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BUREAU OF AIR REGULATION

CERTIFIED MAIL: 7003 1010 0004 8606 3018

December 4, 2003

Mr. Al Linero, P.E.  
Florida Department of Environmental Protection  
Bureau of Air Regulation  
2600 Blair Stone Road  
Mail Station #5505  
Tallahassee, FL 32399-2400

Subject: Proof of Publication - Notice of Intent to Issue an Air Construction Permit  
No.: 0570008-043-AC (PSD-FL-315D) to Cargill Fertilizer, Inc. located at  
8813 U.S. Highway 41 South, Riverview, Hillsborough County, FL 33569.

Dear Mr. Linero:

You will find attached Proof of Publication of the Notice of Intent to Issue subject permit for modification of Animal Feed Ingredient Plants Nos. 1 and 2, as required by Florida Department of Environmental Protection.

Should you have any questions, please contact me at: (813) 671-6369 or  
via e-mail: dean\_ahrens@cargill.com

Sincerely,

J. Dean Ahrens  
Environmental Superintendent

/dh  
Enclosure

x.c. Alice Harman - HCEPC  
Jerry Kissel - FDEP

Files: P-05-01  
P-30-39-1

J. Kinon  
G. Vittala EPA  
G. Beaman, WPS

8813 Highway 41 South  
Riverview, FL 33569-4865

Tel 813-677-9111  
Fax 813-671-6149

**THE TAMPA TRIBUNE**  
Published Daily  
Tampa, Hillsborough County, Florida

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State of Florida }  
County of Hillsborough } ss.

Before the undersigned authority personally appeared C. Pugh, who on oath says that she is the Advertising Billing Supervisor of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of advertisement being a

LEGAL NOTICE

in the matter of PUBLIC NOTICE OF INTENT

was published in said newspaper in the issues of DECEMBER 1, 2003

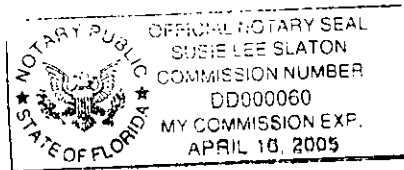
Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

*C. Pugh*

Sworn to and subscribed by me, this 01 day of DECEMBER, A.D. 20 03

Personally Known  or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

*Susie Lee Slaton*



**PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION**  
STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DEP File No. 0570008-043-AC (PSD-FL-315 D)  
Riverview Facility  
Cargill Fertilizer, Incorporated  
Hillsborough County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Cargill Fertilizer, Inc., a phosphate fertilizer manufacturing facility located in Riverview, Florida. A modification to the previously issued Best Available Control Technology (BACT) determination was required pursuant to Rule 62-212.400, F.A.C., Prevention of Significant Deterioration (PSD). The applicant's name and address (also facility address) are Cargill Fertilizer, Inc., 8813 U.S. Highway 41 South, Riverview, Florida 33569.

In November 2001, the Department approved an expansion of the Cargill Riverside Facility including the manufacture of sulfuric acid, phosphoric acid, granulated triple super phosphate, and animal feed ingredients (AFI). The expansion was reviewed under the PSD rules and BACT determinations were made for each of the emissions units constructed or modified.

Cargill has requested revisions to the permit and the BACT determination based on some changes to the stack configuration and pollution control equipment on AFI Plants Nos. 1 and 2. The key changes on AFI Plant No. 1 include installation of a new packed scrubber to control emissions from the defluorination system and maintaining an existing venturi scrubber (instead of installing a baghouse) to control emissions from the granulation and materials handling system. The key changes on AFI Plant No. 2 include construction of two new venturi scrubbers to control emissions from the granulation and materials handling system instead of one venturi scrubber and a baghouse.

An air quality impact analysis was not required. No increase in emissions and no increase in ambient impacts due to the proposed permit modification are expected. Emissions from the facility will not significantly contribute to or cause a violation of any state or federal ambient air quality standards.

The Department will issue the Final Air Construction Permit Modification in accordance with the conditions of the Draft Air Construction Permit Modification unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions. The permitting authority has determined that an Air Construction Permit Modification is required.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION." 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 written 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 Blvd., Mail Station #35, Tallahassee, Florida, 32399-3000. 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 notice under section 120.60(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 120.60(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 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 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, 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.

