

1 WHEREAS, Intercontinental Terminals Corporation on behalf of
2 Mitsui & Co., [USA] by correspondence dated February 1, 1982, re-
3 quested approval for an amendment to Development Order #74-5 to
4 permit construction of two (2) fifty five thousand barrel tanks for
5 the storage of sulfuric acid, a copy of said correspondence with
6 attachments is attached hereto as Composite Exhibit D and incorporated
7 herein by reference; and,

8 WHEREAS, the Hillsborough County Office of Development Coor-
9 dination, the Hillsborough County Environmental Protection Commission,
10 and the Tampa Bay Regional Planning Council have reviewed this pro-
11 posal and have recommended that it does not create a reasonable like-
12 lihood of additional adverse regional impact or create any other
13 regional impact not previously reviewed by the Regional Planning
14 Council; and,

15 WHEREAS, the proposed amendment is not a substantial deviation
16 from Development Order #74-5 as defined by Florida Statute §380.06
17 (17); and,

18 WHEREAS, the proposed amendment is not in violation of any
19 Hillsborough County ordinance or regulation.

20 NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY
21 COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING
22 ASSEMBLED THIS 18th DAY OF August, 1982:

23 Section 1. That the request of Intercontinental Terminals
24 Corporation on behalf of Mitsui & Co., [USA] for amendment to
25 Development Order #74-5 to permit construction of two (2) additional
26 storage tanks and the necessary pipeline and appurtenant equipment
27 as set forth in Composite Exhibit D is hereby approved.

RESOLUTION

Upon motion by Commissioner Castor, seconded by Commissioner Rodriguez, the following resolution was adopted by unanimous vote:

WHEREAS, Agrico Chemical Company has filed with this Board an Application for Development Approval of a Development of Regional Impact (Hillsborough County Building and Zoning Department Petition No. 74-5-DRI) in accordance with Section 380.06(6), Florida Statutes (1972); and,

WHEREAS, this Board has reviewed the application and has found the proposed development to be consistent with local land development regulations to the extent that it should be approved; and,

WHEREAS, this Board has received and considered the report of the Tampa Bay Regional Planning Council and has found the proposed development to be consistent with the Council's recommendations to the extent that it should be approved; and,

WHEREAS, this Board has on March 21, 1974, at the Hillsborough County Courthouse, Tampa, Florida, conducted a public hearing upon the application following the publication and giving of notice required by Section 380.06(7), Florida Statutes (1972), and has heard and considered the testimony taken thereat.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 27TH DAY OF MARCH, 1974, AS FOLLOWS:

1. That the definitions found in Chapter 380, Florida Statutes (1972), shall control the construction of any so-defined terms appearing in this resolution.
2. That this resolution shall constitute the Development Order of this Board issued in response to the Application for Development Approval of a Development of Regional Impact filed by Agrico Chemical Company (Hillsborough County Building and Zoning Department Petition No. 74-5-DRI).
3. That this Development Order shall be deemed rendered as of the date of this resolution for purpose of computing the thirty-day appeal period provided under Section 380.07(2), Florida Statutes (1972).
4. That this Development Order shall remain in effect for a period of two years from and after the date of its rendition, provided that this effective period may be extended by this Board upon a finding of excusable delay in any proposed development activity.
5. That this Development Order shall not encompass any proposed development which constitutes a substantial deviation from the terms of the application or which is not

EXHIBIT A

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY, FLORIDA
DOCUMENT No. 82-698

to be commenced until after the expiration of its period of effectiveness and any such proposed development constituting a Development of Regional Impact shall require the filing, review and approval of a separate Application for Development Approval in accordance with Section 380.06(6), Florida Statutes (1972).

6. That this Board finds that the Application for Development Approval of a Development of Regional Impact of Agrico Chemical Company (Hillsborough County Building and Zoning Department Petition No. 74-5-DR1) should be and hereby does order it APPROVED.

7. That the following is hereby incorporated by reference and made a part of this Development Order:

The Application for Development Approval of a Development of Regional Impact submitted by Agrico Chemical Company to Hillsborough County on January 9, 1974.

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, JAMES F. TAYLOR, JR., Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board in its meeting of March 27, 1974, as the same appears of record in Minute Book 57 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 27th day of March, 1974.

JAMES F. TAYLOR, JR., CLERK

By: Muske Iris Bishop
Deputy Clerk

RESOLUTION

Upon motion of Commissioner Carpenter seconded by Commissioner Rodriguez, the following Resolution was unanimously adopted:

WHEREAS, Agrico Chemical Company has previously filed with this Board an Application for Development Approval of a Development of Regional Impact (Hillsborough County Building and Zoning Department Petition No. 74-5-DRI) in accordance with Section 380.06(6), Florida Statutes (1973), which Application was approved by Resolution of this Board dated March 27, 1974; and

WHEREAS, Agrico Chemical Company has, by petition to this Board, requested permission to construct three 35,000 barrel phosphoric acid storage tanks and directly related pipelines and terminal facilities within the site covered by the original Application and approval, which tanks were not included in the original proposal; and

WHEREAS, this Board has referred Agrico's petition to permit installation of phosphoric acid storage tanks to the various state, regional, and local agencies charged with review of proposed Developments of Regional Impact and has received and considered their reports, reviewing the petition against the criteria of impact upon the environment and natural resources, economy, water, sewer, solid waste disposal and other necessary public facilities, public transportation facilities and housing of the region, and nature and intensity of the originally proposed port facility usage;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 9TH DAY OF OCTOBER, 1974, THAT:

1. This Board hereby finds that the proposed installation of three 35,000 barrel phosphoric acid storage tanks and directly related pipelines and terminal facilities does not constitute a substantial deviation from the terms of the approval granted March 27, 1974.

