

Mosaic Fertilizer 1050059-052-AC OGC # 06-2375

(Scott)

2006								
21-Nov		OGC received in the request for an extension of time						
27-Nov		case opened in OGC....we were notified today by e-mail						
		also today received in a hard copy of the request from Mosaic						
		Scott and AI are reviewing						
4-Dec		per Scott, still under consideration						
18-Dec		per Scott, will grant until Jan 22nd						
		status check with Valerie; waiting for Jack to get back in the office to sign						
19-Dec		OGC issued the order to grant extension of time						
		updated book, list, notes and Outlook and copied Scott						
2007								
		Expires on January 22nd						
22-Jan		note to Scott to see if any other requests or comments will be filed						
		per Scott, no further requests should be received						
		should be able to close case soon in OGC						
2-Feb		no further updates in LCT by OGC as of today						
		permit has gone final						
7-Feb		Case Closed in OGC						

Gibson, Victoria

From: Gibson, Victoria
Sent: Wednesday, February 07, 2007 11:08 AM
To: Miskelley, Valerie
Subject: From Vickie

FYI,

Vickie

From: Sheplak, Scott
Sent: Tuesday, February 06, 2007 12:08 PM
To: Gibson, Victoria
Subject: RE: Updated OGC List

1050059-
052-AC can be closed out, the permit was issued on 2/2/07.

From: Gibson, Victoria
Sent: Tuesday, February 06, 2007 11:26 AM
To: Sheplak, Scott; Koerner, Jeff; Felton-Smith, Rita
Subject: Updated OGC List

Good morning.

Attached is the updated OGC list for today.

Have a good week.

Vickie

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
Bureau of Air Regulation
Department of Air Resource Management
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533

Gibson, Victoria

From: Sheplak, Scott
Sent: Monday, January 22, 2007 5:03 PM
To: Gibson, Victoria
Cc: Linero, Alvaro
Subject: RE: Mosaic Fertilizer - New Wales

On 1050059-052-AC, no. I think we will be done on this one.

From: Gibson, Victoria
Sent: Monday, January 22, 2007 4:08 PM
To: Sheplak, Scott
Cc: Linero, Alvaro
Subject: Mosaic Fertilizer - New Wales

Scott,

Have you responded to Pat as to whether to grant or deny the request for extension of time on 1050059-045-AV? If so, send me a copy of your response.

Also, on 1050059-052-AC.....do you think they will ask for another extension of time on this case as well?

Vickie

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
Bureau of Air Regulation
Department of Air Resource Management
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

MOSAIC FERTILIZER, LLC.,
NEW WALES FACILITY,

Petitioner,

v.

OGC No. 06-2375

DEP Permit No. 1050059-052-AC

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

**ORDER GRANTING REQUEST FOR EXTENSION
OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the Florida Department of Environmental Protection upon receipt of a request made by Petitioner, Mosaic Fertilizer, LLC., to grant an extension of time to file a petition for an administrative hearing to allow additional time to review the provisions of the draft permit and to resolve any issues that may arise for its facility in Polk County, Florida. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until **January 22, 2007**, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 19th day of December, 2006, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850-245-2242 facsimile 850-245-2302

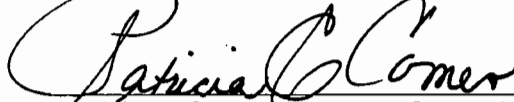
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via
 U. S. Mail facsimile only, this 19th day of December, 2006, to:

Diana M. Jagiella
Senior Environmental and
Corporate Counsel
The Mosaic Company
Atria Corporate Center
3033 Campus Dr., Suite E490
Plymouth, MN 55441

facsimile: 763-577-2982

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Patricia E. Comer, Assistant General Counsel
FL Bar 0224146
Department of Environmental Protection
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
Telephone: (850) 245-2288
Facsimile: (850) 245-2302

with a courtesy copy via electronic mail to:

Trina L. Vielhauer – Chief, Bureau of Air Regulation
Mara Nasca – District Air Program Administrator, Southwest District

Gibson, Victoria

From: Miskelley, Valerie
Sent: Tuesday, December 19, 2006 10:19 AM
To: Gibson, Victoria; Nasca, Mara
Subject: Mosaic New Wales

Attachments: Ord to Grant on Mosaic 06-2374.pdf; Ord to Grant on Mosaic 06-2375.pdf

Mara and Vickie,
Here are the Orders Granting on both permits for your files (OGC Case No. 06-2374 & 06-2375). Let me know if you need anything else and I am sorry for the delay!



