



State of Florida  
DEPARTMENT OF ENVIRONMENTAL REGULATION

*Clair*

For Routing To Other Than The Addressee	
To: _____	Location: _____
To: _____	Location: _____
To: _____	Location: _____
From: _____	Date: _____

# Interoffice Memorandum

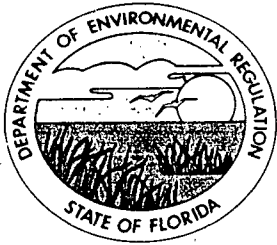
TO: Howard Rhodes  
FROM: *for* Clair Fancy *JKP*  
DATE: June 29, 1992  
SUBJ: Extension of Construction Permit AC 53-192221, PSD-FL-170  
IMC Fertilizer, Inc.

Attached for your approval and signature is a letter extending the expiration date for the above referenced construction permit. The extension is required as a result of the U.S. Fish and Wildlife Service's request for hearing having been dismissed. A copy of the Department's Final Order is attached.

The Bureau recommends approval of this amendment.

Attachment

CF/JR/plm



# Florida Department of Environmental Regulation

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

Lawton Chiles, Governor

Carol M. Browner, Secretary

June 29, 1992

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. John A. Brafford  
Vice President & General Manager  
IMC Fertilizer, Inc.  
P.O. Box 1035  
Mulberry, Florida 33860

Dear Mr. Brafford:

Re: Extension of Permit AC 53-192221, PSD-FL-170  
Sulfuric Acid Plants Nos. 1-5 Production Increases to 2900 TPD

The Department will extend the expiration date of the above referenced permit in view of the dismissal of the U.S. Fish and Wildlife Service's Motion for Voluntary Dismissal of their request for hearing filed on September 4, 1991, and the Department's Final Order signed on May 11, 1992. Therefore, the following change is made to the expiration date of the subject permit:

FROM: December 31, 1991  
TO: **December 31, 1992**

This letter shall become Attachment No. 2 to this 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:

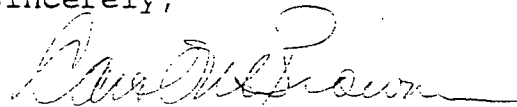
- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;

Mr. John A. Brafford  
Page 2 of 2

- (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,



Carol M. Browner  
Secretary

CMB/plm

c: W. Thomas, SWD  
J. Harper, EPA  
C. Shaver, NPS  
J. Koogler, P.E.

P 710 058 496



### Certified Mail Receipt

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

Sent to	
John Brafford	
Street & No.	
INC Fertilizer	
P.O., State & ZIP Code	
Mulberry, FL	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$
Postmark or Date	6-29-92
AC 53-192221 PSD-FI-170	

PS Form 3800, June 1990

#### SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

John A. Brafford  
INC Fertilizer, Inc.  
PO BOX 1035  
Mulberry, FL 33860

4a. Article Number

P 710 058 496

4b. Service Type

- Registered  Insured
- Certified  COD
- Express Mail  Return Receipt for Merchandise

7. Date of Delivery

7/1/92

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

UNITED STATES FISH AND  
WILDLIFE SERVICE,

Petitioner,

vs.

OGC CASE NO. 91-1747  
DOAH CASE NO. 91-6727

IMC CORPORATION  
(NEW WALES OPERATION), and  
STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION,

Respondents.

---

FINAL ORDER

On September 4, 1991, the State of Florida Department of Environmental Regulation ("Department") received a request for administrative hearing from Petitioner, United States Fish and Wildlife Service. The request challenged the Department's decision to issue Permit No. AC53-192221 to IMC Fertilizer, Inc. to increase the production rates of sulfuric acid plants in Polk County.