2. That the Building and Zoning Department of Hillsborough County is hereby directed to issue the appropriate building permits for the installation of the proposed three 35,000 barrel phosphoric acid storage tanks and directly related pipelines and terminal facilities upon presentation of an acceptably completed application therefor and proof of the issuance of appropriate water and air pollution source permits through the Hillsborough County Environmental Protection Commission.

STATE OF FLORIDA)
 : ss
COUNTY OF HILLSBOROUGH)

I, JAMES F. TAYLOR, JR., Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners, do hereby certify that the above and foregoing Resolution is a true and

EXHIBIT B

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY, FLORIDA
DOCUMENT No. 82-698

correct copy of a Resolution adopted by the Board of County
Commissioners of Hillsborough County, Florida, in its regular
meeting of October 9, 1974, as the same appears of record in
Minute Book 58 of the Public Records of Hillsborough County,
Florida.

WITNESS my hand and official seal this 11th day of
October, 1974.

JAMES F. TAYLOR, JR., CLERK

By: Merle Iris Bishop
Deputy Clerk

RESOLUTION

Upon motion by Commissioner Bowmer , seconded by Commissioner Kotvas , the following Resolution was adopted by a unanimous vote:

WHEREAS, on March 27, 1974, the Board of County Commissioners of Hillsborough County, Florida, approved Development Order No. 74-5 for Agrico Chemical Co. Development of Regional Impact (subsequently transferred to Mitsui & Co. [USA] as the "developer"); and

WHEREAS, Mitsui & Co., by correspondence dated August 28, 1980, requested approval for an amendment to DRI No. 74-5 to permit construction of three (3) additional storage tanks, a copy of said correspondence with attachments being attached hereto and made a part hereof by reference and marked "Exhibit A"; and

WHEREAS, Mitsui & Co., by memo dated October 6, 1980, submitted supplemental information to its August 28, 1980 request, a copy of said memo being attached hereto and made a part hereof by reference and marked "Exhibit B"; and

WHEREAS, the Hillsborough County Office of Development Coordination, County Development Department, the Hillsborough County Environmental Protection Commission, and the Tampa Bay Regional Planning Council have reviewed this proposal and have recommended that it does not create a reasonable likelihood of additional adverse regional impact or create any other regional impact not previously reviewed by the regional planning council; and

WHEREAS, the proposed amendment is not a substantial deviation from DRI No. 74-5 as defined by Florida Statute §380.06(17); and

WHEREAS, the proposed amendment is not in violation of any Hillsborough County Ordinance or Regulation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 26th DAY OF November , 1980:

1. That request of Mitsui & Co. for amendment to DRI No. 74-5 to permit construction of three (3) additional storage tanks as set forth in Exhibits A and B is hereby approved.

2. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and Mitsui and Co.

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

I, JAMES F. TAYLOR, JR., Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board in its regular meeting of November 26, 1980, as the same appears of record in Minute Book 76 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 4th day of December, 1980.

JAMES F. TAYLOR, JR., CLERK

By: *James S. Austin*
Deputy Clerk

RECEIVED

PLANNING AND ZONING DEPARTMENT

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY, FLORIDA

DOCUMENT No. 80-1031

RESOLUTION

Upon motion by Commissioner Bowmer, seconded by Commissioner Kotvas, the following Resolution was adopted by unanimous vote.

WHEREAS, Agrico Chemical Company has previously filed with this Board an Application for Development Approval of a Development of Regional Impact (Hillsborough County Building and Zoning Department Petition No. 74-5-DRI) in accordance with Section 380.06(6), Florida Statutes, which Application was approved by Resolution of this Board dated March 27, 1974; and

WHEREAS, Agrico Chemical Company has previously filed with this Board a Supplemental Application of Development Approval of a Development of Regional Impact (Hillsborough County Building and Zoning Department Petition No. 75-12-DRI) in accordance with Section 380.06(6) Florida Statutes, which Application was approved by Resolution of this Board dated July 16, 1975; and

WHEREAS, Agrico Chemical Company, by and through its attorney, Edward P. de la Parte, Jr., has previously filed an application for an extension for an additional period of three years, which Application was approved by Resolution of this Board dated September 6, 1978; and

WHEREAS, Agrico Chemical Company, by and through its attorney, Edward P. de la Parte, Jr., has filed an application for an extension for an additional three years of the Development previously extended on September 6, 1978 and has requested that the expiration date of the Development Order be postponed until July 15, 1984; and

WHEREAS, this Board has reviewed the application for an extension and has found excusable delay in the development activity,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THE 2nd DAY OF SEPTEMBER, 1981, AS FOLLOWS:

2 4/7

1. The Resolution of Approval and the Development Order for Development Approval of a Development of Regional Impact by Agrico Chemical Company (Hillsborough County Building and Zoning Department Petition No. 75-12-DRI) is and the same is hereby extended for an additional period of three years from and after July 16, 1981, to and including July 15, 1984, provided that this effective period may be further extended upon a finding of excusable delay .
2. That all other terms, conditions, phrases, and expressions of the Resolution of Approval and the Development Order for Development Approval of a Development of Regional Impact by Agrico Chemical Company (Hillsborough County Building and Zoning Department Petition No. 75-12-DRI) are hereby confirmed.

