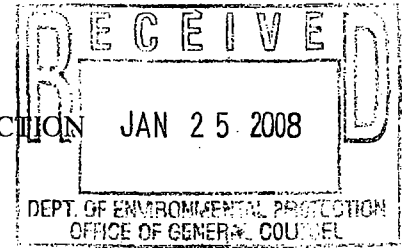




STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



CF Industries, Inc.,

Petitioner,

OGC Case No. 07-2746  
DEP Draft Permit No. 0570005-023-AC  
CF Industries Plant City Phosphate Complex  
Best Available Retrofit Technology Project  
Hillsborough County, Florida

vs.

State of Florida, Department of  
Environmental Protection,

Respondent.

**PETITION FOR FORMAL ADMINISTRATIVE HEARING**

Pursuant to Sections 120.569 and 120.57, Florida Statutes (F.S.), and Rule 28-106.201, Florida Administrative Code (F.A.C.), Petitioner, CF Industries, Inc. (CF), hereby submits its Petition for a Formal Administrative Hearing to challenge certain conditions in Proposed Draft Air Construction Permit No. 0570005-023-AC (and associated documents) issued by the State of Florida, Department of Environmental Protection (Department), regarding a "Best Available Retrofit Technology" (BART) determination for CF's Plant City Phosphate Complex. In support of its Petition, CF states as follows:

**Identification of Parties**

1. The agency affected and its file number are as follows:

State of Florida  
Department of Environmental Protection  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399

Office of General Counsel Case No. 07-2746  
Department Draft Permit No. 0570005-023-AC

2. The Petitioner's name, address, and telephone number are as follows:

CF Industries, Inc.  
CF Industries Plant City Phosphate Complex  
Attention: Herschel Morris, Vice President Phosphate Operations  
and General Manager of Plant City Phosphate Complex  
Post Office Drawer L  
Plant City, Florida 33564  
(813) 364-5601

3. The name, address, and telephone number of Petitioner's representative  
(for purposes of service during the course of the proceeding) are as follows:

Angela Morrison Uhland  
Hopping Green & Sams, P.A.  
Post Office Box 6526  
Tallahassee, Florida 32314  
(850) 425-2258  
Fax (850) 224-8551  
[auhland@hgslaw.com](mailto:auhland@hgslaw.com)

#### **Receipt of Notice**

4. On or about December 24, 2007, the State of Florida, Department of Environmental Protection (Department) issued a Written Notice of Intent to Issue Air Permit, a Public Notice of Intent to Issue Air Permit, a Technical Evaluation and Preliminary Determination, and a Proposed Draft Air Construction Permit (Permit No. 0570005-023-AC) pursuant to Rule 62-296.340, F.A.C. (BART), for CF's Plant City Phosphate Complex located in Hillsborough County, Florida. For purposes of this Petition, these documents will collectively be referred to as the "Draft Permit."

2. The Department sent the Draft Permit to CF by electronic mail on December 24, 2007. CF's offices were closed on December 24 and 25, 2007. CF received the electronic mail version of the Draft Permit when it reopened its offices on December 26, 2007. CF sent to the Department an electronic mail reply confirming receipt of the Draft Permit on December 26, 2007.

3. On January 7, 2008, CF, by and through undersigned counsel, timely filed a Request for Extension of Time with the Department, requesting an extension of time to and including February 11, 2008, in which to file a Petition for Administrative Proceeding.

4. The Department denied CF's requested extension of time to file a petition by order dated January 10, 2008. The Department sent a copy of the order via facsimile to CF's representative (undersigned counsel) on January 10, 2008. This order provided that CF had fifteen days from the date set forth in the certificate of service (January 10, 2008) within which to file a petition in this matter, or January 25, 2008.

5. This petition is being timely filed with the Office of General Counsel, Department of Environmental Protection, on January 25, 2008.

