

Lobby

**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 #.

Mark

Lea

Original WILL follow VIA

☐

United States Postal Service

☐

Overnight Delivery

Original will NOT follow

☒

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Diana M. Jagiella  
Senior Environmental and  
Corporate Counsel  
The Mosaic Company  
Atria Corporate Center  
3033 Campus Drive, Suite E490  
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

Office of General Counsel  
February 22, 2006  
Page 2

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.

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Office of General Counsel  
February 22, 2006  
Page 3

- (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

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Office of General Counsel  
February 22, 2006  
Page 4

cc: Mr. Michael Cooke  
Mr. Jeffery Koerner  
Florida Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

Ms. Trina Vietbauer, 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

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