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, JAMES F. TAYLOR, JR., Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board of County Commissioners of Hillsborough County, Florida, at its regular meeting of September 2, 1981 as the same appears of record in Minute Book 79 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 4th day of November, 1981.

JAMES F. TAYLOR, JR., CLERK

By: Edna L. Fitzpatrick
Deputy Clerk

CERTIFICATE OF RENDITION

I, JAMES F. TAYLOR, JR., Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners do hereby certify that the foregoing Resolution concerning Development Order for: Agrico Chemical Company was rendered and adopted by the Board of County Commissioners of Hillsborough County, Florida, on September 2, 1981. This resolution is being transmitted to Hillsborough County Planning Commission, State of Florida Division of Community Affairs, Tampa Port Authority, Tampa Bay Regional Planning Council and Agrico Chemical Company, this 4th day of November, 1981.

JAMES F. TAYLOR, JR., CLERK

By: Edna L. Fitzpatrick
Deputy Clerk

RESOLUTION

Upon motion by Commissioner Castor,
seconded by Commissioner Bondi the
following Resolution was adopted by unanimous vote.

WHEREAS, Agrico Chemical Company has previously filed with this Board an Application for Development Approval of a Development of Regional Impact (Hillsborough County Building and Zoning Department Petition No. 74-5-DRI) in accordance with Section 380.06(6), Florida Statutes (1973), which Application was approved by Resolution of this Board dated March 27, 1974; and

WHEREAS, Agrico Chemical Company has filed with this Board a Supplemental Application for Development Approval of a Development of Regional Impact (Hillsborough County Building and Zoning Department Petition No. 75-12-DRI) in accordance with Section 380.06(6), Florida Statutes (1974); and

WHEREAS, this Board has reviewed the application and has found the proposed development to be consistent with local land development regulations; and

WHEREAS, this Board has received and considered the report of the Tampa Bay Regional Planning Council and has found the proposed development to be consistent with the Council's recommendations; and,

WHEREAS, this Board has on June 26, 1975, at the Hillsborough County Courthouse, Tampa, Florida, conducted a public hearing upon the supplemental application following the publication and giving of notice required by Section 380.06(7), Florida Statutes (1974), and has heard and considered the testimony taken thereat.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR

27

3

MEETING ASSEMBLED THIS 16th DAY OF July, 1975,

AS FOLLOWS:

1. That the definitions found in Chapter 380, Florida Statutes (1974), shall control the construction of any so-defined terms appearing in this Resolution.
2. That this Resolution shall constitute the Development Order of this Board issued in response to the Supplemental Application for Development Approval of a Development of Regional Impact filed by Agrico Chemical Company (Hillsborough County Building and Zoning Department Petition No. 75-12-DRI).
3. That this Development Order shall be deemed rendered as of the date of this Resolution for purposes of computing the thirty-day appeal period provided under Section 380.07(2), Florida Statutes (1974).
4. That this Development Order shall remain in effect for a period of three years from and after the date of its rendition, provided that this effective period may be extended by this Board upon a finding of excusable delay in any proposed development activity.
5. That this Development Order shall not encompass any proposed development which constitutes a substantial deviation from the terms of the application or which is not to be commenced until after the expiration of its period of effectiveness and any such proposed development constituting a Development of Regional Impact shall require the filing, review, and approval of a separate Application for Development Approval in accordance with Section 380.06(6), Florida Statutes (1974).

6. That this Board finds that Section A of the Supplemental Application for Development Approval of a Development of Regional Impact of Agrico Chemical Company (Hillsborough County Building and Zoning Department Petition No. 75-12-DRI), relating to the proposed granular plant food facility, should be, and hereby does order it APPROVED, subject to fulfillment of the commitment set forth in Exhibit "A" attached hereto and to the condition that:
1. Appropriate erosion and runoff controls be employed during and after construction; and
 2. that buffer zones using natural and adapted vegetation be provided between the shoreline and developed areas where direct access to the water is not essential.
7. That this Board finds that Sections B, C and D of the application, referring respectively to a molten sulfur storage facility, petroleum products storage and an unground dry phosphate rock storage facility, should be, and hereby does order them APPROVED subject to the condition that:
1. Appropriate erosion and runoff controls be employed during and after construction; and
 2. that buffer zones using natural and adapted vegetation be provided between the shoreline and developed areas where direct access to the water is not essential; and
 3. that construction may not be commenced upon the facilities proposed by Sections B, C and D until detailed design plans and specifications are

approved by the agencies charged with the responsibility of air and water pollution control, the Hillsborough County Planning Commission and the Tampa Bay Regional Planning Council.

8. That this Board hereby approves the issuance of such building permits as shall be requested by the applicant for the proposed developments subject to submission by the applicant of properly completed applications therefor and fulfillment of the condition precedent set forth in Section 7 hereinabove.
9. That the following is hereby incorporated by reference and made a part of this Development Order:
 - a. Application for Supplemental Development Approval submitted by Agrico Chemical Company to Hillsborough County Building and Zoning Department, January 21, 1975.
 - b. Letter dated June 20, 1975, from Mr. H. W. Long, Jr. Manager, Environmental Control, Agrico, to Mr. Roger Stewart, Hillsborough County Environmental Protection Commission, a copy of which is attached hereto as Exhibit "A".

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, JAMES F. TAYLOR, JR., Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board in its meeting of _____ July 16 _____, 1975, as the same appears of record in Minute Book 60 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 17th day of
July, 1975.