#### **Petitioner's Substantial Interests Affected**

6. CF owns and operates a phosphate fertilizer facility known as the Plant City Phosphate Complex, located in Plant City, Hillsborough County, Florida. This facility includes manufacturing operations for the production of diammonium phosphate (DAP), monoammonium phosphate (MAP), and sulfuric acid. At this facility, CF operates four DAP/MAP units, referred to as DAP/MAPs A, X, Y, and Z, and four sulfuric acid plant (SAP) units, referred to as SAPs A, B, C, and D. These eight units, in addition to two shipping units, referred to as Shipping Units A and B, are considered "BART-eligible" emissions units (as defined under 40 Code of Federal Regulation (CFR) 51.301, adopted and incorporated by reference at Rule 62-204.800, F.A.C.) and subject to the provisions of the Department's BART Rule, Rule 62-296.340, F.A.C.

7. As required by Rule 62-296.340, F.A.C., CF submitted a permit application proposing BART requirements for the ten BART-eligible sources referenced above, DAP/MAPs A, B, C, and D; SAPs A, B, C, and D; and Shipping Units A and B, on or about February 1, 2007.

8. In response to CF's BART permit application submitted to the Department as required under Rule 62-296.340(3)(b), F.A.C., the Department proposed new requirements and provided the basis for its proposed BART determinations for CF's Plant City Complex in a proposed air construction permit, which is referred to herein as the Draft Permit and which is the subject of this request for a formal administrative proceeding.

9. The Draft Permit proposes significant new monitoring requirements, technology requirements, and air emission limitations for CF's ten BART-eligible units referenced above, DAP/MAPs A, X, Y, and Z; SAPs A, B, C, and D; and Shipping Units A and B. The conditions of the Draft Permit, once they become final and effective, would impose substantial burdens on CF. Compliance with those conditions would be detrimental and costly to CF.

#### **Disputed Issues of Material Fact**

10. Regarding Condition 3.A.15 on page 7 of 13 of the Draft Permit (requiring CF to monitor the scrubber pressure drop and liquid flow rate for SAPs A, B, C, and D once each eight-hour shift), whether the Department adequately considered or considered at all the fact that CF operates with two twelve-hour shifts per 24-hours rather than three eight-hour shifts, the fact that SAPs C and D do not utilize scrubbers, or the fact that CF is already required under its Title V Air Operation Permit for the Plant City Complex to use a Continuous Emissions Monitoring System (CEMS) to monitor sulfur dioxide (SO<sub>2</sub>) emissions from SAPs A and B and to monitor a number of operating and performance parameters in accordance with a Sulfuric Acid Mist Prevention Plan for SAPs A and B developed previously and accepted by the Department as a more effective substitute for scrubber pressure drop and liquid flow monitoring.

11. Regarding Condition 3.B.4 on page 10 of 13 of the Draft Permit (table establishing emission limits for particulate matter and particulate matter less than 10 microns (PM/PM<sub>10</sub>) of 0.18 pounds of PM/PM<sub>10</sub> per ton of P<sub>2</sub>O<sub>5</sub> input for DAP/MAPs A, X, Y, and Z), whether the Department adequately considered, or considered at all, the potential impact that the proposed input-based PM/PM<sub>10</sub> limits for DAP/MAPs A, X, Y, and Z would have on visibility in the relevant Class I Areas, the costs associated with compliance with those limits, and the appropriateness of those limits in addition to mass-based emission limits (in units of pounds of PM/PM<sub>10</sub> per hour).

12. Regarding Condition 3.B.4 on page 10 of 13 of the Draft Permit (table establishing PM/PM<sub>10</sub> limits of 6.0 pounds per hour (lb/hr) for DAP/MAP A and 9.9 lb/hr for DAP/MAPs X, Y, and Z), whether the Department adequately considered, or considered at all, the potential impact that these lb/hr PM/PM<sub>10</sub> limits would have on visibility in the relevant Class I Areas (especially when compared to historical emissions from these units), the costs associated with compliance with those limits, and the appropriateness of those limits with no additional control technology being justified or required to be added as part of the BART determination.

