



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

July 5, 2007

ELECTRONIC MAIL - RECEIVED RECEIPT REQUESTED

Mr. Thomas W. Fuchs
Plant Manager – New Wales
Mosaic Fertilizer, LLC.
Post Office Box 2000
Mulberry, Florida 33860

Re: Extension Request for 1050059-036-AC (PSD-FL-325)
DEP File No. 1050059-056-AC (PSD-FL-325B)

Dear Mr. Fuchs:

The Department has reviewed Koogler & Associate's letter of April 20, 2007, and subsequent letters dated June 11, 2007, and June 13, 2007, submitted on your behalf, requesting an extension of the expiration date of the above referenced permit from June 30, 2007 to December 31, 2008. Mosaic Fertilizer received a modification approval for Sulfuric Acid Plant (SAP) Nos. 1, 2 and 3 under construction permit No. 1050059-036-AC (PSD-FL-325) to increase sulfuric acid production rates for each plant to 3,400 tons per day.

The time extension is requested to allow sufficient time to complete construction work associated with SAP No. 3 and to revise the Title V permit upon completion of construction. The following is a list of the proposed construction activity:

- The heat recovery system heater is scheduled to be installed during the No. 3 SAP turnaround in January 2008.
- Replacement of the final absorption tower is also scheduled during the No. 3 SAP turnaround in January 2008.

After reviewing all the submitted information, the Department approves the extension request until June 30, 2008. Since the construction activity will be completed in January 2008, the Department believes that the applicant will have enough time until June 30, 2008, to conduct performance tests and submit a Title V revision application. Therefore, the expiration date of the referenced permit is hereby extended through **June 30, 2008**. A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes (F.S.).

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241; Fax: 850/245-2303). Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Written Notice of Intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3), F.S., must be filed within 14 days of receipt of this Written Notice of Intent. Under section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 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 (in a proceeding initiated by another party) 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 (F.A.C.).

A petition that disputes the material facts on which the Permitting Authority'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 service 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 when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact; (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 including an explanation of how the alleged facts relate to the specific rules or statutes; 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 Permitting Authority'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, F.A.C.

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. Mediation is not available in this proceeding.

This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this order will not be effective until further order of the Department.

Any party to this permitting decision (order) has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the

Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, 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 must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



Trina L. Vielhauer, Chief
Bureau of Air Regulation

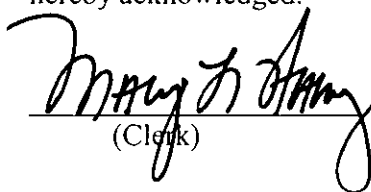
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this PERMIT EXTENSION was sent electronically (with received receipt requested) before the close of business on 7/5/07 to the persons listed:

- T. Fuchs, Mosaic Fertilizer, LLC. (tom.fuchs@mosaicco.com)
- D. Turley, Mosaic Fertilizer, LLC. (david.turley@mosaicco.com)
- J. Little, EPA (little.james@epa.gov)
- D. Morse, NPS (dec_morse@nps.gov)
- J. Koogler, Koogler & Associates Inc. (jkoogler@kooglerassociates.com)
- C. Zhang-Torres, DEP-SWD (cindy.zhang-torres@dep.state.fl.us)

Clerk Stamp

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



(Clerk)

7/5/07
(Date)

Memorandum

Florida Department of
Environmental Protection

TO: Trina Vielhauer, Bureau of Air Regulation
THROUGH: Jeff Koerner, Air Permitting North Section *JK*
FROM: Syed Arif, Air Permitting North Section *SA*
DATE: July 3, 2007
SUBJECT: PSD Construction Permit Extension Request
DEP File No. 1050059-056-AC (PSD-FL-325B)
Mosaic Fertilizer, LLC. – New Wales Plant
Sulfuric Acid Plant No. 3

The extension letter provides the applicant additional time to finish the construction activities associated with the No. 3 sulfuric acid plant. I recommend your approval of the attached extension letter.

Attachment