JAMES F. TAYLOR, JR., CLERK

By: Lucille S. Weber
Deputy Clerk



June 20, 1975

Mr. Roger Stewart
Director
Hillsborough County Environmental Protection Department
Post Office Box 1110
Tampa, Florida 33601

RE: AGRICO Big Bend Plant Food Storage Facility

Dear Mr. Stewart:

It is our understanding that we have now satisfied your staff on the question of air pollution, but that Mr. Tom Cardinale, after viewing the CFI facility, has raised objections to water pollution caused by product spillage at transfer points, rail unloading facility, and the sump pump. These accumulations are then washed directly into the bay during hard rains.

Mr. Cardinale requests that the AGRICO storage facility be designed so that any accumulated spillage would be washed into our existing holding ponds rather than into the bay. This letter is to assure you that the rainfall runoff from the product storage area will be routed to our pond holding system.

Sincerely yours,

H. W. Long, Jr.
Manager, Environmental Control

HWL/sb

"Exhibit A
Page 1 of 1 ^{ea}

RESOLUTION NO. R86-0053

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
DRI
DEVELOPMENT ORDER



Rec'd
2/12/85

(Amendment to Development Order #75-12)

Upon motion of Commissioner Platt, seconded by Commissioner Glickman, the following Resolution was adopted this 25th day of March, 1986:

WHEREAS, on January 9, 1974, AGRICO CHEMICAL COMPANY filed an application for development approval of a development of regional impact (Hillsborough County Building and Zoning Department Petition No. 74-5-DRI), in accordance with Section 380.06, Florida Statutes (1973), which application was approved by Resolution of this Board dated March 27, 1974; and

WHEREAS, on January 21, 1975, AGRICO CHEMICAL COMPANY filed a supplemental application for development approval of a development of regional impact (Hillsborough County Building and Zoning Department Petition No. 75-12-DRI), in accordance with Section 380.06, Florida Statutes (1974), which application was approved by Resolution of this Board dated July 16, 1975 ("Development Order"); and

WHEREAS, the three-year construction deadline specified in the July 16, 1975 resolution was extended for an additional three years by this Board on September 6, 1978, and again on September 2, 1981; and

WHEREAS, on July 3, 1984, AGRICO CHEMICAL COMPANY requested an extension of the development order for an additional three year period; and

WHEREAS, AGRICO CHEMICAL COMPANY asked that such request for an extension of the development not be acted upon pending the consideration of the proposed Sulfur Rule by the Florida Department of Environmental Regulation; and

WHEREAS, on September 27, 1985, AGRICO CHEMICAL COMPANY filed an amended petition for determination and modification of order of approval No. 75-12-DRI ("Proposed Amendment") in accordance with Section 380.06, Florida Statutes (Supp. 1984), which

petition requested a three-year extension of time, and the substitution of a prilled sulfur facility for a molten sulfur facility; and

WHEREAS, the Board of County Commissioners as the governing body of local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider amendments to development orders; and

WHEREAS, Hillsborough County has solicited, received and considered reports, comments and recommendations from interested citizens, County agencies, the Tampa Bay Regional Planning Council, and the State of Florida Department of Community Affairs; and

WHEREAS, this Board has on March 4, 1986, conducted a public hearing upon the proposed amendment following the satisfaction of the public notice requirements of Section 380.06, Florida Statutes (1985), and has heard and considered the testimony given at such hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 25th DAY OF March, 1986:

I. FINDINGS OF FACT

A. On September 27, 1985, AGRICO CHEMICAL COMPANY, hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, an application for amendment to the Development Order.

B. The real property that is the subject of the Proposed Amendment is legally described in Exhibit "A", attached hereto and made a part hereof.

C. The Developer proposes an amendment to the Development Order which would extend the Development Order for a period of time up to and including April 1, 1988, and to substitute a prilled sulfur handling facility for the previously approved molten sulfur handling facility.

D. A comprehensive review of the impacts generated by the Proposed Amendment has been conducted by Hillsborough County and

the Tampa Bay Regional Planning Council.

E. Development in accordance with the Development Order and the Proposed Amendment will not create additional adverse impacts over those created under the Development Order as previously approved.

F. The development is not in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes (1985).

II. CONCLUSIONS OF LAW

A. Based upon the terms and conditions of the Development Order, the Proposed Amendment, and the reports, recommendations and testimony heard and considered by this Board, it is concluded that:

1. Development in accordance with the Proposed Amendment will not unreasonably interfere with the achievement of the objectives of the adopted State land development plan applicable to the area.

2. The Proposed Amendment is consistent with the Hillsborough County Horizon 2000 Comprehensive Plan and Hillsborough County land development regulations.

3. The Proposed Amendment is consistent with the report and recommendations of the Tampa Bay Regional Planning Council.

4. There has been excusable delay in the proposed development activity.

5. The Proposed Amendment does not constitute a substantial deviation from the Development Order.

B. The review by Hillsborough County, the Tampa Bay Regional Planning Council, and other participating agencies, and interested citizens that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes,

within the terms and conditions of the Development Order, the Application, and the Proposed Amendment.

C. The Proposed Amendment is hereby approved subject to all terms and conditions of this Development Order.

III. GENERAL PROVISIONS

A. The legal description set forth in Exhibit "A" is hereby incorporated into and by reference made a part of this Development Order.

B. All provisions contained within the Application in the Proposed Amendment shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Development Order, in which case the terms and conditions of this Development Order shall control.

C. This Resolution shall constitute the Amended Development Order of Hillsborough County in response to the Proposed Amendment for the AGRICO CHEMICAL COMPANY Development of Regional Impact, which Proposed Amendment is hereby approved and adopted, and becomes part of the Development Order. All provisions of the Development Order, except as amended hereby, shall be and remain in full force and effect and shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Development Order in which case the terms and conditions of this Development Order shall control.