13. Regarding Conditions 3.B.4 on page 10 of 13 of the Draft Permit (proposing PM/PM<sub>10</sub> emission limits for DAP/MAPs A, X, Y, and Z), whether the Department adequately considered, or considered at all, the fact that CF (with approval from the Department) is testing various options for operating changes for DAP/MAPs A, X, Y, and Z's secondary scrubbers (e.g., use of acid in lieu of process water) in response to U.S. Environmental Protection Agency (EPA) concerns under RCRA (Resource Conservation and Recovery Act), the fact that such operating changes could affect PM/PM<sub>10</sub> emission levels from these units, and the fact that other PM/PM<sub>10</sub> emission limits may be more appropriate as BART once sufficient emissions data becomes available following implementation of all approved operating changes.

14. Regarding Condition 3.B.4 on page 9 of 13 and Condition 3.B.9 on page 10 of 13 of the Draft Permit (requiring the use of EPA Method 201A to determine PM<sub>10</sub> emission rates), whether the Department adequately considered or considered at all the fact that the PM and PM<sub>10</sub> emissions limits are set at the same levels (e.g., PM and PM<sub>10</sub> both proposed to be limited to 9.9 lb/hr for DAP/MAPs X, Y, and Z), the fact that the PM<sub>10</sub> is a subset of PM, and the fact that use of EPA Method 5 to determine PM levels is a sufficient method for ensuring that PM<sub>10</sub> emission levels are below the permitted limits.

#### **Ultimate Facts Alleged**

15. The Department failed to consider the impact of each BART determination on visibility in the relevant Class I Areas, which is a fundamental and necessary criterion under the applicable rules; therefore the proposed determinations are arbitrary, capricious, and without a regulatory basis.

16. Additionally, the Department's Draft Permit includes several other conditions that lack regulatory justification or basis, are arbitrary and capricious, or are otherwise not in accordance with law.

17. CF's SAPs C and D do not utilize scrubbers, and a requirement to monitor scrubber parameters for these units is therefore without justification. Existing requirements for CF to monitor operating and performance parameters as specified in the applicable Sulfuric Acid Mist Prevention Plan for SAPs A and B once each twelve-hour shift and to continuously monitor SO<sub>2</sub> emissions provide sufficient assurances that the pollution control equipment on these units is operating properly. There is no justification or regulatory basis for the proposed new requirement to monitor scrubber parameters for SAPs A, B, C, and D once each eight hours. These proposed requirements are arbitrary and capricious.

18. The proposed emission limits for DAP/MAPs A, X, Y, and Z in units of pounds of PM/PM<sub>10</sub> per ton of P<sub>2</sub>O<sub>5</sub> input are arbitrary, capricious, without regulatory

basis or justification, and provide no further improvements to visibility than the other, lb/hr PM/PM<sub>10</sub> limits would provide.

19. The proposed PM/PM<sub>10</sub> emission limits for DAP/MAPs A, X, Y, and Z in units of lb/hr are arbitrary and without a regulatory basis or justification; higher emission levels are appropriate based on the units' past operations and the fact that no additional control equipment is required or has been justified as BART.

20. The proposed PM/PM<sub>10</sub> emission limits for DAP/MAPs A, X, Y, and Z do not reflect secondary scrubber operating changes currently being tested by CF with Department approval (e.g., using acid in lieu of process water). Because these operating changes could affect PM/PM<sub>10</sub> emission levels, BART should not be established for PM/PM<sub>10</sub> for these units until after full implementation of all approved operating changes and sufficient emissions testing has been conducted to determine emission levels and the appropriate emission limits (with a 99 percent confidence factor that the limits are achievable without additional pollution control equipment being added). The proposed BART determinations for PM/PM<sub>10</sub> emissions from DAP/MAPs X, Y, and Z are therefore arbitrary, capricious and without regulatory justification.

21. The proposed requirement to test PM<sub>10</sub> emissions using EPA Method 201A in addition to a requirement to test PM emissions using EPA Method 5, considering that the proposed PM and PM<sub>10</sub> emission rates are equal and the fact that PM<sub>10</sub> is a subset of PM, lacks regulatory justification and is arbitrary and capricious.

