOSAIC PHOSPHATES COMPANY,
SOUTH PIERCE FACILITY,**

Petitioner,

v.

OGC No. 05-0650
DEP Permit No. **1050055-014-AV**

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

**ORDER GRANTING REQUEST FOR EXTENSION
OF TIME TO FILE PETITION FOR HEARING**

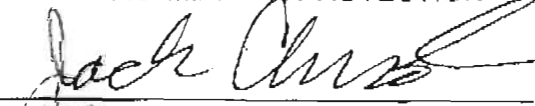
This cause has come before the Florida Department of Environmental Protection upon receipt of a request made by Petitioner, Mosaic Phosphates Company, to grant an extension of time to file a petition for an administrative hearing to allow time to provide certain information to the FDEP on several specific permit conditions for its facility in Polk County, Florida. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until **April 10, 2006**, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 27th day of February, 2006, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


JACK CHRISOLM, Deputy General Counsel
3900 Commonwealth Boulevard MS - 35
Tallahassee, Florida 32399-3000
850-245-2242 facsimile 850-245-2302

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via
✓ U. S. Mail ___ facsimile ___ **only**, this 28th day of February, 2006, to:

John B. Koogler, Ph.D., P.E.
Koogler & Associates
4014 NW Thirteenth Street
Gainesville, FL 32609

facsimile: 352/377-7158

Diana M. Jagiella
The Mosaic Company
3033 Campus Drive, Suite E490
Plymouth, MN 55441

facsimile 763/577-2982

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



PATRICIA E. COMER, Assistant General Counsel
FL Bar 0224146

3900 Commonwealth Boulevard MS - 35
Tallahassee, Florida 32399-3000
Telephone: (850) 245-2288
Facsimile: (850) 245-2302

with a courtesy copy to:

Trina L. Vielhauer
Chief
Bureau of Air Regulation

facsimile: 850-921-9533

Jeffrey A. Golwitzer
Plant Manager
Mosaic Phosphates Company

facsimile: 863-428-7162

Gibson, Victoria

From: Bull, Robert
Sent: Monday, February 27, 2006 1:12 PM
To: Gibson, Victoria
Subject: RE: Mosaic Phosphates

Yes, I talked to her about it this morning.

From: Gibson, Victoria
Sent: Monday, February 27, 2006 12:28 PM
To: Bull, Robert
Subject: Mosaic Phosphates

Hi,

Has Pat Comer asked if you want to grant their latest extension of time request through and including 4/10?

1050055-014-AV

Just checking on the status.

Thanks.

Vickie

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
DEP/Bureau of Air Regulation
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533

Gibson, Victoria

From: Crandall, Lea
Sent: Friday, February 24, 2006 8:39 AM
To: Gibson, Victoria
Subject: RE: Mosaic

Thanks for double checking. It just seemed odd!

Thanks,
Lea

Lea Crandall

Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

-----Original Message-----

From: Gibson, Victoria
Sent: Thursday, February 23, 2006 10:41 AM
To: Bull, Robert; Vielhauer, Trina
Cc: Crandall, Lea
Subject: RE: Mosaic
Importance: High

Lea,

Per Bobby; the permit # on this latest request is correct. They are requesting that their previous granted extension of time (which expires March 20th) be withdrawn.

Then in this letter they are requesting a new extension of time; however this is on the new draft permit that they just published the public notice on this past Monday of 2/20.

Let me know if you need anything else.

Vickie

From: Gibson, Victoria
Sent: Thursday, February 23, 2006 10:35 AM
To: Bull, Robert
Cc: Crandall, Lea
Subject: FW: Mosaic

Meant to say that the # used was 1050055-014-AV

Vickie

From: Gibson, Victoria
Sent: Thursday, February 23, 2006 10:33 AM
To: Bull, Robert
Cc: Crandall, Lea
Subject: Mosaic

Good morning.

Gibson, Victoria

From: Bull, Robert
Sent: Thursday, February 23, 2006 10:43 AM
To: Gibson, Victoria; Vielhauer, Trina
Cc: Crandall, Lea
Subject: RE: Mosaic

Lea,

We issued the revised draft package on 2/7. Per conversation with the facility, the public notice was published on 2/20, and we are awaiting proof of publication.

Thanks

From: Gibson, Victoria
Sent: Thursday, February 23, 2006 10:41 AM
To: Bull, Robert; Vielhauer, Trina
Cc: Crandall, Lea
Subject: RE: Mosaic
Importance: High

Lea,

Per Bobby; the permit # on this latest request is correct. They are requesting that their previous granted extension of time (which expires March 20th) be withdrawn.