Ord to Grant on
Mosaic 06-2374...



Ord to Grant on
Mosaic 06-2375...

Thanks,
Valerie L. Miskelley
Office of General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Blvd. - MS 35
Tallahassee, Florida 32399-3000
email: Valerie.Miskelley@dep.state.fl.us
850/245-2260 SC/205-2250

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Please Note: Florida has a very broad public records law. Electronic communications regarding state business are public records available to the public upon request. Your e-mail communications may therefore be subject to public disclosure.

Gibson, Victoria

From: Gibson, Victoria
Sent: Monday, December 18, 2006 2:08 PM
To: Sheplak, Scott
Subject: FW: Mosaic Fertilizer 1050059-045-AV and 052-AC

FYI

Vickie

From: Gibson, Victoria
Sent: Monday, December 18, 2006 2:07 PM
To: Miskelley, Valerie
Subject: RE: Mosaic Fertilizer 1050059-045-AV and 052-AC

No problem...thanks for getting back with us so fast.

Have a good week.

Vickie

From: Miskelley, Valerie
Sent: Monday, December 18, 2006 2:07 PM
To: Gibson, Victoria
Subject: RE: Mosaic Fertilizer 1050059-045-AV and 052-AC

they are both drafted and waiting for jack's signature...he was out of the office most of last week at depositions and is at a hearing today...i expect him in tomorrow...sorry for the delay...

-----Original Message-----

From: Gibson, Victoria
Sent: Monday, December 18, 2006 2:05 PM
To: Miskelley, Valerie
Subject: Mosaic Fertilizer 1050059-045-AV and 052-AC
Importance: High

Hi,

I just wanted to check in and see what the status was on issuing both of these orders to grant?

Thank you much.

Vickie

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
DEP/Bureau of Air Regulation
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533

Gibson, Victoria

From: Comer, Patricia
Sent: Tuesday, November 28, 2006 3:23 PM
To: Nasca, Mara; Sheplak, Scott
Cc: Miskelley, Valerie; Gibson, Victoria
Subject: Mosaic Fertilizer New Wales 2 permits 1050059-045-AV; 1050059-052-AC

Mara
On November 20, 2006, OGC received Motions for Extension of Time to File a Petition (filed by Diana Jagiella as counsel for Mosaic), on the two proposed agency actions--1050059-045-AV and 1050059-052-AC. OGC has opened case 06-2374 for project -045-AV and case 06-2375 for project -052-AC. Both requests ask for extension to January 22, 2007 .
Do you object to extension on either of these permits? If not, is extension to January 22, 2007 an appropriate timeframe?
As a matter of information both Motions recite that the intents were received November 9.
Thanks
Pat

Gibson, Victoria

From: Sheplak, Scott
Sent: Monday, November 27, 2006 1:15 PM
To: Crandall, Lea
Cc: Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Linero, Alvaro
Subject: RE: Two Requests for Extensions of Time - 1050059-045-AV and 1050059-052 AC - Mosaic Fertilizer, LLC

I was copied on the requests for time up to 1/22/2007; thank you for making sure we knew.

I will discuss internally here.

From: Crandall, Lea
Sent: Monday, November 27, 2006 12:07 PM
To: Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Sheplak, Scott
Subject: Two Requests for Extensions of Time - 1050059-045-AV and 1050059-052 AC - Mosaic Fertilizer, LLC

FYI, two Requests for Extensions of Time were rec'd. Nov. 21 re: 1050059-045-AV and 1050059-052 AC - Mosaic Fertilizer, LLC.

Thanks,
Lea

Lea Crandall

Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

Gibson, Victoria

From: Crandall, Lea
Sent: Monday, November 27, 2006 1:30 PM
To: Gibson, Victoria
Subject: FW: Two Requests for Extensions of Time - 1050059-045-AV and 1050059-052 AC - Mosaic Fertilizer, LLC

Attachments: Di4700611270118.PDF; Di4700611270117.PDF

The two requests are attached.

