

RECEIVED

OCT 31 1995

BUREAU OF
AIR REGULATION

MEMORANDUM

TO: Martin Costello, FDEP
FROM: Pradeep Raval
DATE: October 30, 1995
SUBJECT: Extension of 90 Day Time Limit
IMC-Agrico Company

This is a follow up to our telephone conversation today regarding waiver of the 90 day limit for IMC-Agrico Company's application for permit amendments.

As it is anticipated that the pending issues on this subject will be resolved soon, the attached waiver extension is granted until November 30, 1995.

If you have any questions, please give me a call.

par.
enc.

c: C. D. Turley, IMC-Agrico





Lawton Chiles
Governor

Florida Department of Environmental Protection

Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7577

Virginia B. Wetherell
Secretary

WAIVER OF 90 DAY TIME LIMIT UNDER SECTIONS 120.60(2) and 403.0876, FLORIDA STATUTES

License (Permit, Certification) Application No. See Attachment 1

Applicant's Name: IMC-Agrico Company

The undersigned has read Sections 120.60(2) and 403.0876, Florida Statutes, and fully understands the applicant's rights under that section.

With regard to the above referenced license (permit, certification) application, the applicant hereby with full knowledge and understanding of (his) (her) (its) rights under Sections 120.60(2) and 403.0876, Florida Statutes, waives the right under Sections 120.60(2) and 403.0876, Florida Statutes, to have the application approved or denied by the State of Florida Department of Environmental Regulation within the 90 day time period prescribed in Sections 120.60(2) and 403.0876, Florida Statutes. Said waiver is made freely and voluntarily by the applicant, is in (his) (her) (its) self-interest, and without any pressure or coercion by anyone employed by the State of Florida Department of Environmental Regulation.

This waiver shall expire on the 30th day of November 1995.

The undersigned is authorized to make this waiver on behalf of the applicant.


SIGNATURE

NAME (PLEASE TYPE OR PRINT)

John B. Koogler, Ph.D., P.E.

ATTACHMENT 1

LIST OF PERMIT AMENDMENTS SUBJECT TO
WAIVER OF THE 90 DAY TIME LIMIT

IMC-AGRICO COMPANY
POLK COUNTY, FLORIDA

Item	Unit/Operation	Construction Permit No.
<u>NEW WALES PLANT</u>		
1.	SAP 1	AC53-192221
1.	SAP 2	AC53-192221
1.	SAP 3	AC53-192221
1.	SAP 4	AC53-192221
1.	SAP 5	AC53-192221
<u>SOUTH PIERCE PLANT</u>		
1.	SAP 10	AC53-199112
1.	SAP 11	AC53-199112
<u>NICHOLS PLANT</u>		
1.	DAP Dryer	AC53-232681
2.	SAP 1	AC53-230355



RECEIVED

SEP 27 1995

Bureau of
Air Regulation

MEMORANDUM

TO: Marty Costello, FDEP
FROM: Pradeep Raval
DATE: September 26, 1995
SUBJECT: Extension of 90 Day Time Limit
IMC-Agrico Company

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2.	SAP 1	AC53-230355	PSD-FL-204





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Governor

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7825 Baymeadows Way, Suite B200
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SIGNATURE

NAME (PLEASE TYPE OR PRINT)

John B. Koogler, Ph.D., P.E.



**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

RECEIVED

SEP 26 1995

Bureau of
Air Regulation

September 22, 1995

Florida Department of
Environmental Protection
Twin Towers Building
2600 Blainstone Road
Tallahassee, Florida 32399-2400

**Re: Sulfuric Acid Plant No. 1
Construction Permit No. AC53-230355
Permit No. AO53-255206
AIRS ID No. 1050057
Unit ID No. 05
Nichols Plant**

Dear Sir:

Enclosed is the Affidavit of the Notice of Intent to Issue Permit Amendment published in the Lakeland Ledger newspaper on Monday, September 18, 1995.

If I may be of further assistance in the matter, please do not hesitate to notify me.

Sincerely,

J. M. Baretincic
Director
Environmental Services

xc: E. M. Newberg
G. J. Kiseel (FDEP-Tampa)

Enclosure

cwk
jmb95

AFFIDAVIT OF PUBLICATION

THE LEDGER Lakeland, Polk County, Florida

Case No.....

STATE OF FLORIDA)
COUNTY OF POLK)

Before the undersigned authority personally appeared Robert Lee, who on oath says that he is Classified Manager of The Ledger, a daily newspaper published in Polk County, Florida; that the attached copy of advertisement, being a

Notice of Intent

in the matter of

Permit Amendment

in the

Court, was published in said newspaper in the issues of

September 18;

1995

Affiant further says that said The Ledger is a newspaper published at Lakeland, in said Polk County, Florida, and that the said newspaper has heretofore been continuously published in said Polk County, Florida, daily, and has been entered as second class matter at the post office in Lakeland, in said Polk County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Signed 

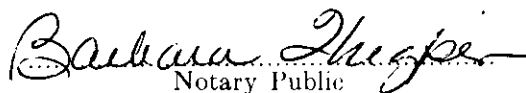
Classified Advertising Manager

by Robert E. Lee who is
Personally known to me

Sworn to and subscribed before me this 18th

day of September A.D. 19 95

(Seal)


Notary Public

BARBARA THIGPEN

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO ISSUE PERMIT AMENDMENT
PSD-FL-204/AC53-230355

The Department of Environmental Protection (Department) gives notice of its intent to issue a permit amendment to JMC-Agrico Company, P.O. Box 2000, Mulberry, Florida 33860. The company operates a phosphate fertilizer manufacturing complex located in Nichols, Polk County, Florida. The amendment will remove a nitrogen oxide (NOx) emission limit and test requirement applicable to Sulfuric Acid Plant No. 1 located at the Nichols facility. The plant is neither a significant nor a major source of NOx emissions with respect to permitting requirements pursuant to Prevention of Significant Deterioration (PSD) and there are no other Departmental requirements to limit NOx emissions from or to conduct annual NOx emissions tests at from Sulfuric acid plants.

The Department will remove the NOx emission limit provided that there will not be an increase in either lb/hr or tons/yr of NOx emissions to be demonstrated by an initial compliance test. Therefore, this change will not cause or contribute to a violation of any air pollution ambient air standard or adversely affect the environment.

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 (F.S.). 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, within 14 days of publication of this notice. 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 F.S.

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 Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the application/request 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 publication of this notice 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, Florida Administrative Code.

The application/request is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida 32301

Department of Environment Protection
Southwest District
8407 Laurel Fair Circle
Tampa, Florida 33619

Any person may send written comments on the proposed action to Administrator, New Source Review at the Department's Tallahassee address. All comments received within 30 days of the publication of this notice will be considered in the Department's final determination.

Further, a public hearing can be requested by any person(s). Such requests must be submitted within 14 days of this notice.

WK297-9-18, 1995