Then in this letter they are requesting a new extension of time; however this is on the new draft permit that they just published the public notice on this past Monday of 2/20.

Let me know if you need anything else.

Vickie

From: Gibson, Victoria
Sent: Thursday, February 23, 2006 10:35 AM
To: Bull, Robert
Cc: Crandall, Lea
Subject: FW: Mosaic

Meant to say that the # used was 1050055-014-AV

Vickie

From: Gibson, Victoria
Sent: Thursday, February 23, 2006 10:33 AM
To: Bull, Robert
Cc: Crandall, Lea
Subject: Mosaic

Good morning.

Mosaic has sent in another request for an extension of time.....a copy of which is in your mail box over here.

Please let us know if the permit # that they put on this extension request is the right one.

Thank you.

Vickie

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
DEP/Bureau of Air Regulation
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533



Diana M. Jagiella
Senior Environmental and
Corporate Counsel
The Mosaic Company
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Plymouth, MN 55441
www.mosaicco.com

Tel (763) 577-2700
Fax (763) 577-2982
Writer's Direct Number:
(763) 577-2841
E-mail:
Diana.Jagiella@mosaicco.com

February 22, 2006

**VIA OVERNIGHT DELIVERY
VIA FACSIMILE 850.245.2303**

Office of General Counsel
Florida Department of Environmental
Protection
3900 Commonwealth Boulevard
Mail Station #35
Tallahassee, Florida 32399-3000

Attn: Lea Crandall, Agency Clerk

RE: Mosaic Fertilizer, LLC: Draft Permit No. 1050055-014-AV
South Pierce Plant, 7450 Highway 630, Mulberry, FL

**Request for an Extension of the Time in Which to File Petition for Hearing,
Mediation or Alternate Remedies, or in the alternative, Petition for an
Administrative Hearing**

Office of General Counsel:

Mosaic Fertilizer, LLC ("Mosaic") requests from the Florida Department of Environmental Protection ("FDEP") a 45 day extension of the time in which to file a petition for an administrative hearing, mediation or alternate remedies with respect to the above referenced draft permit ("Draft Permit").

Mosaic received the original Draft Permit for the South Pierce Facility and the "Public Notice of Intent to Issue" from the FDEP on or around February 13, 2006. Mosaic has not had adequate opportunity to review its provisions or to discuss with the FDEP any concerns it may have with respect thereto. Mosaic seeks this extension so that it may have additional time to review the provisions of the Draft Permit and to resolve with FDEP any issues that may arise.

While Mosaic is confident any issues can be resolved without the need for a formal proceeding, in order to fully protect and reserve its right to a hearing, mediation or other remedy, Mosaic requests this extension. Dean Ahrens, the Environmental Superintendent of the New Wales and South Pierce facilities has discussed this extension with Robert Bull of the FDEP.

Therefore, Mosaic hereby requests an extension until April 10, 2006, or such other extension period FDEP deems adequate, to provide Mosaic adequate time to review the Draft Permit and to provide Mosaic and FDEP a reasonable opportunity to resolve any issues with

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February 22, 2006
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respect to the Draft Permit, and further requests the FDEP suspend its Intent to Issue accordingly.

Further, in the event FDEP is willing to grant this extension request, Mosaic withdraws and/or waives the prior extension of time granted by FDEP to Mosaic regarding the previous Title V draft (05-0650).

In the event FDEP declines to grant Mosaic's extension request, Mosaic hereby petitions for an administrative hearing and provides FDEP the following pertinent information:

- (a) *The name, address, and telephone number of petitioner; the FDEP's identification number for the Agency action and the county in which the subject matter or activity is located:*

Mosaic Fertilizer, LLC
South Pierce Plant
7450 Highway 630
Mulberry, FL 33860

Draft Title V Air Operation Permit No. 1050055-014-AV
Renewal of Title V Air Operation Permit
Polk County, FL

763-577-2841 - office
309-453-1118 - cell

- (b) *A statement of how and when each petitioner received notice of the Agency action*

Mosaic received notice via U.S. Mail on or around February 13, 2006.

- (c) *A statement of how each petitioner's substantial interests are affected by the Agency action.*

Mosaic's facility is the subject of the Draft Permit.