#### **Statutes and Rules Warranting Reversal**

22. The proposed permit conflicts with Chapters 62-204 and 62-296, F.A.C., including but not limited to Rule 62-204.800 (incorporation of federal rules by reference, including 40 CFR Part 51, s. 51.308, and Appendix Y) and Rule 62-296.340 (BART, which is a requirement of the Regional Haze Program for Class I Areas). The Florida Statutes and other Department rules cited by the Department as authority for issuance of



the Draft Permit, or that could warrant reversal, include Chapters 120 and 403, F.S.; and Chapters 62-4, 62-110, 62-210, 62-212, and 62-297, F.A.C.

- a. Proposed Condition 3.A.14 (requiring the monitoring of scrubber pressure drop and liquid flow rate for SAPs A, B, C, and D) does not include a notation as to any statutory or regulatory basis. Presumably the Department's basis was Rule 62-296.340(3)(b)2, F.A.C., which provides that the Department may require an operation and maintenance plan for any control equipment required by a BART determination. Proposed Permit Condition 3.B.13, however, already requires an operation and maintenance plan for the SAP A and SAP B ammonia scrubbers to ensure that the equipment operates properly. Proposed Condition 3.B.15, apparently applicable to SAPs A, B, C, and D, is without basis under the Department's BART Rule, 62-296.340, F.A.C., nor would this condition be necessary to provide the Department with reasonable assurances that the  $PM_{10}$  limits are met under Rule 62-4.070(3), F.A.C.,
- b. Proposed Condition 3.B.4 (establishing  $PM/PM_{10}$  limits in units of pounds of  $PM/PM_{10}$  per ton of  $P_2O_5$  input and in units of lb/hr) is based on Rule 62-296.340, F.A.C., which provides that BART is to be determined using the criteria of 40 CFR 51.308(e) and the procedures and guidelines contained in 40 CFR Part 51, Appendix Y (incorporated by reference at Rule 62-204.800, F.A.C.). These criteria, guidelines, and procedures do not support the proposed input-based emission limits in addition to mass-based lb/hr limits, nor do they support the establishment of lb/hr limits that are not achievable without the addition of pollution control equipment when such pollution control equipment is not also being proposed (and justified) as BART. These criteria, guidelines, and procedures do require, however, that pollution control equipment existing at the source be considered when establishing a BART limit. In addition, when operating changes are being proposed to such pollution control equipment, such

operating changes and implications for expected emission levels should be considered when establishing BART limits.

- c. As authority for requiring the use of EPA Method 201A to determine PM<sub>10</sub> emission levels, the Department cites to Rule 62-297.100, F.A.C., which is a general purpose and scope paragraph. This rule does not mandate the use of specific test methods. The use of EPA Method 5 to determine PM levels is sufficient to ensure compliance with PM<sub>10</sub> emission limits because the PM and PM<sub>10</sub> limits are equal and PM<sub>10</sub> is a subset of PM. The requirement to use EPA Method 5 to determine PM emission levels is appropriate in this situation to provide reasonable assurances of compliance with the PM<sub>10</sub> limits under 62-4.070(3), F.A.C.
- d. The criteria of 40 CFR 51.308(e) and the procedures and guidelines in 40 CFR 51 Appendix Y require that each BART determination take into consideration the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. The Department's proposed BART determinations do not include an analysis as to Class I visibility improvements expected to be realized through such determinations.

