

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

FILING AND ACKNOWLEDGEMENT

FILED; on this date, pursuant to S120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Kathy Carter 5-14-92
Clerk Date

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

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:

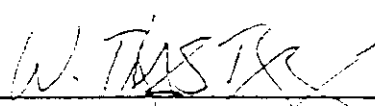
K. N. Ayers, Hearing Officer
and Ann Cole, Clerk
Div. of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-1550

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 20th 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

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

RECEIVED
APR 28 1992

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

Dept. of Environmental Reg
Office of General Counsel

CASE NO. 91-6727

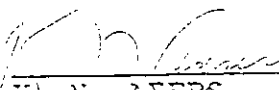
ORDER CANCELLING HEARING
AND CLOSING FILE

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 at Tallahassee Florida.


M. N. AYERS
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
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