D. The definitions contained in Chapter 380, Florida Statutes (Supp. 1984), shall govern and apply to this Development Order.

E. This Development Order shall be binding upon the Developer, its assigns, or successors in interest including any entity that may assume any of the responsibilities imposed on the Developer by this Development Order. It is understood that any inference herein to any governmental agency shall be construed to mean any future instrumentality that may be created or designated

as successor in interest or that otherwise possesses any of the powers and duties of, any branch of government or governmental agency.

F. This Development Order shall remain in effect for a period up to and including April 1, 1988. Any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Development Order may be completed, if approved. This Development Order may be extended by the Board of County Commissioners of Hillsborough County on the finding of excusable delay in any proposed development activity. However, any application for extension must be filed with Hillsborough County at least forty-five (45) days prior to the expiration date.

G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected government agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review development of regional impact applications as well as all governmental agencies and departments set forth under applicable laws and rules governing developments of regional impact.

H. Development activity constituting a substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plans that create a reasonable likelihood of additional adverse regional impact, or any other regional impact not previously reviewed by the Regional Planning Council shall result in further development of regional impact review pursuant to 380.06, Florida Statutes (1983), and may result in Hillsborough County ordering a termination of development activity pending such review.

I. The County Administrator of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the County

Administrator may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The County Administrator shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Development Order. The County Administrator shall issue a notice of such noncompliance to the Developer, and, if the deviation is not corrected within a reasonable amount of time, shall recommend that the Board of County Commissioners establish a hearing to consider such deviations.

J. The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes (1985), and appropriate rules and regulations. The report shall be submitted on Form BLWM-07-85. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until, and including such time as, all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the County Administrator who shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order and may issue further orders and conditions to insure compliance with the terms and conditions of the Development Order. The Developer shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed. Provided, however, that the receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of the Development Order. This report shall contain:

1. Changes in the plan of development, or representations contained in the Application, or phasing for the reporting year and for the next year;

2. A summary comparison of development activity proposed and actually conducted for the reporting year;

3. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;

4. Identification and intended use of lands purchased, leased or optioned by the Developer adjacent to the original DRI site since the development order was issued;

5. An assessment of the Developer's and local government's compliance with conditions of approval contained in the DRI development order and the commitments which are contained in the Application;

6. Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

7. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

8. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;

9. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), Florida Statutes (1985);

10. A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Subsection 380.06(15)(f)(1), Florida Statutes (1985);

K. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation, or ordinance of Hillsborough County, its agencies or commissions, and to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review

shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review.

L. This Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1985).

M. Upon adoption, the Development Order shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners, by certified mail, to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and the Developer.

N. The Developer shall record a notice of adoption of this Order pursuant to Chapter 380, and shall furnish the Ex Officio Clerk to the Board of County Commissioners a copy of the recorded notice.

IV. CONDITIONS

A. All applicable original and supplemental development order conditions previously approved by resolution of the Board of County Commissioners shall remain in effect.

B. All construction shall comply with the requirements of the Florida Sulfur Rule, Florida Administrative Code Rule 17-2.600 (11)b).

C. The proposed facility shall be designed to handle 600,000 long tons of prilled sulfur (small spherical nuggets of solid sulfur) per year. The sulfur will arrive at the facility in vessels, which will use the western end of the existing dock. A movable apron shall cover the opening between the vessel and the discharge hopper to catch any spillage. Vessels will be unloaded at the rate of 600 to 700 short tons per hour with a traveling gantry using a 13-yard, covered, tight-lip clam shell bucket. The bucket will unload the sulfur into a hopper, which shall be constructed with a top and three sides, and shall be equipped with a water spray system. The sulfur will be transferred into a 640 foot covered dockside conveyor belt running parallel to the dock. This receiving conveyor will transfer the

sulfur to a covered 415 foot inclined conveyor belt, which will discharge to a 680 foot overhead tripper conveyor belt inside the storage building.

D. Marine vessel unloading procedures shall conform with the guidelines submitted to Florida Department of Environmental Regulation as required by Specific Condition 8 (b) of FDER Permit AC 29-5954.

E. A building with a storage capacity of less than 43,125 long tons shall completely enclose the prilled sulfur storage pile and all reclaim activities. Each annual report shall contain evidence that monitoring to limit storage as specified is being carried out to the satisfaction of Hillsborough County and the Florida Department of Community Affairs.

F. The prilled sulfur will be reclaimed with front-end loaders, which will pick up the material through access points in a wall separating the storage pile from the reclaim portion of the building. The front-end loaders will discharge their cargo at the hoppers, which will feed a reclaim conveyor belt. The segment of the reclaim conveyor located outside the storage building will be enclosed. The conveyor will discharge the sulfur into an enclosed truck loading hopper. The hopper will discharge the sulfur through a flexible spout into enclosed 25-ton hopper trucks.

G. The proposed prilled sulfur facility shall operate in strict compliance with the previously referenced Florida Sulfur Rule.

H. Additionally, construction and operation shall adhere to the project description including diagrams, maps and site plans, contained in a report entitled, Agrico Chemical Company/ Big Bend Terminal/Proposed Prilled Sulfur Facility/Project Description and Anticipated Regional Impacts, Reynolds, Smith & Hills, Inc., September 1985 unless otherwise required by this Development Order.