On April 27, 1992, after receiving Petitioner's Motion for Voluntary Dismissal, the assigned Hearing Officer issued an Order which closed the Division of Administrative Hearings file and relinquished jurisdiction back to the Department. (Exhibit 1)  
There being no further matters to consider,

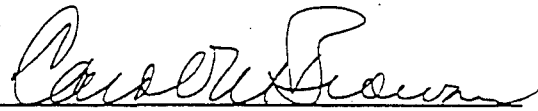
IT IS ORDERED:

The petition is hereby dismissed and the Department's Southwest Florida District Office is directed to issue Permit No. AC53-192221.

Any party to this Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Order is filed with the clerk of the Department.

DONE AND ORDERED this 11 day of May, 1992, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION

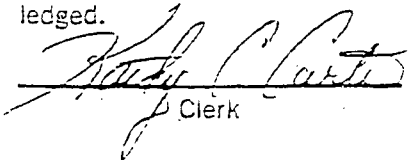


CAROL M. BROWNER  
Secretary

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400  
Telephone: (904) 488-4805

FILING AND ACKNOWLEDGEMENT

FILED; on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

 Clerk      5-14-92 Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to:

Robert L. Rhodes, Jr., Esq.  
Holland & Knight  
Post Office Drawer 810  
Tallahassee, FL 32301

Patricia Cortelyou-Hamilton, Esq.  
U. S. Fish and Wildlife Service  
Southeast Region  
U. S. Dept. of the Interior  
Suite 1328, 75 Spring Street  
Atlanta, Georgia 30345

and by interoffice mail and hand delivery to:

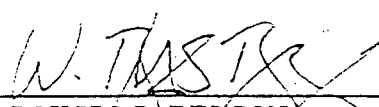
K. N. Ayers, Hearing Officer  
and Ann Cole, Clerk  
Div. of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, FL 32399-1550

Clair Fancy, Chief  
Bureau of Air Regulation  
Dept. of Environmental Reg.  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

Richard D. Garrity, Ph.D.  
Director of District Management  
Dept. of Environmental Regulation  
4520 Oak Fair Boulevard  
Tampa, FL 33610-7347

on this 20<sup>th</sup> day of May, 1992.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION

  
\_\_\_\_\_  
W. DOUGLAS BEASON  
Assistant General Counsel

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400  
Telephone: (904) 488-9730

RECEIVED  
APR 28 1992

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

U. S. FISH AND WILD LIFE SERVICE, )  
)  
)  
Petitioner, )  
)  
vs. )  
)  
IMC CORPORATION AND )  
DEPARTMENT OF ENVIRONMENTAL )  
REGULATION, )  
)  
Respondent. )

Dept. of Environmental Reg.  
Office of General Counsel

CASE NO. 91-6727

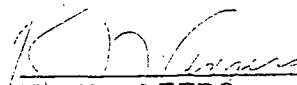
ORDER CANCELLING HEARING  
AND CLOSING FILE

This cause came on for consideration of Petitioner's Motion For Voluntary Dismissal. The premises considered, it is

ORDERED:

1. The hearing scheduled for May 13-14, 1992 is cancelled;
2. The file of the Division of Administrative Hearings is closed; and
3. The matter is hereby returned to the referring agency for final disposition.

DONE and ORDERED this 17th day of April, 1992. in Tallahassee, Florida.

  
K. N. AVERS  
Hearing Officer  
Division of Administrative Hearings  
The Desoto Building  
1230 Apalachee Parkway  
Tallahassee, FL 32399-1550  
(904) 488-9675



Filed with the Clerk of the  
Division of Administrative Hearings  
this 27th day of April, 1992.

Copies furnished to:

Robert L. Rhodes, Jr., Esquire  
Holland & Knight  
Post Office Drawer 810  
Tallahassee, FL 32301

W. Douglas Beason, Esquire  
Department of Environmental  
Regulation  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

Patricia Cortelyou-Hamilton, Esquire  
U. S. Fish & Wildlife Service  
Southeast Region  
U. S. Department of the Interior  
Suite 1328, 75 Spring Street  
Atlanta, GA 30345

Case No. 91-6727