

LAW OFFICES

OERTEL, FERNANDEZ, COLE & BRYANT, P.A.

301 SOUTH BRONOUGH STREET
SUITE 500
TALLAHASSEE, FLORIDA 32301

(850) 521-0700
FAX (850) 521-0720

MAILING ADDRESS:

POST OFFICE BOX 1110
TALLAHASSEE, FLORIDA 32302-1110

<http://www.ohfc.com>

TIMOTHY P. ATKINSON
JEFFREY BROWN
M. CHRISTOPHER BRYANT
C. ANTHONY CLEVELAND
TERRY COLE
SEGUNDO J. FERNANDEZ
SCOTT W. FOLTZ
KENNETH G. OERTEL
PATRICIA A. RENOVTICH

August 11, 2004

Trina L. Vielhauer, Chief
Bureau of Air Regulation
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

**Re: Public Notice of Intent to Issue
Air Construction Permit
DEP File No. 1050059-044-AC
Multifos C Kiln
New Wales Plant**

RECEIVED

AUG 12 2004

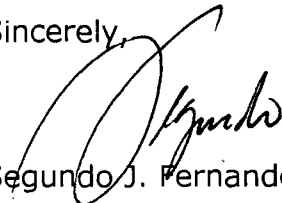
BUREAU OF AIR REGULATION

Dear Trina:

On behalf of my client, I would like to thank you and your staff for your work on resolving the Multifos C Kiln permit issues at IMC's New Wales plant. The draft permit which accompanied the Intent to Issue was in accordance with all of our discussions. The company has published the notice in a local newspaper, as requested. I am forwarding to you with this letter the proof of publication of the notice, which occurred on August 10, 2004.

Thank you again for your efforts in this regard.

Sincerely,


Segundo J. Fernandez

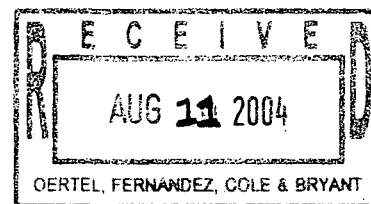
Cc: Phil Steadham
M.A. Daigle
C.D. Turley
In Reply, SWP



Sent FedEx No. 835615870872

IMC Phosphates Company
P.O. Box 2000
Mulberry, Florida 33860-1100
863.428.2500

August 10, 2004



Trina L. Vielhauer, Chief
Bureau of Air Regulation
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

**Re: Public Notice of Intent to Issue
Air Construction Permit
DEP File No. 1050059-044-AC
Multifos C Kiln
New Wales Plant**

Dear Ms. Vielhauer:

The enclosed proof of publication was published Tuesday, August 10, 2004, in The Ledger.

Should you have any questions, please contact me at 863.428.7106.

Sincerely,

A handwritten signature in cursive script, appearing to read "P. A. Steadham", with a horizontal line extending to the right.

P. A. Steadham, Manager
Environmental Services
Concentrates - Florida

PAS:jp\vielhauer081004
enclosure

cc: M. A. Daigle
S. J. Fernandez
C. D. Turley

STATE OF FLORIDA)
COUNTY OF POLK)

Attach Ad Here

Before the undersigned authority personally appeared C. Morgan Miller, who on oath says that he is Display Advertising Manager of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

Public Notice of Intent

in the matter of To Issue DEP permit No. 1050059-044-AC.....

Concerning New Wales Facility/Multifos Plant

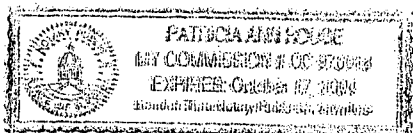
was published in said newspaper in the issues of 8-10; 2004

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 C. Morgan Miller
C. Morgan Miller
Display Advertising Manager
Who is personally known to me.

Sworn to and subscribed before me this 10TH day of August A.D. 20 04

Patricia Ann Lane
Notary Public



(Seal)

My Commission Expires Oct 17, 2004

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DEP File No. 1050059-044-AC
IMC Phosphates Company
New Wales Facility
Multifos Plant
Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit to IMC Phosphates Company's Multifos Plant located at 3095 Highway 640, Mulberry, Polk County, Florida for limiting the emissions of previously constructed Kiln C to emissions levels that allow Kiln C to escape the federal Prevention of Significant Deterioration (PSD) rule. This determination replaces the Best Available Control Technology determination for Kiln C only, previously issued in PSD-FL-244. The applicant's name and address are: IMC Phosphates Company, Post Office Box 2000, Mulberry, Polk County, Florida 33860.

The Department will issue the FINAL Permit, in accordance with the conditions of the DRAFT Permit, unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed issuance action for a period of 14 (fourteen) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57, F.S., before the deadline for filing a petition; the procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the 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 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32309-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notices under section 120.40(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.40(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for services purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that 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 such final decision of the Department on the application have the right to petition to become a party to the proceeding in accordance with the requirements set forth above.

A complete project file 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
Telephone: 850/488-0114
Fax: 850/922-6979

Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619-8218
Telephone: 813/744-6100
Fax: 813/744-6084

The complete project file includes the application, technical evaluations, Draft Permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Program Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.