I. All specific conditions referenced in FDER Permit AC 29-5954, issued October 2, 1985, shall be considered conditions of the amended Development Order.

J. Air quality monitoring shall conform with the guidelines submitted to FDER as required by Specific Condition 8 (a) of FDER permit AC 29-5954. The results of these compliance tests shall be included in the annual reports.

K. All sulfur shall be thoroughly cleaned from the exterior of all trucks and loading equipment each time a vehicle exits the enclosed structures of the facility. Any water used in cleaning shall be reclaimed and either recycled or treated in the same manner as recovered water from dust suppression sprays in the facility.

L. The flotation collar, as specified in the Florida Sulfur Rule shall, be anchored around any ships that contain sulfur prior to unloading at a distance from the ship sufficient to contain any floating sulfur from spillage. Accumulations of sulfur within the collar's confinement area shall be reclaimed in accordance with the specifications of the Florida Sulfur Rule. Adequate reclamation equipment and trained personnel shall be available during ship unloading operations.

M. Spills of prilled sulfur originating from the Big Bend facility which occur in Hillsborough County outside of containment areas or trucks shall be collected and disposed of as soon as possible, but no later than 24 hours, after the spill occurs.

N. Trucks containing pelletized sulfur shall utilize designated truck routes such as those outlined by Figure 3-10 of the report entitled Agrico Chemical Company/Big Bend Terminal/Proposed Prilled Sulfur Facility/Project Description and Anticipated Regional Impacts, Reynolds, Smith & Hills, Inc., September, 1985.

O. Agrico shall qualitatively and quantitatively analyze sulfur particulates collected in the modified nipher cups required under the Florida Sulfur Rule. Frequency of collection and analyses shall be at least as frequent as required by the Florida Sulfur Rule. All such data shall be submitted promptly to the Hillsborough County Environmental Protection Commission.

P. Samples of prilled sulfur product shall be collected and analyzed by an independent testing laboratory in accordance

with the Florida Sulfur Rule. The data on each shipment or shall be promptly submitted to EPC. Should Agrico or EPC establish that the product does not conform with the Florida Sulfur Rule specifications, Agrico shall be prohibited from unloading that shipload or portion thereof determined to be non-conforming.

Q. Agrico shall not unload, store, or manufacture at the subject site any sulfur products commonly known as vatted sulfur, crushed bulk sulfur, slated sulfur, or mixtures of such products with other sulfur products. Agrico shall also not conduct any melting or other processing of sulfur at the subject site other than handling or storage as permitted under the development order.

R. Agrico shall not dispose any reclaimed, contaminated or waste sulfur on the subject site.

S. Agrico shall follow all applicable provisions of the Hillsborough County Fire Code and all recommendations of the Hillsborough County Fire Department as may be necessary for fire control and prevention on the subject site, and shall further provide adequate access to any berthed ships containing sulfur for firefighting equipment.

T. The large overhead doors on the east side of the storage building shall be securely closed when mechanical conveyors or loaders are handling sulfur within said facility and for a period of ten (10) minutes following such activity.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, RICHARD L. AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board at its regular meeting of March 25, 1986 as the same appears of record in Minute Book 118 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 3rd day of April, 1986.

RICHARD L. AKE, CLERK

By: Edna R. Fitzpatrick
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

Edna R. Fitzpatrick

LEGAL DESCRIPTION OF THE AGRICO CHEMICAL COMPANY BIG BEND TERMINAL

A parcel of land lying in fractional Section 9 and Westerly thereof and in Section 10, Township 31 South, Range 19 East, Hillsborough County, Florida, Described as follows:

Beginning at the Northeast corner of Section 9, Township 31 South, Range 19 East, Hillsborough County, Florida, run thence South $89^{\circ} 48' 37''$ East along the North line of Section 10 a distance of 1074.85 feet to a point; run thence South $00^{\circ} 53' 49.5''$ West along the Westerly boundary of that certain public road right-of-way and a Northerly extension thereof as established by that certain Right-of-way Deed recorded April 12, 1971 in Official Record Book 2296 on page 629, a distance of 1121.34 feet; run thence North $89^{\circ} 48' 37''$ West a distance of 5033.29 feet to a point on the Hillsborough County Bulkhead Line as established by the Board of County Commissioners of Hillsborough County, Florida on March 23, 1960, by resolution as recorded in Minute Book 32 of said commission and as shown by that certain map recorded in Plat Book 36 on page 91; run thence North $00^{\circ} 49' 00''$ East along said Bulkhead Line a distance of 1121.32 feet to a point on the Westerly extension of the North line of said Section 9; run thence South $89^{\circ} 48' 37''$ East along the North line of said Section 9 and the Westerly extension thereof a distance of 3960.00 feet to the point of beginning.

Exhibit A

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HILLSBOROUGH COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY, FLORIDA



IN RE: :
AGRICO CHEMICAL COMPANY :
BIG BEND 74-5-DRI :
: :
: :

AMENDED PETITION FOR DETERMINATION
AND MODIFICATION OF
ORDER OF APPROVAL OF 75-12-DRI

AGRICO CHEMICAL COMPANY, by and through its undersigned counsel and pursuant to Section 380.06(17), Florida Statutes (Supp. 1984) petitions the Hillsborough County Board of County Commissioners to amend its Order of Approval 75-12-DRI dated July 16, 1975, and in support would state:

Development History

1. AGRICO CHEMICAL COMPANY (AGRICO) is a Delaware corporation, which has mined phosphate rock and manufactured fertilizer products in the State of Florida for over 70 years. AGRICO currently operates phosphate rock mines in Polk and Hardee Counties, a fertilizer chemical plant at South Pierce in Polk County and a marine terminal at Big Bend in Hillsborough County. In 1984 AGRICO employed approximately 1,075 persons in Florida, 26 of whom were employed in Hillsborough County.

