

Florida Department of Environmental Protection

Memorandum

TO: Michael G. Cooke, Division of Air Resource Management

THRU: Trina Vielhauer, Bureau of Air Regulation
Jeff Koerner, Air Permitting North *JK*

FROM: Bobby Bull, Air Permitting North

DATE: December 27, 2005

SUBJECT: Extension of Air Construction Permit Expiration Date
Mosaic Fertilizer, LLC – Riverview Facility
Air Permit No. PSD-FL-315 (as modified)
Project No. 0570008-036-AC

Attached for your approval and signature is a permit modification that extends the permit expiration date for the above referenced project to allow sufficient time to process the current Title V operation permit. I recommend your approval and signature.

Attachments



Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

December 27, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. David Jellerson, Environmental Manager
Mosaic Fertilizer, LLC
8813 Highway 41 South
Riverview, FL 33569

Re: Extension of Permit Expiration Date
Permit No. PSD-FL-315 (Project No. 0570008-036-AC)
Mosaic Fertilizer, LLC - Riverview Facility

Dear Mr. Jellerson,

At the request of the Southwest District, Mosaic Fertilizer, LLC submitted a letter requesting an extension of the expiration date for Permit No. PSD-FL-315 (as modified) for its Riverview Facility located at 8813 US Highway 41 South, Riverview, Hillsborough County, Florida. The modified permit includes the following projects: No. PSD-FL-315 (0570008-036-AC), No. PSD-FL-315A (0570008-039-AC), No. PSD-FL-315B (0570008-041-AC), No. PSD-FL-315C (0570008-042-AC), and No. PSD-FL-315D (0570008-043-AC). Discussions with the applicant's consultant, Golder Associates Inc., indicate that all planned construction activities and testing are complete. The intended construction activities authorized in revised Permit No. PSD-FL-315C (0570008-042-AC) will not be performed. The purpose of the request is to maintain a valid air construction permit throughout the ongoing Title V permit revision process. The Department agrees and the expiration date is hereby extended from December 1, 2005 to October 1, 2006 to allow sufficient time to process the current Title V revision. No new construction is authorized.

In the same letter, Mosaic Fertilizer, LLC also requested an extension of the expiration date for Permit No. PSD-FL-336 (0570008-044-AC) which is currently December 1, 2006. Subsequent discussions indicate that an extension of time for this permit is not necessary. The expiration date remains unchanged for Permit No. PSD-FL-336.

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.

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 (F.S.). 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 Boulevard, 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 notice of this permitting action. Under section 120.60(3), F.S., any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice. 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 (F.A.C.).

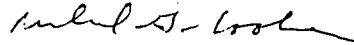
A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the 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. 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.



Michael G. Cooke, Director
Division of Air Resource Management

CERTIFICATE OF SERVICE

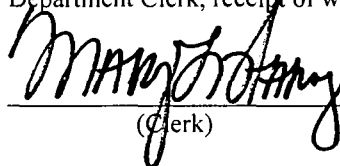
The undersigned duly designated deputy agency clerk hereby certifies that this order was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 1/5/06 to the persons listed:

David Jellerson, Mosaic*
Jeff Stewart, Mosaic
Santino Provenzano, Mosaic

Scott McCann, Golder Associates Inc.
Quaid Noor, SWD Office
Alice Harman, EPCHC

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)

1/5/06
(Date)

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Agent E.S. Rice <input type="checkbox"/> Addressee</p> <p>C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>Mr. David Jellerson, Environmental Manager Mosaic Fertilizer, LLC 8813 Highway 41 South Riverview, Florida 33569</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7000 1670 0013 3110 0178</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

U.S. Postal Service CERTIFIED MAIL RECEIPT <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
OFFICIAL USE	
Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<p>Mr. David Jellerson, Environmental Manager Mosaic Fertilizer, LLC 8813 Highway 41 South Riverview, Florida 33569</p>	
PS Form 3800, May 2000 See Reverse for Instructions	

7000 1670 0013 3110 0178