- (d) *A statement of the material facts disputed by petitioner, if any.*

Mosaic is unsure if there are any material facts in dispute at this time. The Draft Permit contains conditions that may be inconsistent with the intended operations and the application. Therefore, Mosaic desires the extension to resolve any issues and to determine if material facts are in dispute and wishes to work with FDEP on the Draft Permit's conditions accordingly.

382545

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- (e) *A statement of facts which petitioner contends warrant reversal or modification of the Agency action.*

Mosaic is unsure if there are any material facts warranting reversal or modification at this time. The Draft Permit contains conditions that may be inconsistent with the intended operations and the application. Therefore, Mosaic desires the extension to resolve any issues and to determine if material facts are in dispute and wishes to work with FDEP on the Draft Permit's conditions accordingly.

- (f) *A statement of which rules or statutes petitioner contends require reversal or modification of the Agency action.*

Mosaic is unsure if there are any rules or statutes requiring reversal or modification at this time. The Draft Permit contains conditions that may be inconsistent with the intended operations and the application. Therefore, Mosaic desires the extension to resolve any issues and to determine if material facts are in dispute and wishes to work with FDEP on the Draft Permit's conditions accordingly.

- (g) *A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Agency action.*

Mosaic is unsure if Departmental action is required at this time. The Draft Permit contains conditions may be inconsistent with the intended operations and the application. Therefore, Mosaic desires the extension to resolve these issues and to determine if material facts are in dispute and wishes to work with FDEP on the Draft Permit's conditions accordingly.

Mosaic thanks you for your consideration and continued cooperation. Please contact me with any questions or concerns.

Sincerely,


Diana M. Jagiella

DMJ/amj

382545

Office of General Counsel
February 22, 2006
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cc: Mr. Michael Cooke
Mr. Jeffery Koerner
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ms. Trina Vielhauer, Chief
Bureau of Air Regulation
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-3000

Mr. Robert Bull
Bureau of Air Regulation
Florida Department of Environmental Protection
2600 Blair Stone Road, Mail Code 5505
Tallahassee, Florida 32399-3000

David Jellerson/Fert/Pierce, FL
Jeffrey Golwitzer/Fert/South Pierce, FL
Dean Ahrens/Fert/New Wales, FL
Dave Turley/Fert/New Wales, FL
Pradeep Raval, Koogler and Associates

382545

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF GENERAL COUNSEL**

3900 Commonwealth Boulevard, M.S. 35
Marjory Stoneman Douglas Building
Tallahassee, Florida 32399-3000

FACSIMILE TRANSMITTAL

To: Vickie Gibson

Fax: 921-9533

From: Lea Crandall

Phone: 245-2212

Pages: 6 Pages Including Cover Date: 2/22/06

RE: Mosaic

Comments: Please let me know if this
is the correct Permit #.

Maria

Lea

Original WILL follow VIA ☐ United States Postal Service
☐ Overnight Delivery

Original will NOT follow ☒

The information contained in this facsimile message is attorney privileged and confidential, intended only for the use of individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify sender by telephone and return the original to us at the above address via United States Postal Service.

Gibson, Victoria

From: Miskelley, Valerie
Sent: Wednesday, February 01, 2006 11:19 AM
To: Gibson, Victoria
Subject: RE: Time Extensions

good morning to you!!! i thought i faxed them over to you yesterday, but i will try again.

thanks,
valerie

-----Original Message-----

From: Gibson, Victoria
Sent: Wednesday, February 01, 2006 11:12 AM
To: Miskelley, Valerie
Subject: FW: Time Extensions

Good morning.

Would it be possible for you to fax me a copy of the issued orders for the 2 below?

Thank you.

Vickie

From: Bull, Robert
Sent: Tuesday, January 31, 2006 10:52 AM
To: Gibson, Victoria
Subject: FW: Time Extensions

fyi

From: Miskelley, Valerie
Sent: Tuesday, January 31, 2006 10:51 AM
To: Bull, Robert
Subject: Time Extensions

Bobby,
Pat asked me to let you know that Orders Granting Extensions of Time were issued today for White Springs (until 04/26/06) and Mosaic (until 03/20/06). If you have any questions please feel free to call me

Thanks,
Valerie Miskelley, Administrative Secretary
Florida Department of Environmental Protection
Office of General Counsel
3900 Commonwealth Blvd. MS 35
Tallahassee, FL 32399-3000
(850) 245-2260 SC 205-2260
Fax: (850) 245-2302
Valerie.Miskelley@dep.state.fl.us <<mailto:Valerie.Miskelley@dep.state.fl.us>>