2. On March 27, 1974 the Hillsborough County Board of County Commissioners approved a Development of Regional Impact for a 216-acre site in Hillsborough County, commonly known as the Big Bend Terminal. The development proposed by AGRICO contemplated the construction of a marine terminal for the storage and shipment of wet phosphate rock. A copy of the resolution is attached hereto as Exhibit A.

3. On October 9, 1974 the Hillsborough County Board of County Commissioners at AGRICO's request amended the March 27, 1974 resolution to permit the construction of two 35,000 barrel phosphoric acid storage tanks, piping and terminal facilities. The Board resolution specifically found these facilities did not constitute a substantial deviation from the previous order. A copy of the resolution is attached hereto as Exhibit B.

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4. On July 16, 1975 the Hillsborough County Board of County Commissioners further amended the March 27, 1974 resolution, again at AGRICO's request, to allow the construction of (1) a 50,000-ton granular plant food storage building, with an annual capacity of 1,000,000 tons; (2) four 35,000-barrel petroleum tanks, with an annual capacity of 250,000 barrels; (3) a 195,000-ton unground dry phosphate rock storage facility, with an annual capacity of 3,000,000 tons; and (4) a 40,000-ton molten sulfur storage installation, with an annual capacity of 1,000,000 tons. The Board also specified a three year expiration date, which could be extended upon a finding of excusable delay in any proposed development activity. A copy of the resolution is attached hereto as Exhibit C.

5. The three-year construction deadline specified in the July 16, 1975 resolution was extended for an additional three years by the Hillsborough County Board of County Commissioners on September 6, 1978 and again on September 2, 1981. Copies of these resolutions are attached as Exhibits D and E, respectively.

6. On September 7, 1977 AGRICO applied to the Division of State Planning, Department of Administration to determine whether the construction of a prilled sulfur installation at the Big Bend site constitutes a separate Development of Regional Impact. On November 10, 1977 the Division of State Planning issued a Binding Letter, which found that the installation in and of itself does not constitute a Development of Regional Impact. However, the Binding Letter also found the proposed development was a deviation from the terms and conditions of the existing development approval for the site and therefore, Hillsborough County should determine whether the proposed change is a substantial deviation requiring further review. A copy of the Binding Letter is attached hereto as Exhibit F.

7. On February 18, 1979 AGRICO petitioned the Hillsborough County Board of County Commissioners for a determination as to whether a 50,000-ton prilled sulfur storage facility, with an annual capacity of 300,000 tons constitutes a substantial deviation from the existing development approval. The Petition was

withdrawn by AGRICO as a result of delays experienced in obtaining a Department of Environmental Regulation (DER) air construction permit for the facility. A copy of the Petition is attached hereto as Exhibit G.

8. On June 11, 1982 AGRICO refiled its Petition. The Petition proposed the construction of a 50,000-ton prilled sulfur storage facility, with an annual capacity of 300,000 tons in lieu of the previously approved 40,000-ton molten sulfur storage installation, with an annual capacity of 1,000,000 tons. The Petition was submitted shortly after DER issued an air construction permit for proposed facility. A copy of this Petition is attached hereto as Exhibit H.

9. A final resolution of the June 11, 1982 Petition was postponed at AGRICO's request because DER had commenced a sulfur study, which eventually culminated in the adoption of the Florida Sulfur Rule in May 1985. See Fla. Admin. Code Chapter 17-2. Based upon this newly adopted rule, AGRICO is amending its Petition to take into account changes in the environmental standards imposed by DER. Also, AGRICO seeks to increase the annual capacity of the facility from 300,000 tons to 600,000 tons. The prilled sulfur facility is still proposed as a substitute for the currently authorized 1,000,000-ton molten sulfur facility.

10. On July 3, 1984, AGRICO petitioned the Hillsborough County Board of County Commissioners to extend the expiration date of the Development Order for an additional three years. The Petition was submitted prior to the expiration of the development order. As of this date there has been no action on this request. A copy of this Petition is attached hereto as Exhibit I.

Project Description

11. Sulfur is a necessary ingredient in the manufacture of fertilizer products. The majority (approximately seventy-five percent) of phosphate rock mined in Florida is upgraded to phosphoric acid, which is the primary ingredient of fertilizers. Sulfur constitutes approximately sixty-one percent of the raw material costs of phosphoric acid. The importation of prilled

sulfur would assure AGRICO and other Florida phosphate producers a stable supply of sulfur based on world sulfur market prices, which is not the case with molten sulfur. Also, the availability of prilled sulfur would mean the price of sulfur in central Florida would more closely follow world prices. At present the local price of sulfur usually exceeds the world market price. Both these factors would reduce costs and permit AGRICO and other Florida producers to compete more economically in the world fertilizer trade.

12. The proposed facility will handle 600,000 long tons of prilled sulfur a year. Prilled sulfur is composed of small spherical nuggets of solid sulfur. The product will arrive at the facility in vessels, which will use the western end of the existing dock. A moveable apron will cover the opening between the vessel and the discharge hopper to catch any spillage. Vessels will be unloaded at the rate of 600 to 700 short tons per hour with a traveling gantry using a 13-yard, covered, tight-lip clam shell bucket. The bucket will unload the sulfur into a hopper, which will be constructed with a top and three sides, and will be equipped with a water spray system. The sulfur will be transferred into a 640 foot covered dockside conveyor belt running parallel to the dock. This receiving conveyor will transfer the sulfur to a covered 415 foot incline conveyor belt, which will discharge to a 680 foot overhead tripper conveyor belt inside the storage building.

