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

March 31, 2008

Mr. Hugh W. Thompson III
President
Cutrale Citrus Juices USA, Inc.
602 McKean Street
Auburndale, Florida 33823-4070

Re: Draft Air Construction Permit No.: 1050023-020-AC (PSD-FL-365)
DRAFT Title V Air Operation Permit Project No.: 1050023-021-AV
Auburndale Facility

Dear Mr. Thompson:

One copy of the Technical Evaluation and Preliminary Determination, the combined Public Notice, the Draft Air Construction Permit, and the DRAFT Title V Air Operation Permit for the Auburndale Facility located at 602 McKean Street, Auburndale, Polk County, is enclosed. The Permitting Authority's "INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT" and the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT" are also included.

An electronic version of the DRAFT Title V Air Operation Permit will be posted on the Division of Air Resource Management's worldwide website for the United States Environmental Protection Agency (USEPA) Region 4 office's review. The website address is:

"http://www.dep.state.fl.us/air/eproducts/ards/default.asp"

The "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT" must be published as soon as possible. Proof of publication, i.e., newspaper affidavit, must be provided to the Permitting Authority's office within seven days of publication pursuant to Rule 62-110.106(5), F.A.C. Failure to publish the Notice and provide Proof of Publication within the allotted time may result in the denial of the permits pursuant to Rule 62-110.106(11), F.A.C.

Please submit any written comments you wish to have considered concerning the permitting authority's proposed action to me at the above letterhead address. If you have any other questions, please contact Edward J. Svec, at 850/921-8985.

Sincerely,

Joseph Kahn, P.E., Director
Division of Air Resource Management

JK/es

Enclosures

In the Matter of an
Application for Permits by:

Cutrale Citrus Juices USA, Inc.
602 McKean Street
Auburndale, Florida 33823-4070

Draft Air Construction Permit No.: 1050023-020-AC (PSD-FL-365)
DRAFT Title V Air Operation Permit No.: 1050023-021-AV
Auburndale Facility
Polk County

_____/

INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT

The Department of Environmental Protection (Permitting Authority) gives Notice of its Intent to Issue an Air Construction Permit and the Title V Air Operation Permit (copies of the Draft Air Construction Permit and DRAFT Title V Air Operation Permit attached) for the Title V source detailed in the application(s) specified above and the enclosed Technical Evaluation and Preliminary Determination, for the reasons stated below.

The Applicant, Cutrale Citrus Juices USA, Inc., applied on October 17, 2005, to the Permitting Authority for an Air Construction Permit and a Title V Air Operation Permit for its Auburndale Facility located at 602 McKean Street, Auburndale, Polk County. An "INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT" was issued on February 28, 2008. On March 14, 2008, the Applicant revised its permit applications. This Intent to Issue addresses the revised applications.

The sunset of Section 403.08725, Florida Statues, and resolving the alleged violation that sometime in 1987, before Cutrale Citrus Juices USA, Inc., became owner or operator, the prior owner/operator constructed two cogeneration systems at the Auburndale facility currently operated by Cutrale without obtaining a PSD construction permit.

The sunset of Section 403.08725, Florida Statues, required the facility to obtain this Title V Air Operation Permit.

The Permitting Authority has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-212 and 62-213. This source is not exempt from construction and Title V permitting procedures. The Permitting Authority has determined that an Air Construction Permit and a Title V Air Operation Permit are required to construct and to commence or continue operations at the described facility.

The Permitting Authority intends to issue the Air Construction Permit and the Title V Air Operation Permit based on the belief that reasonable assurances have been provided to indicate that the construction activity and operation of the source will not adversely impact air quality, and the source will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C.

Pursuant to Sections 403.815 and 403.087, F.S., and Rules 62-110.106 and 62-210.350(3), F.A.C., you (the Applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT." The notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Permitting Authority at the address or telephone number listed below. The Applicant shall provide Proof of Publication to the Department of Environmental Protection, Bureau of Air Monitoring and Mobile

Sources, 2600 Blair Stone Road, Mail Station #5510, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/ 922-6979), within seven days of publication pursuant to Rule 62-110.106(5), F.A.C. Failure to publish the Notice and provide Proof of Publication may result in the denial of the permits pursuant to Rule 62-110.106(11), F.A.C.

The Permitting Authority will issue the Air Construction Permit and the PROPOSED Title V Air Operation Permit and subsequent FINAL Title V Air Operation Permit, in accordance with the conditions of the attached Draft Air Construction Permit and the DRAFT Title V Air Operation Permit 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 will accept written comments and requests for a public meeting concerning the proposed Air Construction Permit issuance action for a period of 30 (thirty) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT." Written comments should be provided to the Permitting Authority office. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this Draft Air Construction Permit, the Permitting Authority shall issue a Revised Draft Air Construction Permit and require, if applicable, another Public Notice.

The Permitting Authority will accept written comments concerning the proposed Title V Air Operation Permit Revision issuance action for a period of 30 days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT." Written comments should be provided to the Permitting Authority's office. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Title V Air Operation Permit, the Permitting Authority shall issue a Revised DRAFT Title V Air Operation Permit and require, if applicable, another Public Notice.

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 (received) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the Applicant or any of the parties listed below must be filed within 14 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), F.S., must be filed within 14 days of publication of the Public Notice or within 14 days of receipt of this Notice of Intent, whichever occurs first. 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 will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, 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 how and when each 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, as well as the rules and statutes which entitle the petitioner to relief;

(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 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 Permitting Authority's final action may be different from the position taken by it in this Notice of Intent. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application(s) have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation will not be available in this proceeding.

Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45 day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any Title V permit. Any petition shall be based only on objections to the Title V permit that were raised with reasonable specificity during the 30 day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any Title V permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

Executed in Tallahassee, Florida.

Department of Environmental Protection

Joseph Kahn, P.E., Director
Division of Air Resource Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT (including the combined PUBLIC NOTICE, the Draft Air Construction Permit and the DRAFT Title V Air Operation Permit package) and all copies were sent by certified mail or electronically (with Received Receipt) before the close of business on 4/3/08 to the person(s) listed:

Hugh W. Thompson III, President, Cutrale Citrus Juices USA, Inc.

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT (including the combined PUBLIC NOTICE, the Draft Air Construction Permit and the DRAFT Title V Air Operation Permit) were sent by U.S. mail or electronically (with Received Receipt) on the same date to the person(s) listed or as otherwise noted:

Scott Osbourn, P.E., Golder Associates, Inc., Tampa

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT (including the Draft Air Construction Permit and the DRAFT Title V Air Operation Permit package) were sent by U.S. mail or electronically (with Received Receipt) on the same date to the person(s) listed or as otherwise noted:

Barbara Friday, BAR [barbara.friday@dep.state.fl.us] (for posting with Region 4 , U.S. EPA)
Gregg Worley, EPA Region 4
Dee Morse, NPS
Mara Nasca, FDEP SWD

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency Clerk, receipt of which is hereby acknowledged.

Barbara J. Friday 4/3/08

(Clerk) (Date)

PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT

Department of Environmental Protection

Draft Air Construction Permit No.: 1050023-020-AC (PSD-FL-365)
DRAFT Title V Air Operation Permit Project No.: 1050023-021-AV
Cutrale Citrus Juices USA, Inc. Auburndale Facility
Polk County

The Department of Environmental Protection (Permitting Authority) gives notice of its Intent to Issue an Air Construction Permit and the Title V Air Operation Permit to Cutrale Citrus Juices USA, Inc., for its Auburndale Facility located at 602 McKean Street, Auburndale, Polk County. The Applicant's name and address are: Hugh W. Thompson III, President, Cutrale Citrus Juices USA, Inc., 602 McKean Street, Auburndale, Florida 33823-4070.

The sunset of Section 403.08725, Florida Statues, and resolving the alleged violation that sometime in 1987, before Cutrale Citrus Juices USA, Inc., became owner or operator, the prior owner/operator constructed two cogeneration systems at the Auburndale facility currently operated by Cutrale without obtaining a PSD construction permit.

The sunset of Section 403.08725, Florida Statues, required the facility to obtain this Title V Air Operation Permit.

The Permitting Authority will issue the Air Construction Permit and the PROPOSED Title V Air Operation Permit and subsequent FINAL Title V Air Operation Permit, in accordance with the conditions of the Draft Air Construction Permit and the DRAFT Title V Air Operation Permit 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 will accept written comments concerning the proposed Draft Air Construction Permit issuance action for a period of 30 days from the date of publication of this Public Notice. Written comments should be provided to the Department of Environmental Protection, Bureau of Air Monitoring and Mobile Sources, 2600 Blair Stone Road, Mail Station #5510, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this Draft Air Construction Permit, the Permitting Authority shall issue a Revised Draft Air Construction Permit and require, if applicable, another Public Notice.

The Permitting Authority will accept written comments concerning the DRAFT Title V Air Operation Permit for a period of 30 days from the date of publication of this Public Notice. Written comments must be post-marked and all facsimile comments must be received by the close of business (5:00 pm), on or before the end of this 30-day period, by the Permitting Authority at the Department of Environmental Protection, Bureau of Air Monitoring and Mobile Sources, 2600 Blair Stone Road, Mail Station #5510, Tallahassee, Florida 32399-2400 or facsimile 850/922-6979. As part of his or her comments, any person may also request that the Permitting Authority hold a Public Meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a Public Meeting, it will publish notice of the time, date, and location on the Department's official web site for notices at http://faw.dos.state.fl.us/ and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the DRAFT Title V Air Operation Permit, the Permitting Authority shall issue a Revised DRAFT Title V Air Operation Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

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 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 of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. 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 publication of the public notice or within 14 days of receipt of the Notice of Intent, whichever occurs first. 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 applicable 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 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; 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 petitioner's substantial rights will be affected by the agency determination;

(c) A statement of how and when the 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 state;

(e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle petitioner to relief;

(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 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 Permitting Authority's Final Action may be different from the position taken by it in this Notice of Intent. Persons whose substantial interests will be affected by any such final decision of the Ppermitting Authority on the application(s) have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

In addition to the above, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any Title V permit. Any petition shall be based only on objections to the Title V permit that were raised with reasonable specificity during the 30 day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any Title V permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

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:

Permitting Authority:
Department of Environmental Protection
Bureau of Air Monitoring and Mobile Sources
111 South Magnolia Drive, Suite 29,
Tallahassee, Florida 32301
Telephone: 850/488-0114
Fax: 850/922-6979

Affected District/Local Program:
Department of Environmental Protection
Southwest District
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926
Telephone: 813/632-7600
Fax: 813/632-7668

The complete project file includes the Technical Evaluation and Preliminary Determination and associated Draft Air Construction Permit and DRAFT Title V Air Operation Permit, the application(s), and the information submitted by the Responsible Official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Edward J. Svec, at the above address, or call 850/921-8985, for additional information.