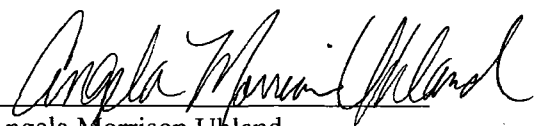
#### **Relief Sought**

- 23. For the foregoing reasons, Petitioner prays that
  - a. the Draft Permit be revised as follows:
    - (i) revise Condition 3.A.15 to provide that the permittee monitor and record the operating and performance parameters specified in the Sulfuric Acid Mist Prevention Plan for SAPs A and B (rather than scrubber pressure drop and liquid flow rate for all SAP units), and only once every 12-hour shift rather than once every 8-hour shift;

- (ii) revise Condition 3.B.4 to eliminate the PM/PM<sub>10</sub> emission limits proposed in units of pounds of PM/PM<sub>10</sub> per ton of P<sub>2</sub>O<sub>5</sub> input for DAP/MAPs A, X, Y, and Z;
  - (iii) revise Condition 3.B.4 to provide that BART emission limits for PM/PM<sub>10</sub> will be established for DAP/MAPs A, X, Y, and Z after all Department-approved operating changes to the units' secondary scrubbers become fully operational and sufficient emissions testing data is available; and that such BART limits are to be established at levels appropriate to ensure that the new limits can be achieved (using a 99 percent confidence factor) without additional PM/PM<sub>10</sub> control technology being added;
  - (iv) revise Conditions 3.B.4 and 3.B.9 to eliminate any requirement to use EPA Method 201A to determine PM<sub>10</sub> emission levels;
- b. the Division of Administrative Hearings conduct a formal administrative hearing; and
  - c. such other relief as may be proper.

Respectfully submitted this 25th day of January, 2008.

By:




Angela Morrison Umland  
Florida Bar No. 0855766  
E-mail: [auhland@hgslaw.com](mailto:auhland@hgslaw.com)  
Hopping Green & Sams, P.A.  
P.O. Box 6526  
Tallahassee, FL 32314  
850-222-7500  
850-224-8551 (fax)

Attorney for CF Industries, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing PETITION FOR FORMAL ADMINISTRATIVE HEARING was sent this 25th day of January, 2008, by U.S. Mail, postage prepaid, to the following: Ronda L. Moore, Assistant General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard—MS 35, Tallahassee, Florida 32399.

  
\_\_\_\_\_  
Attorney

274089

## Gibson, Victoria

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**From:** Gibson, Victoria  
**Sent:** Monday, January 28, 2008 2:29 PM  
**To:** Heron, Teresa; Koerner, Jeff; Vielhauer, Trina  
**Subject:** FW: Petition for Hearing - CF Industries - 0570005-023-AC

**Attachments:** Di4700801281041.PDF

FYI,

Vickie

---

**From:** Crandall, Lea  
**Sent:** Monday, January 28, 2008 1:10 PM  
**To:** Moore, Ronni; Gibson, Victoria; Linero, Alvaro  
**Subject:** Petition for Hearing - CF Industries - 0570005-023-AC

FYI, the attached petition was filed on Friday, January 25, 2008.

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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**From:** Knight, Barnard  
**Sent:** Monday, January 28, 2008 9:43 AM  
**To:** Crandall, Lea  
**Subject:** From KONICA MINOLTA Di470



Di4700801281041.  
PDF (2 MB)

## Gibson, Victoria

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**From:** Moore, Ronni  
**Sent:** Monday, January 14, 2008 9:58 AM  
**To:** Gibson, Victoria  
**Subject:** FW: CF Industries, Inc Order Denying 1-10-08.pdf  
**Attachments:** CF Industries, Inc Order Denying 1-10-08.pdf

Morning, Vickie. FYI. ~ Ronni

Ronda L. Moore  
Assistant General Counsel



Please consider the environment before printing this email.

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**From:** Lizotte, Ashley  
**Sent:** Monday, January 14, 2008 9:54 AM  
**To:** Vielhauer, Trina; Linero, Alvaro  
**Cc:** Moore, Ronni  
**Subject:** CF Industries, Inc Order Denying 1-10-08.pdf

**Gibson, Victoria**

---

**From:** Linero, Alvaro  
**Sent:** Tuesday, January 08, 2008 6:21 AM  
**To:** Moore, Ronni  
**Cc:** Vielhauer, Trina; Chisolm, Jack; Gibson, Victoria; Brown, Lisa L.  
**Subject:** RE: Request for Extension of Time - 0570005-023-AC - CF Industries, Inc.