13. A building will completely enclose the prilled sulfur storage pile and all reclaim activity. The building will have a total capacity of 50,000 long tons.

14. The prilled sulfur will be reclaimed with front-end loaders, which will pick up the material through access points in a wall separating the storage pile from the reclaim portion of the building. The front-end loaders will discharge their cargo at the hoppers, which will feed a reclaim conveyor belt. The segment of the reclaim conveyor located outside the storage building will be enclosed. The conveyor will discharge the sulfur into an enclosed truck loading hopper. The hopper will dis-

charge the sulfur through a flexible spout into enclosed 25-ton hopper trucks.

15. The proposed prilled sulfur facility is designed in strict compliance with the recently adopted Florida Sulfur Rule. See Fla. Admin. Code Rule 17-2.600(11)(b). Also, on August 15, 1985 DER issued a Notice of Intent to modify the existing air construction permit for the project. The deadline for challenging DER's proposed action expired on September 6, 1985. Petitioner anticipates DER will issue the permit no later than October 8, 1985.

16. A more complete description of the proposed project, including diagrams, maps and site plans is contained in a report entitled, Agrico Chemical Company/ /Big Bend Terminal/ /Proposed Prilled Sulfur Facility/ /Project Description and Anticipated Regional Impacts, Reynolds, Smith & Hills, Inc., September 1985, which is being submitted concurrently with the instant Petition.

Reasons Why the Proposed Project Does
Not Constitute A Substantial Deviation

17. The current Development Order permits AGRICO to construct a 1,000,000 ton a year molten sulfur facility. AGRICO is requesting permission to construct a 600,000 ton a year prilled sulfur facility in its place. This change in the original development order will not create a reasonable likelihood of additional adverse regional impact or any other regional impact not previously reviewed by Hillsborough County. See § 380.06(17)(a), Fla. Stat. (Supp. 1984). In fact, under most circumstances the proposed facility will actually reduce or eliminate regional impacts associated with the approved molten sulfur facility. See § 380.06(17)(b)6. Fla. Stat. (Supp. 1984). For example, the proposed facility by virtue of the storage building and hooded conveyance system will reduce particulate matter emissions by approximately seventy (70%) percent and virtually eliminate all vaporous gas emissions normally associated with a molten sulfur storage installation, such as sulfur dioxide, hydrogen sulfide and hydrocarbons. These and other regional impacts are evaluated in more detail in the report entitled, Agrico Chemical Company/

/Big Bend Terminal/ /Proposed Prilled Sulfur Facility/ /Project Description and Anticipated Regional Impacts, Reynolds, Smith & Hills, Inc., September 1985, which is being submitted concurrently with the instant Petition.

18. The design of the proposed prilled sulfur facility was imposed on AGRICO pursuant to Florida Administrative Code Rule 17-2.600(11)(b). See § 380.06(17)(b)7., Fla. Stat., (Supp. 1984).

19. A finding that the proposed facility constitutes a substantial deviation would serve no useful purpose. Under Section 380.06(17)(a), Fla. Stat., (Supp. 1984), if a project is found to be a substantial deviation, the development will be subject to further review as a full-fledged Development of Regional Impact. However, in the case at bar AGRICO has received a Binding Letter finding that the project in and of itself is not a Development of Regional Impact. This determination is binding on all state, regional and local agencies, including Hillsborough County. See § 380.06(4)(a), Fla. Stat., (Supp. 1984). Consequently, by finding the project is a substantial deviation from the existing development order, Hillsborough County would in effect exclude the project from all Development of Regional Impact Review. Such a result would not be in the public interest.

Reasons Why the Development Order
Should be Extended for Another Three Years

20. Paragraph 4 of Hillsborough County Board of County Commissioners Resolution 75-12-DRI, July 16, 1975 permits the Board to extend the expiration date of the development order upon a finding of excuseable delay in any proposed development activity.

21. In the instant case, DER issued AGRICO an air construction permit for the proposed prilled sulfur installation on February 5, 1982. On June 11, 1982 AGRICO petitioned the Hillsborough County Board of County Commissioners to modify the existing development order. If the Petition has been granted, AGRICO could have commenced construction prior to the expiration date of July 16, 1984. However, in July 1982 DER commenced a

study of the environmental impacts of sulfur handling and requested AGRICO to defer action on the project until after the conclusion of the study. AGRICO complied with this request. The study concluded in May 1985 with the adoption of the Florida Sulfur Rule. Under these circumstances AGRICO should be excused from failing to commence construction of the proposed installation prior to the expiration date.

WHEREFORE, Petitioner AGRICO CHEMICAL COMPANY respectfully requests the Hillsborough County Board of County Commissioners:

1. Extend the expiration date of the development order for an additional three years from the date of the Board's new order;
2. Determine the proposed prilled sulfur facility is not a substantial deviation from the terms of the current development order;
3. Modify the current development order by substituting the proposed prilled sulfur facility for the approved molten sulfur facility, and;
4. Approve the issuance of such building permits as will be required by Petitioner for the proposed prilled sulfur facility, upon submission of a completed application.

Submitted this 27 day of September, 1985.

By: Edward P. de la Parte, Jr.
Edward P. de la Parte, Jr.
Attorney for Agrico
Chemical Company