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:

Dept. of Environmental Protection Bureau of Air Regulation Suite 4, 111 S. Magnolia Drive Tallahassee, Florida 32301 Telephone: 850-488-0114 Fax: 850-922-6979

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

Hillsborough County Environmental Protection Commission 1900 Ninth Avenue Tampa, Florida 33605 Telephone: 813-272-5960 Fax: 813-272-5157

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 Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

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BUREAU OF AIR REGULATION

December 5, 2003

**VIA COURIER & FAX: 850-245-2303**

Office of General Counsel  
Florida Department of Environmental Protection  
3900 Commonwealth Boulevard  
Mail Station #35  
Tallahassee, Florida 32399-3000

RE: Cargill Fertilizer, Inc.: Draft Permit No. 0570008-043-AC; PSD-315D  
Riverview Facility, Animal Feed Ingredient Plants No. 1 and No. 2  
***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:

Cargill Fertilizer, Inc. ("Cargill") requests from the Florida Department of Environmental Protection ("FDEP") an extension of the time in which to file a petition for an administrative hearing, mediation or alternate remedies with respect to the above referenced permit ("Permit").

Cargill received the "Intent to Issue" for the Animal Feed Ingredient Plant Construction Permit Modification and the "Public Notice of Intent to Issue" from the FDEP on November 24, 2003. Cargill seeks this extension to resolve with FDEP various issues pertaining to the terms of the Permit.

While Cargill is confident such 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, Cargill requests an extension. My client, David Jellerson, spoke with the FDEP New Source Review Administrator, Al Linero who was agreeable to an extension.

Therefore, Cargill hereby requests a 45-day extension, or such other extension period FDEP deems adequate to provide Cargill and FDEP a reasonable opportunity to resolve any issues with respect to the Permit, and further requests the FDEP suspend its intent to issue accordingly.

**James K. Voyles**  
Attorney  
(952) 742-2589

Mailing Address:  
P.O. Box 5624  
Minneapolis, MN 55440-5624

Location/Shipping Address:  
15407 McGinty Road West  
Wayzata, MN 55391-5624

Facsimile:  
(952) 742-6349  
or (952) 742-7503

In the event FDEP declines to grant Cargill's extension request, Cargill 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:*

Cargill Fertilizer, Inc.  
Riverview Facility  
8813 U.S. Highway 41, S.  
Riverview, FL 33569

Permit No. 0570008-043-AC; PSD-315D  
Hillsborough County

- (b) *A statement of how and when each petitioner received notice of the Agency action.*

Cargill received notice via U.S. Mail on November 24, 2003.

- (c) *A statement of how each petitioner's substantial interests are affected by the Agency action.*

Cargill's facility is subject of the Permit.

- (d) *A statement of the material facts disputed by petitioner, if any.*

Cargill is unsure if there are any material facts in dispute at this time. The Draft permit contains conditions which appear to be inconsistent with the intended project and the application. Therefore, Cargill desires the extension to resolve these issues and to determine if material facts are in dispute and wishes to work with FDEP on the Permit's conditions accordingly.

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

Cargill is unsure if there are any material facts warranting reversal or modification at this time. Draft permit contains conditions which appear to be inconsistent with the intended project and the application. Therefore, Cargill desires the extension to resolve these issues and to determine if material facts are in dispute and wishes to work with FDEP on the Permit's conditions accordingly.

- (f) *A statement of which rules or statutes petitioner contends require reversal or modification of the Agency action.*

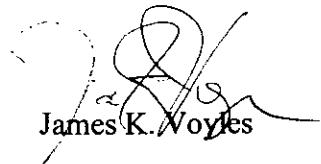
Cargill is unsure if there are any rules or statutes requiring reversal or modification at this time. Draft permit contains conditions which appear to be inconsistent with the intended project and the application. Therefore, Cargill desires the extension to resolve these issues and to determine if material facts are in dispute and wishes to work with FDEP on the 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.*

Cargill is unsure if Departmental action is required at this time. Draft permit contains conditions which appear to be inconsistent with the intended project and the application. Therefore, Cargill desires the extension to resolve these issues and to determine if material facts are in dispute and wishes to work with FDEP on the Permit's conditions accordingly.

Cargill thanks you for your consideration and continued cooperation. Please contact me with any questions or concerns.

Sincerely,



James K. Woyles

JKV:rl  
327132

cc: Mr. Al Linero  
Florida Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

David Jellerson/Fert/Riverview, FL  
Dean Ahrens/Fert/Riverview, FL