



FERTILIZER, INC.

RECEIVED

MAY 24 1990

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FEDERAL EXPRESS

May 23, 1990

Mr. Barry Andrews  
FLORIDA DEPARTMENT OF ENVIRONMENTAL  
REGULATION  
Bureau of Air Regulation  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Dear Sir:

Enclosed please find a copy of the Affidavit of Publication regarding the Notice of Intent to issue construction permit #AC53-177264, Diammonium Phosphate Cooler and air pollution control system.

If you have any questions regarding this submittal, please let me know.

Sincerely,

J. M. Baretincic  
Director  
Environmental Services

JMB/dws

Enclosure

CC: J. A. Brafford  
E. M. Newberg  
C. A. Pflaum  
A. L. Girardin

*J. Reynolds*  
*B. Thomas*

# AFFIDAVIT OF PUBLICATION

**THE LEDGER**  
**Lakeland, Polk County, Florida**

Case No.....

*Attach Notice Here*

STATE OF FLORIDA)  
COUNTY OF POLK )

Before the undersigned authority personally appeared Stephen DeWitt, who on oath says that he is Controller of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a .....

Notice of Intent

In the matter of .....  
Cooler & Air Control System

In the .....

Court, was published in said newspaper in the issues of .....  
May 18; 1990

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 .....  
*Stephen P. DeWitt*  
Controller

Sworn to and subscribed before me this.....22nd.....  
day of ..... May ..... 90  
A.D. 19 .....

(Seal) .....  
*Charles W. Webb*  
Notary Public

My Commission Expires .....  
NOTARY PUBLIC, STATE OF FLORIDA.  
MY COMMISSION EXPIRES: JUNE 25, 1991.  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

State of Florida  
Department of Environmental Regulation  
Notice of Intent to Issue  
The Department of Environmental Regulation hereby gives notice of its intent to issue a permit to BMC Fertilizer, Inc., Highway 640 & County Line Road, Mulberry, Florida 33860 to construct a Diammonium Phosphate Cooler and air pollution control system at their No. 2 Diammonium Phosphate facility in Polk County. A determination of Best Available Control Technology (BACT) was not required. The Department is issuing this intent to issue for the reasons stated in the Technical Evaluation and Preliminary Determination.  
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, within fourteen (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, 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 Notice. 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 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 29-5.207, F.A.C.

The application is available for public inspection during business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: Department of Environmental Regulation Bureau of Air Regulation 2600 Blair Stone Road Tallahassee, Florida 32399-2400 Department of Environmental Regulation Southwest District 4520 Oak Fork Boulevard Tampa, Florida 336107347

Any person may send written comments on the proposed action to Ms. Betsy Andrews at the Department's Tallahassee address. All comments mailed within 14 days of the publication of this notice will be considered in the Department's final determination.  
R98 - 5-18; 1990