Ronnie:

Please treat as you did for the other extensions of times related to Best Available Retrofit Technology (BART) permits. I.e. Deny.

We are already working with CF Industries to resolve outstanding issues.

Thanks.

Al Linero.

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

**From:** Crandall, Lea  
**Sent:** Mon 1/7/2008 3:13 PM  
**To:** Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Linero, Alvaro  
**Cc:**  
**Subject:** Request for Extension of Time - 0570005-023-AC - CF Industries, Inc.

FYI, a Request for Extension of Time was filed today re: 0570005-023-AC - CF Industries, Inc.

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

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CF INDUSTRIES, INC.,

Petitioner,

vs.

OGC Case No. 07-2746  
DEP Permit No. 0570005-023-AC

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Respondent.

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

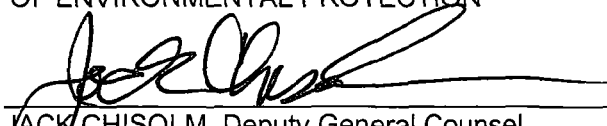
This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, CF Industries, Inc., (Petitioner), to grant an extension of time to file a petition for administrative proceeding regarding the Intent to Issue Air Permit No. 0570005-023-AC, for its facility located in Hillsborough County, Florida. Due to Environmental Protection Agency deadlines imposed on the Department to submit a State Implementation Plan,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is DENIED. The Petitioner shall have fifteen (15) days from the date set forth in the certificate of service on the last page of this order to file a petition in this matter. The petition must be filed (received) in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE and ORDERED this 10<sup>th</sup> day of January, 2008, 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



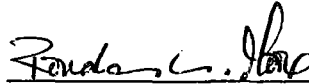
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Denying Request for Extension of Time to File Petition for Hearing, was furnished via 1 facsimile        U.S. mail        hand delivery 1 ONLY on this 10<sup>th</sup> of January, 2008, to:

Angela Morrison Uhland  
Hopping Green & Sams, P. A.  
P. O Box 6526  
Tallahassee, FL 32314

Facsimile: 850/224-8551

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

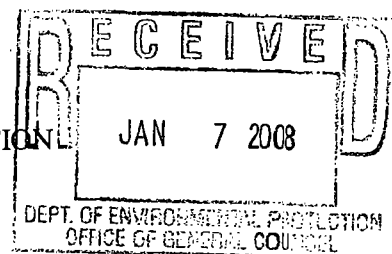


RONDA L. MOORE, Assistant General Counsel  
3900 Commonwealth Boulevard – MS 35  
Tallahassee, Florida 32399-3000  
850/245-2193 facsimile 850/245-2302  
Florida Bar No. 0676411

cc via electronic mail:

Trina Vielhauer, Chief – FDEP BAR  
Alvaro Linero, Engineer – FDEP BAR

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



In the Matter of an Application  
for Air Construction Permit by:

OGC No. \_\_\_\_\_

CF Industries, Inc.  
Post Office Drawer L  
Plant City, Florida 33567

CF Industries Plant City Phosphate Complex  
Draft Permit No. 0570005-023-AC  
Best Available Retrofit Technology Project  
Hillsborough County, Florida

**REQUEST FOR EXTENSION OF TIME**

By and through undersigned counsel, the CF Industries, Inc. (CF), hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an extension of time to and including February 11, 2008, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, CF states the following:

1. On or about December 26, 2007, CF received from the Department of Environmental Protection (Department) a Technical Evaluation and Preliminary Determination, a Proposed Draft Permit, a Written Notice of Intent to Issue Air Permit, and a Public Notice of Intent to Issue Air Permit (Permit No. 0570005-023-AC, Best Available Retrofit Technology Project) for CF's Plant City Phosphate Complex located in Hillsborough County, Florida.

2. The Technical Evaluation and Preliminary Determination, Proposed Draft Permit, Written Notice of Intent to Issue Air Permit, and Public Notice of Intent to Issue Air Permit, referenced above, contain several provisions that warrant change, clarification, or correction.