Thanks,
Lea



Di4700611270118. Di4700611270117.
PDF (850 KB) PDF (858 KB)

Lea Crandall

Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

-----Original Message-----

From: Crandall, Lea
Sent: Monday, November 27, 2006 12:07 PM
To: Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Sheplak, Scott
Subject: Two Requests for Extensions of Time - 1050059-045-AV and 1050059-052 AC - Mosaic Fertilizer, LLC

FYI, two Requests for Extensions of Time were rec'd. Nov. 21 re: 1050059-045-AV and 1050059-052 AC - Mosaic Fertilizer, LLC.

Thanks,
Lea

Lea Crandall

Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303



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NOV 27 2006
BUREAU OF AIR REGULATION

Diana M. Jagiella
Senior Environmental and
Corporate Counsel
The Mosaic Company
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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

November 20, 2006

VIA OVERNIGHT MAIL
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 Air Construction Permit No. 1050059-052-AC
New Wales Plant, 5000 Highway 676, 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 60 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 Air Construction Permit for the New Wales Facility and the "Public Notice of Intent to Issue" from the FDEP on November 9, 2006. Mosaic has not had adequate opportunity to discuss and resolve with the FDEP concerns it has with respect thereto. Mosaic seeks this extension so that it may have additional time to resolve with FDEP the issues regarding the Draft Permit.

While Mosaic is confident the 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.

Therefore, Mosaic hereby requests an extension until January 22, 2007, 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

respect to the Draft Permit, and further requests the FDEP suspend its Intent to Issue and the Public Notice Requirement accordingly.

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
New Wales Plant
5000 Highway 676
Mulberry, FL 33860

Draft Air Construction Permit No. 1050059-052-AC
Polk County, FL

763-577-2841 – office
763-226-4278 – 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 November 9, 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.*

As discussed between FDEP and Mosaic, the Draft Permit contains conditions that are inconsistent with the intended operations and the application. Therefore, Mosaic desires the extension to resolve the issues and wishes to work with FDEP on the Draft Permit's conditions accordingly.

- (e) *A statement of facts which petitioner contends warrant reversal or modification of the Agency action.*

As discussed between Mosaic and FDEP, the Draft Permit contains conditions that are inconsistent with the intended operations and the application. Therefore,

Mosaic desires the extension to resolve the issues and material facts 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.*

As discussed between Mosaic and FDEP, there are any rules or statutes requiring reversal or modification at this time. The Draft Permit contains conditions that are inconsistent with the intended operations and the application. Therefore, Mosaic desires the extension to resolve the issues and material facts 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.*

Departmental action is required at this time. The Draft Permit contains conditions that are inconsistent with the intended operations and the application. Therefore, Mosaic desires the extension to resolve these issues 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/aml

Office of General Counsel
November 20, 2006
Page 4

cc: Mara Grace Nasca
District Air Program Administrator
Florida Department of Environmental Protection
Southwest District
13051 N. Telecom Parkway
Temple Terrace, FL 33637-0926

Thomas Fuchs/New Wales, FL
David Jellerson/Pierce, FL
Dave Turley/New Wales, FL
Pradeep Raval, Koogler and Associates

Ms. Barbara Friday
Florida Department of Environmental Protection
DARM, District Office
2600 Blair Stone Road
Mail Station #5500
Tallahassee, FL 32399-2400

Scott M. Sheplak, P.E.
Florida Department of Environmental Protection
2600 Blair Stone Road
Mail Station #5500
Tallahassee, FL 32399-2400

Chronology of Activities

OGC Number District County

Style of Case

Program Area Mode

Lead Attorney Status

Forum Name Forum Case Number

Permit Appl Final Order Number

Date *	Code	Activity Description
11/09/2006	ITIP	INTENT TO ISSUE PERMIT
11/21/2006	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
11/27/2006	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
11/27/2006	ACO	ADMIN. CASE OPENED IN OGC
11/28/2006	AR	RE-ASSIGNED TO LEAD ATTORNEY PATRICIA E COMER
12/19/2006		ORD GRANTING REQ FOR EXT OF TIME - UNTIL 01/22/07
02/02/2007		PERMIT WENT FINAL
02/07/2007	CC	CASE CLOSED IN OGC