3. Representatives of CF will expeditiously correspond with and meet with staff of the Department's Bureau of Air Regulation (either in person or by telephone, or both) in an effort to resolve all issues.

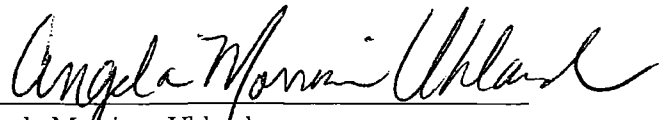
4. This request is filed simply as a protective measure to avoid waiver of CF's right to challenge certain conditions contained in the Technical Evaluation and Preliminary Determination, Proposed Draft Permit, Written Notice of Intent to Issue Air Permit and Public Notice of Intent to Issue Air Permit (referenced above). Grant of this request will not prejudice either party, but will further their mutual interest and likely avoid the need to file a petition and proceed to a formal administrative hearing.

5. CF representatives have spoken with Mr. Al Linero with the Department's Bureau of Air Regulation, and he stated that the Bureau would likely object to this Request for Extension of Time.

WHEREFORE, CF respectfully requests that the time for filing a Petition for Administrative Proceedings with regard to the above-referenced Technical Evaluation and Preliminary Determination, Proposed Draft Permit, Written Notice of Intent to Issue Air Permit, and Public Notice of Intent to Issue Air Permit (Permit No. 0570005-023-AC) be formally extended to and including February 11, 2008. If the Department denies this request, CF requests the opportunity to file a Petition for Administrative Proceedings within 15 days of such denial.

Respectfully submitted this 7<sup>th</sup> day of January, 2008.

HOPPING GREEN & SAMS, P.A.



Angela Morrison Uhland  
Fla. Bar No. 0855766  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, FL 32314  
(850) 222-7500

Attorney for CF INDUSTRIES, INC.

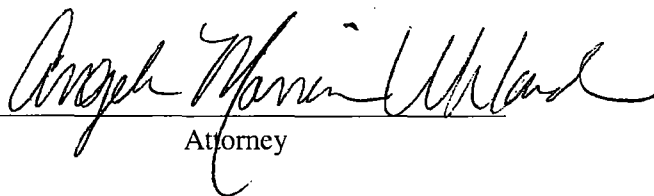
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following by  
U.S. Mail on this 7<sup>th</sup> day of January, 2008:

Ronni Moore, Esquire  
Office of General Counsel  
Department of Environmental Protection  
3900 Commonwealth Blvd.  
Tallahassee, FL 32399-2600

Trina Vielhauer, Chief  
Bureau of Air Regulation  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

Al Linero  
Bureau of Air Regulation  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

  
\_\_\_\_\_  
Attorney

## Gibson, Victoria

---

**From:** Crandall, Lea  
**Sent:** Monday, January 07, 2008 4:02 PM  
**To:** Gibson, Victoria; Linero, Alvaro  
**Subject:** FW: Request for Extension of Time - 0570005-023-AC - CF Industries, Inc.

**Attachments:** Di4700801071655.PDF



Di4700801071655.  
PDF (573 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

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**From:** Crandall, Lea  
**Sent:** Monday, January 07, 2008 3:14 PM  
**To:** Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Linero, Alvaro  
**Subject:** Request for Extension of Time - 0570005-023-AC - CF Industries, Inc.

FYI, a Request for Extension of Time was filed today re: 0570005-023-AC - CF Industries, Inc.

Thanks,  
Lea

### *Lea Crandall*

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**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
01/07/2008	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
01/07/2008	ACO	ADMIN. CASE OPENED IN OGC
01/07/2008	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
01/10/2008		ORDER DENYING REQUEST FOR EXTENSION OF TIME
01/10/2008	AR	RE-ASSIGNED TO LEAD ATTORNEY RONNI L MOORE
01/25/2008	RPFH	PETITION FOR FORMAL HEARING RECEIVED